

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

Tuesday, June 27, 2017

Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor John Spencer

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Marcus Tageant

ELECTED OFFICIALS ABSENT: Councilmember Holder

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Human Resources Director Teri Smith, Deputy City Clerk Kathy Pugh, City Attorney Grant Weed, Building Inspector Don Hinze, Police Commander Ron Brooks, Jeanie Ashe, Economic Development Coordinator, Cory Nau, Senior Engineer

OTHERS: Mike Messer, Fire Marshall

Pledge of Allegiance: Council President Kurt Hilt introduced Whitney Bird, a second grader at Sunnycrest Elementary, who led the Pledge of Allegiance.

Roll Call: Moved by Councilmember Hilt, seconded by Councilmember Daughtry, to excuse Councilmember Holder from the meeting. On vote the motion carried (6-0-0-1).

Approval of Agenda: Council President Hilt said that Action Item C, First Reading of Ordinance No. 998 re Verizon Franchise Agreement will be moved to the Public Hearing portion of the agenda as Item C, and that Action Item E, Approve Resolution 2017-12 re Lake Stevens Sewer District Unification is being removed from tonight's agenda.

Councilmember McDaniel requested that Action Item D, Approve Pilot Lake Safety Program Purchases be removed from the agenda to allow Council to have a workshop prior to making a decision.

Councilmember Tageant preferred that Action Item D remain as an action item, and said this has already been discussed and if the item is removed to a Discussion Item the City will lose the window for a buoy pilot program this year.

Councilmember Hilt believes there are other aspects of the program that are important to discuss, but that it should remain as an action item and if there is no consensus the discussion can be continued at that point.

MOTION: Councilmember Hilt moved, seconded by Councilmember Tageant, to move Action Item C, First Reading of Ordinance No. 998 re Verizon Franchise Agreement to the Public

Hearing portion of the Agenda as Item C, remove Action Item E, Approve Resolution 2017-12 re Lake Stevens Sewer District Unification from the Agenda. On vote the motion carried (6-0-0-1).

MOTION: Councilmember McDaniel moved, Councilmember Petershagen seconded, to move Action Item D, Approve Pilot Lake Safety Program Purchases to Discussion Item A. On vote the motion failed (2-4-0-1).

Councilmember Welch inquired if the Legal Counsel Report would more correctly be an Executive Session matter. Mayor Spencer said he considers it a scribe's error that does not require a vote.

Citizen Comments:

Andrea Wright, 10815 – 29th Street NE, said she does not understand, in light of the Mayor's comments, why he favors not lowering sewer rates. She is concerned the City may impose a utility tax to benefit the City and assist in building the downtown. Ms. Wright also requested that Councilmember McDaniel or Commissioner McDaniel remove themselves from the Sewer Unification discussion due to a conflict of interest.

New Employee Introductions:

City Administrator Gene Brazel introduced Teri Smith, the new Human Resources Director, and welcomed her to the City. Director Smith was most recently the Administrative Services Director at Snohomish Health District. He highlighted her professional credentials and areas of experience.

Community Development Director Russ Wright introduced and welcomed Don Hinze, the City's new Building Inspector and shared his background prior to coming to the City. He most recently worked with Cornerstone Homes on projects in Lake Stevens. He also previously was a police officer. His background and experience provide a nice blend for both the building and code enforcement portions of this position.

Guest Business: None.

Council Business:

- Councilmember Daughtry: Snohomish County Cities for Improved Transportation (SCCIT), Sewer Utility Committee
- Gary Petershagen: SCCIT, Public Works subcommittee.
- Councilmember Hilt: Requested that retreat items be submitted to Deputy Clerk Pugh. In response to Councilmember Petershagen's question, Mayor Spencer clarified that this retreat is about Chapel Hill and if Councilmembers have questions or concerns about this specific topic they should be submitted to Deputy Clerk Pugh.
- Councilmember Welch: No report.
- Councilmember McDaniel: SR 204/Highway 9 meeting, Fire District Commission, Planning Commission meeting. Councilmember McDaniel suggested that if citizens want to be involved in the discussion of matters that go to Council for decision, many of those matters are first considered at the Planning Commission, and this is where the community will get its voice. She asked that the City work to make the public more aware of these meetings.

- Councilmember Tageant: SR 204/Highway 9, Public Safety.

Mayor's Business: SR 9/SR 204 Strategic Advisory Group (SAG) met with WSDOT; a preferred alternative will be brought forward in July and this will be followed by an environmental review of all of the alternatives. The focus continues on ways to resolve the Trestle issue, including funding options. Mayor Spencer said he presented a proclamation recognizing Loren Hole for 25 years of perfect attendance at both the Everett and Lake Stevens Rotary Clubs, on Saturday, June 24, 2017.

City Department Report.

- Public Works Director Durpos: SR9/SR 204 meeting today, which was a Lake Stevens Chamber of Commerce event targeted to business owners; he has requested another survey of the milfoil and they will be looking at ways to deal with it.
- Community Development Director Wright: Finished the last reimbursement for the Civic Center grant Phase I; working with Communications Coordinator Braun to facilitate additional communication of Planning Commission meetings through social media.
- Police Chief Dyer: The lake was busy over the weekend and Police followed the action plan which worked well at Wyatt Park. Councilmember Hilt complimented the Police Department on developing community partnerships. Responding to Councilmember Hilt's question regarding mutual aid staffing, Chief Dyer said there is no money exchanged, but that Lake Stevens sends officers to assist other communities, such as for the Marysville Strawberry Festival and Marysville in turns sends officers to assist during Aquafest.
- Finance Director Stevens: Budget season is coming; working with Planning and Finance to develop a capital funding database or spreadsheet to see capital project funding needs now and over the next few years, and this will be part of the budget process as well.
- City Administrator Brazel: WCIA Claims Management Training; July 6 is the first joint city-school district meeting which will strengthen the relationship between the city and the school district.

Consent Agenda:

MOTION: Moved by Councilmember Welch, seconded by Councilmember Tageant, to approve (A) 2017 Vouchers [Payroll Direct Deposits of \$188,195.31, Payroll Checks 42813-42816 totaling \$7,089.13, Tax Deposits of \$80,214.97, Electronic Funds Transfers (ACH) of \$4,517.27, Claims Check Nos. 42817-42927 totaling \$510,056.52, Void Check No. 42685 in the amount of \$102.00, Total Vouchers Approved: \$789,971.20], and (B) City Council Regular Meeting Minutes of June 13, 2017. On vote the motion carried (6-0-0-1).

Public Hearing:

Mayor Spencer opened the public hearings.

Public Hearing and Second Consideration of Resolution 2017-011 re Amendment No. 2 to Nourse Development Agreement: Senior Planner Melissa Place presented the staff report together with a PowerPoint presentation and noted this is continued from the June 13 meeting. Planner Place also pointed out that additional material was distributed to Council this evening, including a public comment letter and additional changes to the development agreement

submitted by the developer, all of which are agreeable to city staff. She reviewed the history of the Nourse proposal and also the history of the request for a second extension to the Development Agreement. Planner Place reviewed Lake Stevens School District's participation in the review process and commented one of the requirements is that the developer will pay the current mitigation fee rates. She next reviewed and discussed the five proposed traffic calming devices for the 111th Drive NE connection. Planner Place said that the city has already planned for off-site improvements to Callow Road that provide public benefit to the city; other improvements will be paid by the developer for improvements to 109th Avenue NE and 30th Street NE through traffic impact fees, credits and overlay costs. SEPA funds will pay for remaining improvements.

Director Wright added the SEPA funds are dollars that the city has collected over the years from direct impacts caused by other neighborhoods in the vicinity. These fees are specifically collected to reconstruct roads and improve traffic and safety in congested areas.

Planner Place reviewed the development criterion that must be met for this development agreement to move forward, and said staff believes the criterion have been met. She then briefly reviewed the developer's proposed changes and said that staff is agreeable to these changes. Planner Place then invited Councilmembers' questions.

Councilmember Hilt is concerned with how the codes are applied to the 111th Drive NE connection. Planner Place replied that when there are more than 30 homes the Fire Code requires a secondary access.

Councilmember Hilt said it appears a third entrance is being proposed off 111th Drive NE, and there are already two entrances.

Fire Marshall Messer explained that the third entrance is proposed due to a remoteness concern, and is allowed by the International Fire Code, D1071 and D1072.

Director Wright clarified this issue arises not because of concerns about response time, but about access in the case of a catastrophic event.

Councilmember Hilt confirmed this is a concern about redundancy to the area, and said if that is the case it does not need to be continuous use. He suggested making that access accessible as needed. This can be done by different methods. Councilmember Hilt is open to creative solutions that will not allow vehicles driving through, possibly bollards or another type of barrier, but that would allow emergency access.

Councilmember Daughtry does not want to see 111th Drive NE become an arterial, and is not in favor of impacts to critical areas. He favors the use of bollards.

Mayor Spencer invited public comment.

Jim Clark, 3493 111th Drive NE, agrees with Councilmember Hilt's concerns about 111th Drive NE becoming an arterial. 36th Street NE also will not support the additional traffic if 111th Drive NE is opened. He prefers the cul de sac option with bollards.

Jess Barn, 11057 – 36th Street NE, said that traffic calming will not assist the neighborhood. This is a safety concern and not a safety consideration.

Sally Jo Sebring, 1023 – 99th Avenue SE, said she does not like the change in the developer's ability to extend the project over 20 years. She is also concerned that not enough traffic studies have been done.

Todd Jensen, 3409 – 111th Drive SE, said the traffic calming devices are located in front of his driveway. He asked why this access is needed since there are two other access points with a possible third at 109th. He commented 285 homes have been built in surrounding neighborhoods over the past 15 years, and this development proposes 250 homes be built in four years. He urged reconsideration of this project.

Andrea Wright, 10815 – 29th Street NE, thanked the City for addressing the citizens' concerns expressed at the last public hearing on this matter. She asked what the second settlement agreement is. Ms. Wright commented the traffic concerns are not related to a.m./p.m. traffic flows, but are related to high school and elementary school traffic during school hours. She requested Council not pass this resolution without having a total understanding of the project.

Sandy Valenzuela, 10829 – 28th Street NE, asked how is this development going to benefit the community. She believes this development will affect the quality of life and that citizens will suffer because of overcrowding and overdevelopment.

Mayor Spencer closed the public comment portion of the meeting. He then invited further questions of Council:

Councilmember Hilt asked if the City complies with all International Fire Codes and NFPA standards? Fire Marshall Messer responded that the requirement for a second access when 30 homes are constructed was just adopted in February 2017. He also noted Fire Codes do not tell where accesses will be located but that they are required and that they need to be separated from the initial access. Fire Marshall Messer commented it is impractical to comply with any and all standards; NFPA is a standard and is not codified. Standards that are codified by the City are complied with from the time of adoption forward.

Responding to Councilmember Hilt's question about the variance process for the fire code, Fire Marshall Messer said this is not actually a variance, but that changes are made through modification, and he reviewed how the modification process works. Fire Marshall Messer added that the fire codes can be interpreted by the letter or by the intent of the law, and the purpose of the code is to make sure the same level of safety is provided throughout. Modifications can be used to meet the intent of the law.

Mayor Spencer closed the public hearing.

Councilmember Tageant commented he is ready to move forward with this and believes Council can provide direction to staff.

Councilmember Hilt said he is concerned about 111th Drive NE and potential traffic increases.

MOTION: Councilmember Hilt moved, Councilmember Tageant seconded, to approve Resolution 2017-011 related to the Nourse Development Agreement Amendment No. 2 (LUA2017-0096), with an amendment that includes cul de sacs and bollards or other devices so that access between Van Dyke Road and 111th is physically limited so that nonemergency

vehicles cannot pass through except during a time of emergency; access should be given for emergency services. On vote the motion carried (6-0-0-1).

Public Hearing (continued) of 107th Right of Way Vacation and Acceptance: Director Wright presented the staff report and said this is a continuation of a public hearing that was originally brought forward on April 25, 2017. Director Wright reviewed the procedural history of this request and said the right-of-way vacation is for 107th Avenue NE to incorporate the northern portion of the unopened right-of-way into the residential subdivision that is being planned east of Callow Road and south of SR-92. He then responded to Councilmembers' questions.

Responding to Councilmember McDaniel's question, Director Wright said the code provides different mechanisms for determining property values, but that the applicant brings the valuation in and staff then verifies it.

Mayor Spencer invited public comment and there was none.

Mayor Spencer closed the public comment portion of the public hearing. Mayor Spencer then closed the public hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Tageant, to approve the proposed right-of-way vacation subject to the conditions of approval by the adoption of Ordinance No. 995. On vote the motion carried (6-0-0-1).

First Reading of Ordinance No. 998 re Verizon Franchise Agreement: Community Development Director Russ Wright presented the staff report and said tonight's requested action is to hold a public hearing and first reading of Ordinance No. 998 regarding the Verizon Franchise Agreement. Verizon, through its wholly owned subsidiary, MCImetro Access Transmission Services Corp. requested that the City allow Verizon to deploy fiber-optic facilities at existing cell sites within the city on November 15, 2016, and specifically requested to upgrade its facilities located on 96th Avenue SE and Cedar Road. No new structures will be built. Staff has worked closely with the City Attorney and WCIA, and the applicant, to write this franchise agreement. The agreement is for 10 years, and can be extended by Council action at that time. Compensation to the City can be up to 6% of Verizon's local fee; they also are required to provide a performance bond to cover repair of any damage to City streets. Director Wright reviewed the findings and determination, and then responded to Councilmembers questions.

Mayor Spencer clarified this involves no new construction and that existing poles are being used.

Mayor Spencer invited public comment and there was none. Mayor Spencer then closed the public comment portion of the hearing.

Mayor Spencer closed the public hearing.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Hilt, to have the first reading of Ordinance No. 998 to approve the Verizon Franchise Agreement. On vote the motion carried (6-0-0-1).

Action Items:**Authorize Limited Public Works Contract with Skyline Communications re**

Telecommunications Cable Installation: Public Works Director Durpos presented the staff report and said this public works contracts provides for the installation, labelling and testing of telecommunications cabling in the new City Hall building. He noted the contract amount of \$9,787.93 was previously approved as part of the City Hall approved budget. He then invited Councilmembers' questions and there were none.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to authorize the Mayor to enter into a Limited Public Works Contract with Skyline Communications, Inc. in the amount of \$9,787.93, and authorize an administrative contingency of \$1,000.00. On vote the motion carried (6-0-0-1).

Consider Additional Financial Contribution to Aquafest: Community Development Director Russ Wright presented the staff report and reminded that Aquafest originally made a request for an additional financial contribution by the City at the June 13, 2017 City Council meeting. Since that time Council has discussed this request at the June 19, 2017 Special Meeting where there was consensus to further consider the request at tonight's meeting. Aquafest has received fireworks funding since their original request. Director Wright said this item was left on the agenda so that Council can consider if it wants to make an additional contribution this year in recognition of the construction going on in the downtown area that would be above and beyond the in lieu services the City already provides.

Mayor Spencer recommended a one-time good faith contribution of \$1500 to Aquafest. He commented the City does provide a lot of in lieu services in the form of police and public works staff, as well as the time Planning spends working with Aquafest. He commented the public benefit is clear and the City receives a lot of exposure as a result of the Aquafest event.

Responding to Councilmember Hilt's question, Councilmember Daughtry responded that Aquafest has not incurred a lot of additional costs due to the differences in the downtown area.

Councilmember Daughtry said in response to Councilmember McDaniel's question, that Aquafest has not seen a revenue impact because it has been able to shift vendor booths to make the same spaces available and also meet the fire code requirements.

In response to Councilmember Hilt's question, Councilmember Daughtry said Aquafest usually costs \$100,000-\$125,000. It has been more difficult to come up with the money lately, and various sponsors have not materialized this year. The Aquafest committee is taking from its reserves this year to put on the event, so the funds will help.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Petershagen, to make a one-time donation of \$1500, in addition to what is already contributed.

Councilmember Tageant made a friendly amendment to the motion that the donation not be used for fireworks.

Councilmember Daughtry said he will abstain because of his involvement with Aquafest.

VOTE: On vote the motion carried (4-0-1-1).

Approve Pilot Lake Safety Program Purchase: Director Wright presented the staff report and reviewed the public process. The strategy includes installing informational signage at some of the high visibility areas such as the boat launch, Lundeen Park, North Cove Park or the North Cove Park boat launch. There is also a plan to make some visual maps displaying the rules of lake in an illustrative manner. Additionally there is a plan to do an education campaign that would include a distribution of mailings to lakefront property owners for feedback, and a ramping up of enforcement through interactions with people using the lake, including contacts with swimmers and paddle boarders. Records of police contacts will be kept so that the data can be used to see if there is a change in behaviors. The program also includes putting safety markers in the water at locations near Lundeen Park and the Wyatt boat launch. At the higher use points the signs would be closer and then would fan out and spread out as they approach the residential areas. The objective is to let the public know there is a safe zone or controlled area where their boats should be slowed down. If the program is adopted, Director Wright said staff will continue to do outreach with the task force and check in with Council throughout the season.

Chief Dyer concurred with Director Wright's comments and added that Police will keep better track of statistics, including keeping more detail of contacts that are made. Also, enforcement is being stepped up related to safety issues.

Mayor Spencer commented all marine and related codes will be reviewed to make sure everything is right for Lake Stevens. Also, he has requested that the buoys be spaced in such a way as to get the greatest distance and test whether boaters really recognize a line of sight versus a barrier. The point is to test to see whether a buoy program is appropriate for Lake Stevens.

Chief Dyer said that the City can enforce regulations for the entire lake, including along sections that are county-owned. Responding to Councilmember Daughtry's question, Chief Dyer said he does not have information on whether the buoys will be numbered.

Responding to Councilmember Welch's question regarding violations issued under the current code, Chief Dyer said that enforcement is being upped, but the focus is on education. Officers are enforcing safety-related issues.

Mayor Spencer said in response to Councilmember Petershagen's question, that it is staff's decision, and his recommendation that the buoys be removed in October.

Councilmember McDaniel asked about the requirement that boats travelling over eight miles per hour remain 100 feet away from any docks and buoys, and how buoy placement would work with respect to this requirement. Chief Dyer responded this has been discussed and there is a difference between regulatory buoys and moorage buoys. The City is interpreting that the buffer will not extend out 100 feet from the regulatory buoys. Councilmember McDaniel is concerned that there is a gray area and that it will be hard to collect data when the rules are not clear.

Mayor Spencer responded that safety concerns will be enforced by the police.

Councilmember McDaniel asked if there has been any contact with the gentleman who owns the float plane. Mayor Spencer responded not recently, but he has been in contact with the gentleman who owns the helicopter, and noted they fall under FAA rules exclusively.

Councilmember Hilt noted that it was after 9:00 p.m., and there was consensus to continue to the meeting.

Councilmember McDaniel reminded the reason for installing the buoys was to ensure the safety of nonmotorized users of the lake including paddleboards, kayaks and swimmers. She is concerned that nonmotorized users are not required to stay within 100 feet of the shore, and additionally they are not required to have a personal flotation device, a whistle and a light, unless they go beyond 100 feet of the shore. She is concerned about the safety of nonmotorized users move into the center of the lake.

Councilmember Tageant commented this is a data gathering effort and a chance to work through some of the safety concerns. He favors the buoys and this is to create a safe area. The code will be changing and this is an opportunity to work through the concerns.

Councilmember Hilt agreed with Councilmember Tageant's comments, and is in favor of the buoys and signage; it is a first measured attempt and it is temporary.

Responding to Councilmember McDaniel's question, Mayor Spencer confirmed that people living along the lake in the UGA will be informed.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch, to approve the budget for the Lake Safety Pilot Program, install safety markers on the lake, and develop informational signage for the lake access points and data survey collection in the amount of \$7,700 with the buoys to be removed in the fall.

Councilmember McDaniel made a friendly amendment to provide for buoy removal by October 30, 2017.

VOTE: On vote the motion carried (6-0-0-1).

Executive Session: Mayor Spencer announced an executive session beginning at 9:10 for 10 minutes for a legal counsel report with no action to follow.


The regular meeting reconvened at 9:19 p.m.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Hilt, to clarify the record that Council moved to Executive Session to discuss pending litigation. On vote the motion carried (6-0-0-1).


Study Session: None.

Adjourn:

Moved by Councilmember Hilt, seconded by Councilmember Welch, to adjourn the meeting at 9:19 p.m. p.m. On vote the motion carried (6-0-0-1).



John Spencer, Mayor



Kathy Pugh, Deputy City Clerk