

CITY OF LAKE STEVENS
CITY COUNCIL SPECIAL MEETING MINUTES
Tuesday, July 7, 2020
Lake Stevens School District Educational Services Center
12309 – 22nd Street NE, Lake Stevens

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

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

ELECTED OFFICIALS ABSENT: Councilmember Anji Jorstad

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Community Development Director Russ Wright, Public Works Director Eric Durpos, Senior Accountant Josh Roundy, Police Chief John Dyer, Human Resources Director Anya Warrington, IT Manager Troy Stevens, Event and Marketing Specialist Dawn Goldson Smith City Clerk Kathy Pugh, Deputy City Clerk Adri Crim, City Attorney Greg Rubstello, City Building Inspector/Code Compliance Official Ryan Mumma, Plans Examiner/Code Compliance Officer Tyler Farmer

OTHERS:

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

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

Approval of Agenda: Moved by Councilmember Frederick, seconded by Councilmember Petershagen, to approve the agenda. On vote the motion carried (6-0-0-1).

Council Business:

- Councilmember Daughtry: Community Transit.
- Councilmember Petershagen: Appreciated Chief Dyer's comments regarding 4th of July and asked about fireworks at Lundeen Park, noting there is signage prohibiting fireworks in the park. Chief Dyer responded there should not have been fireworks at the park, and this is being looked into. A different approach will be taken next year.
- Councilmember Frederick: War Memorial Dedication, COVID update.
- Councilmember Ewing: War Memorial Dedication.

- Councilmember Dickinson: War Memorial Dedication, Chapel Hill meeting, Lake Stevens Historical Society, Lake Stevens Senior Center.
- Councilmember Tageant: Receiving positive feedback from residents regarding 4th of July activities on the lake.

Mayor's Business: War Memorial, 4th of July Farmers Market, Frontier Heights Park, Smart Sheets technology update.

City Department Report:

- City Administrator Gene Brazel: Recognized and thanked IT Manager Troy Stevens for his hard work in coordination and installation of technology and security in The Mill.
- Human Resources Director Anya Warrington: Updated on arranging for Equity & Inclusion training.
- Community Development Director Russ Wright: Introduced and welcomed Event and Marketing Specialist Dawn Goldson Smith.
- Chief of Police John Dyer: 4th of July update.
- IT Manager Troy Stevens: YouTube and The Mill camera testing update, technology purchasing update.
- Senior Accountant Josh Roundy: Provided a brief budget update primarily relating to the General Fund; noted that sales tax revenue is up 9% over last year and retail purchasing appears to be up; property taxes are at 50%; the General Fund is at 51% and is on track for the year. Commented that building permits are at 63% and Zoning is at 74%. General Fund expenditures are at 45% and all departments are currently below budgeted expenditures. The outlook is optimistic while at the same time remaining conservative. Reminded that because city is not reliant on sales tax it is not as deeply impacted by COVID.

Action Items:

Reclassification of Human Resources Specialist: Human Resources Director Anya Warrington presented the staff report and summarized the position of HR Specialist/ Executive Assistant has evolved over time to a point where 99% of the position requires the performance of complex Human Resources services. Staff recommends reclassifying the position to accurately reflect the complexity of the work performed and to correct for pay inequities. If Council approves this reclassification the position would be reclassified to Senior HR Specialist, and salary would be adjusted accordingly. This position would be overtime exempt. Director Warrington then invited questions of Council.

Councilmember Tageant does not support this reclassification, and said the position was created to provide both HR support and assistance to the Administrator, Mayor and Council. Director Warrington responded the city's needs for hiring and recruiting have increased, and this reclassification will result in improved efficiencies for Human Resources. She briefly reviewed the complexities of the recruiting and hiring process including advertising, applicant review,

interviews, backgrounding and onboarding. Director Warrington said the Clerk's Office can provide administrative support to the Administrator, Mayor and Council.

Responding to Councilmember Dickinson's question, Director Warrington said that reclassification of this position will help with the city culture, and she reminded this was discussed at the retreat.

Responding to Councilmember Ewing's question regarding future needs, Director Warrington said if the reclassification is not approved, resulting in the incumbent leaving, city costs will increase.

Councilmember Petershagen asked if any of the pay increase could be covered with COVID funds and if the City is continuing to report COVID expenses. Director Warrington said that to a point some of the pay increase could possibly be paid with COVID funding, but she would defer to Finance Director Stevens on that. She added the City is tracking its COVID spending.

Councilmember Tageant said he could support the reclassification if it is paid for from COVID funds, and Councilmember Petershagen suggested relying on COVID funds to pay this salary increase is a band aid. Director Warrington noted COVID funding will only last a short while.

Director Warrington commented the employee is highly experienced and skilled, and there is a risk to the city if she continues to perform her job duties with a job description and pay scale that is not truly reflective of her experience, skills and abilities.

City Administrator Brazel reminded that City staff has increased 60% over the last three years, and this person is responsible for all aspects of hiring and onboarding including setting up medical and other benefits. He said there are positions that must be hired, and this has led to a migration away from providing administrative support. He supports this reclassification and noted the City is understaffed throughout the organization; this is another position he is concerned about.

Councilmember Petershagen suggested with the financial update just given it seems like this could happen. He will support this reclassification.

Councilmember Daughtry asked, in addition to the approximately 10 vacant public works positions, how many other unfilled positions are there? Director Warrington responded the GIS Analyst, Permit Coordinator Lead and Principal Planner are on hold, but are budgeted for 2020. She said there are no law enforcement vacancies.

Councilmember Dickinson will support this reclassification and believes this will help staff to feel appreciated.

Councilmember Daughtry will support this reclassification.

Councilmember Frederick recalled most of the revenues are at 56% of the budget. Senior Accountant Roundy responded saying the City is at about 50% and he believes at yearend revenues will be down but there will not be a huge impact to the long-term forecast. He added this cost can be absorbed. Further responding to Councilmember Frederick's budget questions, Accountant Roundy explained that public works staff is funded through various budget funds such as storm or surface water. Councilmember Frederick is concerned about the possibility of

creating something that is not sustainable in the budget, but agrees it is necessary for staff to have the tools needed to do their work.

Councilmember Tageant is also concerned about being financially responsible right now.

In response to Director Warrington's question, Accountant Roundy clarified the City still has the cost savings from the unfilled positions budgeted from January until the hire date.

MOTION: Moved by Councilmember Petershagen, seconded by Councilmember Daughtry, to authorize the reclassification of the HR Specialist/Executive Assistant position to Senior HR Specialist with compensation to match the same.

Discussion ensued regarding the effective date of the reclassification.

AMENDMENT TO MOTION: Councilmember Petershagen amended the motion to make the reclassification effective when the new City Clerk comes on board. Councilmember Daughtry seconded the amendment.

VOTE ON AMENDMENT: On roll call vote the amendment carried (5-1-0-1) with Councilmember Tageant opposing the amendment.

VOTE ON MAIN MOTION: On roll call vote the motion carried (5-1-0-1) with Councilmember Tageant opposing the motion.

Mayor's Position – Full Time vs. Part Time: City Administrator Brazel said Mayor Gailey is doing a great job, but that when he looks at reclassifications for any position, he looks at the work that is being done in the position, and not at the person. This is a topic that has surfaced a number of times over the recent past, and it is important to recognize all of the work that is required of this position, including attending area-wide meetings such as Snohomish County Tomorrow, the U.S. 2 coalition and weekly mayors meetings. The mayor's position also interacts on a regular basis with citizens, and the current mayor has taken an interest in economic development and meets regularly with developers and business owners interested in Lake Stevens. Administrator Brazel said the mayor's role is to look at and help to streamline operations and bring savings to the city. The former mayor worked in a fulltime capacity, as is the current mayor, and the work is there.

Director Warrington said if the Council approves a fulltime mayor position, the Salary Commission would convene and establish the salary using comparables. She shared comparables for Marysville and Lynnwood and added in addition to salary the Salary Commission would also develop the benefit package.

Councilmember Ewing commented the mayor's salary is \$2600 a month which equates to less than minimum wage for 40 hours a week. He asked if the Salary Commission can adjust the mayor's salary even if the position is not moved to full time, and Director Warrington responded the Salary Commission can do this.

Councilmember Petershagen said he would like to know when do cities such as Lake Stevens, which is not a full-service city, make the move to a full-time mayor. He believes Lake Stevens is approaching that point but would like more background. Director Warrington said that Tukwila, Mt. Vernon, Lynnwood and Anacortes are examples of cities with full time mayors; some have a lower population than Lake Stevens and some have a greater population.

Councilmember Daughtry wondered if this is a ballot issue, and City Attorney Rubstello explained the City Council establishes the position and the Salary Commission sets the salary and benefits. Candidates know in advance of an election what the position is, and the election process determines who the mayor is.

Responding to Councilmember Ewing's question on what the return to the city is on the mayor's attendance at meetings and being involved in regional matters is, Administrator Brazel said the mayor's involvement in regional meetings and working with developers and businesses on a daily basis promotes economic growth and development which leads to increased sales tax revenue. Administrator Brazel estimated the former mayor worked 40 to 50 hours a week, and he believes the current mayor does the same. He noted the mayor is frequently at city hall meeting with staff and interacting with concerned citizens. Administrator Brazel added the city staff is very lean and the mayor's position helps to fill that void.

Councilmember Tageant believes the mayor is doing a great job and likes the idea of more compensation. He suggested re-considering moving to a full-time mayor with the next election cycle when there may be new councilmembers to weigh in. He spoke with Councilmember Jorstad today and believes she also supports this approach. He would support a hybrid approach of increasing salary now and moving to a full-time mayor later.

Councilmember Dickinson supports the hybrid approach.

Councilmember Frederick said it's not about the what the former mayor did and what the current mayor is doing, it's about the city. He believes the process of the decision points is missing from the conversation. He asked what are the city trigger points that identify the need for a full-time mayor and said identifying these points is not as simple as looking at comparable cities. He does agree the mayor's compensation needs to be addressed.

Councilmember Daughtry agreed with Councilmember Frederick's comments and added a city is run by a team, and the administrator and mayor are functioning as a team. He would like to see how the executive team functions in different cities and to better understand what Lake Stevens needs. He supports a full-time mayor, but the position needs to be brought on cautiously and correctly, and the point is how the city is run and what is best for the city.

Councilmember Ewing suggested tasking the Salary Commission with looking at the mayor's salary, and at the same time Council can explore and discuss what the city's needs.

Councilmember Daughtry commented the Salary Commission could be provided with direction from the Council and then noted it is an independent body and the City Council has no say in their decisions. He agreed with staying away from comparables.

Councilmember Tageant suggested putting together a Council subcommittee to bring a recommendation forward to the Council, and then provide the information and direction to the Salary Commission.

Councilmembers Ewing, Petershagen, and Daughtry agreed with Councilmember Tageant's suggestion for moving forward.

Councilmember Tageant confirmed there is interest in forming a committee and believes Councilmember Jorstad would also be interested in being on such a committee.

City Attorney Rubstello said it is fine to form a committee to identify the context of mayoral duties and expectations, and how they relate to the management structure of the city. He said this is information the Salary Commission should have when determining salary. The salary should be based on the position and not on who is in the position.

Councilmember Tageant asked everyone interested in participating on such a committee to provide their names and said a committee will be formed. If there are more than three councilmembers on the committee OPMA requirements will be met.

Mayor Gailey appreciated the conversation and tabled the action until such time as a Council committee can make recommendations.

Discussion Items:

Code Enforcement-Abatement: Community Development and Planning Director Russ Wright presented the staff report and provided an overview of the code enforcement process, including the different levels of enforcement.

Attorney Rubstello said LSMC 17.20 contains all of the tools provided by the legislature to carry out code enforcement and suggested there are some changes that could be made to strengthen the code. He recommended lowering the penalty to \$250 per day to ensure code enforcement is a true civil action and not a criminal action. He also recommended removing the requirement for separate daily notices of violation, and suggested provisions be added for "zombie" properties. He also suggested lenders and in the case of rental properties, the property owners, be included as part of the enforcement process as this can be an effective tool. Attorney Rubstello added that due process is an inherent part of nuisance abatement and said there are some adjustments needed to be compliant with state law.

Responding to Councilmember Daughtry's question, Director Wright said the time for response between the time of notice of violation and a third contact ranges but takes at least six to eight weeks before getting to the penalty phase. Councilmember Daughtry asked how this is tracked, and Director Wright said it is more of a "get to it when I can" process. With the volume of inspections, code enforcement is probably addressed one day a week.

Building Official Ryan Mumma explained building inspections are a priority and code enforcement is probably looked at once a week. He said there is a tickler or diary system, but the inspections take priority. Code Enforcement Officer Tyler Farmer agreed, and said he does try to integrate following up on code enforcement site visits with building inspections if the locations are in close proximity to each other.

Responding to Councilmember Ewing's question about the timeline from the time a complaint is received, and the time staff reaches out to address the issue. Officer Farmer said he likes to get a letter and notice out right away so that the offender and complainant have a case number, and then staff tries to do a site visit. He said the timeframe also depends on the severity of the complaint.

Attorney Rubstello clarified that staff contact requesting voluntary compliance before penalties are implemented is a matter of policy and discretion, depending on the severity of the violation. He added people receiving complaints can be upset and it is important for staff to be sensitive to the concerns and work towards compliance.

Officer Farmer agreed with Attorney Rubstello's comment and said one issue he has is the \$500 per day violation; he said it is so burdensome so quickly that violators tend to ignore the complaint. Attorney Rubstello added part of the process includes giving offenders a reasonable time to take care of a problem before penalties are imposed, and this can be intimidating.

Councilmember Petershagen agrees with the City Attorney's recommendations. He is concerned about the few people who do not respond to the code enforcement process that create the problem and asked how the time can be compressed from the time the complaint is received to enforcement and resolving the complaint. Director Wright responded code enforcement involves legal due process and this is codified. He said the smaller nuisance-type complaints are the ones that become difficult and suggested staff can tighten the process timelines. Councilmember Petershagen appreciated Director Wright's comments and said the true problems need to be addressed in a timely manner.

Director Wright said if there is a legal due process built into the code some enforcement issues can be abated, but costs may not be recouped.

Attorney Rubstello said there is a statutory process to obtain a Warrant of Abatement which requires the property to be cleaned up or allows the city to clean up the property and record a lien against the property to recover costs its costs. This process is for more serious violations where other attempts to gain compliance are not effective. Another way forward is with a voluntary agreement with the violator. This works when the violator and/or property owner does not have the resources to address the problem and Attorney Rubstello explained how an agreement could work. Provisions for voluntary agreement are already in the Lake Stevens code.

Councilmember Daughtry asked if volunteer or civic organizations can be utilized to assist violators in addressing code violations, and Attorney Rubstello said this can be done. Councilmember Daughtry then asked how this can be added to the process. Attorney Rubstello said code enforcement is somewhat of a time-consuming process but having someone talk with the violator to glean this information and find a way forward is definitely doable but may add additional time to the process. Councilmember Daughtry suggested this may not be as time-consuming as it seems and will free up staff time.

Building Official Mumma said this has been discussed internally, and his experience is that code enforcement officers have been able to build a community of resources that can assist and the City's role in his experience is making the connection between the violator and the resource to resolve the problem. He added some of the difficulty is lean staffing and the time needed to complete both inspections and address code violations. He is working with Director Wright to create improvements in time management processes to help resolve some of these difficulties. This is a balancing of health and safety concerns with both inspections and code enforcement inspections.

Responding to Councilmember Daughtry's question regarding violations in HOA's, City Attorney said if the violation is under the city code it is a city enforcement and there may also be an HOA violation. If the violation is one of an HOA regulation only it is not the city's issue. If the violation is against city code and HOA regulations, the city can work with the HOA to help the property owner remedy the violation.

Summing up, Director Wright said staff will work for efficiencies and bring back the code amendments in an ordinance.

Chapel Hill / Civic Center Complex RFP Update: Director Wright updated that the City received four proposals in response to the Request for Proposal for design and development of a new civic center on city-owned property located at Chapel Hill. Staff met with the Sewer District and Library to review and score the proposals; scores were fairly close, and each proposal had different qualities, so it was decided to interview all for consultants. Interviews are scheduled for July 17th and a recommendation will be made to Council at the August 11th Special Council meeting.

Mayor Gailey added the process has been good so far and he is looking forward to the interviews.

18th (Festival) Street/North Cove Park Phase II: City Administrator Brazel provided an update on the design of 18th (Festival) Street project. He is managing this project with the target of having a shovel ready project by the end of the month in hopes of stimulus funds being available. He reviewed design drawings for the proposed 18th Street and explained how the plaza will be increased, what lighting would be like, and described different events that could be held in the area. He also reviewed suggested landscaping. Administrator Brazel said the area is designed to be flexible and accessible for easy setup of events. He said the goal of Festival Street is to create a memorable experience.

Councilmembers were generally supportive of the plan.

Event and Marketing Specialist Dawn Goldson Smith said there is no criteria for street naming, so staff looked at criteria for park naming, including that the name represent a unique historical feature of the site or a unique quality of the area. She reviewed proposed names for the street and explained why they are relevant, including Mill Resort Lane, Millspur Way, Outing Spur and Five Acre Place. She said the goal is to keep the name simple, catchy and fun while at the same time drawing people to the downtown area and North Cove Park.

Discussion ensued with Councilmember Daughtry supporting Millspur Way or Outing Spur. Councilmember Dickinson asked if the Historical Society was consulted and Specialist Smith said she did not contact them. Administrator Brazel added that he talked with Cyndi Fraser of the Historical Society about the street naming and she shared the street was originally named Igloo Road because this is where people bought ice for picnics at the lake. Other than that Ms. Fraser was supportive of the proposed names.

Mayor Gailey said this is good information for Council to consider.

Executive Session: At 9:07 p.m. Mayor Gailey announced an executive session to last 10 minutes to discuss a personnel matter with possible action to follow.

At 9:17 p.m. City Clerk Pugh announced the executive session is extended 5 minutes.

At 9:22 p.m. City Clerk Pugh announced the executive session is extended 5 minutes.

At 9:27 p.m. City Clerk Pugh announced the executive session is extended 3 minutes.

At 9:30 p.m. the regular meeting of the City Council was reconvened by Mayor Gailey. There was a slight delay in Councilmember Dickinson rejoining the meeting and Council waited for Councilmember Dickinson to rejoin the meeting at 9:33 p.m. before taking action.

MOTION: Moved by Councilmember Frederick, seconded by Councilmember Dickinson, to authorize the Mayor to sign an Amendment to the Police Chief's contract to range NRE75 Step 7. On roll call vote the motion carried (6-0-0-1).

Adjourn:

Moved by Councilmember Frederick, seconded by Daughtry, to adjourn the meeting at 9:35 p.m. On vote the motion carried (6-0-0-1).


Brett Gailey, Mayor


Kathy Pugh, City Clerk