

CITY COUNCIL MEETING AGENDA



City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

March 14, 2023 - 6:00 PM

HYBRID COUNCIL MEETING - TWO WAYS TO PARTICIPATE:

In Person: The Mill, Sawyers Room, 1808 Main Street, Lake Stevens OR

Join Zoom Meeting: <https://us02web.zoom.us/j/83399085604>

or call in at (253) 215-8782 Meeting ID 833 9908 5604

1. **Call to Order**
2. **Pledge of Allegiance** Mayor
3. **Roll Call**
4. **Approval of Agenda** Council President
5. **Guest Business**
 - A. New Police Officer Jess Brecht Jeffrey Beazizo
6. **Citizen Comments**
7. **Council Business** Council President
8. **Mayor's Business**
9. **City Department Report**
 - A. AWC WellCity Award 2023 (Written Only) Anya Warrington
10. **Consent Agenda**
 - A. 2023 Vouchers Barb Stevens
 - B. City Council Retreat Meeting Minutes of February 9 and 10, 2023 Kelly Chelin
 - C. City Council Meeting Minutes of February 21, 2023 Kelly Chelin
 - D. City Council Meeting Minutes of February 28, 2023 Kelly Chelin
 - E. Seattle City Light Agreement Jill Meis, Sarah Garceau
 - F. Resolution 2023-02 - Support of Community Economic Revitalization Board (CERB) Grant Russ Wright

- G. Authorize the Mayor to sign Contract amendment for additional right-of-way consulting on the Main Street Improvements design project Erik Mangold
- 11. Discussion Items**
- A. Climate Mitigation Plan Draft Strategies and Actions Melissa Place
- 12. Action Items**
- A. Ordinance 1157 Amending LSMC Title 10 Parks and Recreation Sarah Garceau
- B. Ordinance 1159 Public Use of Controlled Substances Jeffrey Beazizo
- 13. Discussion Items**
- A. Draft Agenda for March 21, 2023 (Will be handed out at the meeting) Kelly Chelin
- 14. Adjourn**

THE PUBLIC IS INVITED TO ATTEND

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions.

CITY DEPARTMENT REPORT



Agenda Date: 3/14/2023

Contact Person/Department: Anya Warrington, Human Resources

Just announced at the end of February....We are a 2023 AWC WellCity!

The Association of Washington Cities (AWC) recently released a list of the cities, towns, and other local governments that have earned the distinguished WellCity designation. City of Lake Stevens is among this year's recipients. This recognition is bestowed to entities that meet the AWC Employee Benefit Trust's stringent WellCity standards and demonstrate a commitment to employee health.

WellCity recipients are all part of the AWC Employee Benefit Trust (Trust), Washington State's largest local government employee health benefit pool for cities, towns, and other local governments. The Trust provides health benefits to more than 262 public entities and more than 36,000 employees and family members across the state.

Employers that meet the WellCity standards earn a 2% discount on their medical premiums.

"With 77% of employees covered by a WellCity, the program benefits all Trust members. WellCity members as a group have lower medical and prescription drug costs than others, which helps moderate premium rates for everyone." Deanna Dawson, AWC CEO.

A complete list of the cities and public entities that earned this year's award can be found at vacities.org/wellcity.

"Thank you to our Wellness Committee, all city employees, leadership and human resource staff for attaining this tremendous achievement! Without everyone's collaborative effort, support, and dedication to wellness, we would not be able to achieve this award year after year. Congratulations!" Anya Warrington, HR Director

CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: 2023 Vouchers

Contact Person/Department: Barb Stevens, Finance

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

SUMMARY/BACKGROUND:

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Voucher Packet 03-14-2023

BLANKET VOUCHER APPROVAL
2023

Payroll Direct Deposits	2/24/2023	\$315,952.63
Payroll Checks	57613	\$2,014.97
Electronic Funds Transfers	ACH	\$206,197.89
Claims	57723-57727, 57729-57808	\$274,870.51
Void Checks		
Total Vouchers Approved:		\$799,036.00

This 14th day of March 2023

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment or a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Lake Stevens, and that I am authorized to authenticate and certify to said claim.

Finance Director/Auditing Officer, Barb Stevens

Mayor, Brett Gailey

March 14, 2023



City expenditures by type for this voucher packet			
Personnel Costs	\$	317,968	40%
Payroll Federal Taxes	\$	121,581	15%
Retirement Benefits - Employer	\$	72,792	9%
Other Employer Paid Benefits	\$	484	0%
Employee Paid Benefits	\$	14,757	2%
Supplies	\$	16,572	2%
Professional Services	\$	245,672	31%
Refunds	\$	550	0%
Capital *	\$	8,661	1%
Total	\$	799,036	100%

Large Purchases

City of Lake Stevens Blanket Voucher Report

Checks to be approved for period 02/23/2023 - 03/14/2023

Total for Period
\$481,068.40

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
911 Supply Inc	INV-2-26471	001 008 521 20 31 02	LE-Minor Equipment	Uniform Gear - K Bernhard	57729	\$114.56
911 Supply Inc	INV-2-26689	001 008 521 20 31 05	LE-Equipment - New Officers	Uniform Gear - J Brecht	57729	\$84.01
911 Supply Inc	INV-2-26777	001 008 521 20 31 01	LE-Fixed Minor Equipment	Forensics Nik Test Kit 'E'	57729	\$102.29
911 Supply Inc	INV-2-26923	001 008 521 20 31 01	LE-Fixed Minor Equipment	Records Unit Jacket & Beanies	57729	\$330.56
911 Supply Inc	INV-2-26924	001 008 521 20 31 05	LE-Equipment - New Officers	Uniform Gear - J Brecht	57729	\$830.39
					57729 Total	\$1,461.81
A Worksafe Service Inc	400646	001 008 521 20 41 00	LE-Professional Services	Pre-Employment Drug Test	57730	\$60.00
					57730 Total	\$60.00
Ace Hardware	76015	001 008 521 50 30 00	LE-Facilities Supplies	Mounting Tape/Trashbags	57731	\$27.24
Ace Hardware	76098	001 010 576 80 31 00	PK-Operating Costs	Cleaning Supplies	57731	\$136.31
Ace Hardware	76132	001 012 557 30 31 00	CS- Visitor Center	Floodlight/Charger - VIC	57731	\$77.71
Ace Hardware	76191	001 010 576 80 31 00	PK-Operating Costs	Playground Repair Supplies	57731	\$149.94
Ace Hardware	76199	001 008 521 50 30 00	LE-Facilities Supplies	Janitorial Supplies for PD	57731	\$195.20
					57731 Total	\$586.40
ALS Group USA Corp	3532-255303	410 016 531 10 31 02	SW - Operating Costs	Decant Materials	57732	\$810.00
					57732 Total	\$810.00
Amazon Capital Services	13FF-RFQW-MDL6	001 008 521 20 31 05	LE-Equipment - New Officers	Uniform Gear - Brecht	57733	\$222.28
Amazon Capital Services	199H-MFGW-LQTF	001 008 521 20 31 05	LE-Equipment - New Officers	Uniform Gear - Brecht	57733	\$363.33
Amazon Capital Services	1MTR-WV4H-H6TC	001 008 521 20 31 00	LE-Office Supplies	Donation Lock Box with Chalkboard	57733	\$34.90
Amazon Capital Services	1TPY-T3NW-DVQ7	001 008 521 20 31 01	LE-Fixed Minor Equipment	Disinfectant/Tactical Handcuffs/Training Handcuffs	57733	\$316.60
Amazon Capital Services	1VHX-1NM6-6MWV	001 008 521 20 31 04	LE-Donation Exp - Other	Screen Protectors for PD Drone	57733	\$32.71
					57733 Total	\$969.82
Amazon Capital Services	16XM-LQKP-DMR7	001 013 518 20 31 00	GG-Operating Costs	Blue/Disinfecting Wipes/Hand Soap/Sanitizer	57734	\$53.79
Amazon Capital Services	16XM-LQKP-DMR7	001 007 559 30 31 00	PB-Office Supplies	Magnetic Box Level	57734	\$12.86
Amazon Capital Services	16XM-LQKP-DMR7	001 007 558 50 31 02	PL-Permit Related Op. Costs	Plotter Ink	57734	\$341.26
Amazon Capital Services	16XM-LQKP-DMR7	001 007 558 50 31 00	PL-Office Supplies	Weatherproof Field Desks (3)	57734	\$84.93
Amazon Capital Services	197R-LX16-7NYN	001 010 576 80 31 00	PK-Operating Costs	Plastic Key Tags	57734	\$13.06
Amazon Capital Services	1HVV-16PC-CJ43	001 010 576 80 31 00	PK-Operating Costs	Heavy Duty Wood Trimmer	57734	\$18.44
Amazon Capital Services	1HVV-16PC-CJ43	101 016 544 90 31 02	ST-Operating Cost	Heavy Duty Wood Trimmer	57734	\$18.44
Amazon Capital Services	1HVV-16PC-CJ43	410 016 531 10 31 02	SW - Operating Costs	Heavy Duty Wood Trimmer	57734	\$18.44
Amazon Capital Services	1HVV-16PC-CJ43	101 016 544 90 31 02	ST-Operating Cost	Notebooks	57734	\$25.04
Amazon Capital Services	1HVV-16PC-CJ43	410 016 531 10 31 02	SW - Operating Costs	Notebooks	57734	\$25.04
Amazon Capital Services	1NTR-C7XD-6L9Y	001 003 514 20 31 00	CC-Office Supply	External DVD Drive	57734	\$19.87
Amazon Capital Services	1NTR-C7XD-6L9Y	001 013 518 20 31 00	GG-Operating Costs	Janitorial Supplies/Writing Pads	57734	\$304.77
Amazon Capital Services	1V3J-3XTK-6Q1L	001 005 518 10 31 01	HR-Operating Cost	Dell Portable Monitor	57734	\$286.91
					57734 Total	\$1,222.85
Bendiksen	LSPD3	001 008 521 20 41 00	LE-Professional Services	Pre-Employment Polygraph Exam	57735	\$300.00
					57735 Total	\$300.00
Canon Financial Services Inc	29968751	001 013 518 20 48 00	GG-Repair & Maintenance	Copier Lease CH Admin	57736	\$285.53
Canon Financial Services Inc	29968753	001 008 521 20 31 02	LE-Minor Equipment	Copier Lease PD	57736	\$275.97
Canon Financial Services Inc	29993844	001 010 576 80 48 00	PK-Repair & Maintenance	Copier Lease PW Upstairs	57736	\$11.40
Canon Financial Services Inc	29993844	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Lease PW Upstairs	57736	\$11.39
Canon Financial Services Inc	29993844	410 016 531 10 48 00	SW - Repairs & Maintenance	Copier Lease PW Upstairs	57736	\$11.39
					57736 Total	\$595.68

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
Cascadia Consulting Group Inc	9593	001 007 558 50 41 00	PL-Professional Servic	LS Mitigation 2023	57737	\$8,923.75
					57737 Total	\$8,923.75
CDW Government Inc	GM73456	001 008 521 50 30 02	LE-Fleet Minor Equipment	Havis Mount Kit	57738	\$498.17
CDW Government Inc	GR97981	510 006 518 80 49 03	LR - Adobe Pro	Annual Adobe Pro	57738	\$372.09
					57738 Total	\$870.26
Cintas Loc 460	4146816334	001 010 576 80 41 00	PK-Professional Services	PW Uniform Service	57739	\$174.96
Cintas Loc 460	4146816334	101 016 542 30 41 02	ST-Professional Service	PW Uniform Service	57739	\$174.96
Cintas Loc 460	4146816334	410 016 531 10 41 01	SW - Professional Services	PW Uniform Service	57739	\$174.97
Cintas Loc 460	4147502166	001 010 576 80 41 00	PK-Professional Services	PW Uniform Service	57739	\$220.89
Cintas Loc 460	4147502166	101 016 542 30 41 02	ST-Professional Service	PW Uniform Service	57739	\$220.89
Cintas Loc 460	4147502166	410 016 531 10 41 01	SW - Professional Services	PW Uniform Service	57739	\$220.89
					57739 Total	\$1,187.56
City of Everett	I23007843	001 008 554 30 41 00	LE-Animal Control	Animal Control Services 01-2023	57740	\$1,250.00
					57740 Total	\$1,250.00
City of Marysville	22-0029	001 008 523 60 41 00	LE-Jail	Prisoner Housing Marysville 12-2022	57741	\$7,392.22
City of Marysville	22-0029	001 008 523 60 41 00	LE-Jail	Prisoner Medical Marysville 12-2022	57741	\$3,825.00
City of Marysville	LKS23-001	001 013 512 52 40 00	GG-Municipal Court Fees 2022	Marysville Court Citations 01-2023	57741	\$6,496.57
					57741 Total	\$17,713.79
CivicPlus LLC	252759	510 006 518 80 49 07	LR - Civic Plus Website	LS Police Website Annual Fee	57742	\$871.06
					57742 Total	\$871.06
DataQuest LLC	20554	001 003 514 20 41 00	CC-Professional Services	Background Checks	57743	\$58.50
DataQuest LLC	20554	001 008 521 20 41 00	LE-Professional Services	Background Checks	57743	\$45.00
					57743 Total	\$103.50
Davido Consulting Group Inc	45610	410 016 531 10 41 01	SW - Professional Services	Downtown Stormwater Projects 1-4	57744	\$7,075.00
Davido Consulting Group Inc	45613	410 016 531 10 41 01	SW - Professional Services	Downtown Stormwater Projects 5-6	57744	\$3,568.00
Davido Consulting Group Inc	45795	410 016 531 10 41 01	SW - Professional Services	Bridge Load Rating Task Order #2 (2022)	57744	\$13,408.50
					57744 Total	\$24,051.50
Dept of Licensing	022523 DOL	633 000 589 30 00 05	Gun Permit - State DOL	Weapons Permits 02/19/23 - 02/25/23	57745	\$72.00
Dept of Licensing	030423 DOL	633 000 589 30 00 05	Gun Permit - State DOL	Weapons Permits 02/26/23 - 03/04/23	57745	\$144.00
					57745 Total	\$216.00
Dept of Retirement (Deferred Comp)	22523	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-State Deferre	0	\$5,257.51
					0 Total	\$5,257.51
Dept of Retirement PERS LEOFF	22523	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions	0	\$72,419.83
Dept of Retirement PERS LEOFF	22523	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions-State Contributions	0	\$372.32
					0 Total	\$72,792.15
Dept of Revenue EFT	Jan-23	001 013 518 90 49 06	GG-Excise Tax	Excise Taxes - January 2023	0	\$295.40
Dept of Revenue EFT	Jan-23	410 016 531 10 44 00	SW-Excise Taxes	Excise Taxes - January 2023	0	\$72.63
					0 Total	\$368.03
Dicks Towing Inc	18245007	001 008 521 20 41 00	LE-Professional Services	Evidence Towing	57746	\$151.66
Dicks Towing Inc	18245243	001 008 521 20 41 00	LE-Professional Services	Towing Services PD Ford Explorer	57746	\$138.47
Dicks Towing Inc	E191310	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 23-02138	57746	\$461.58
Dicks Towing Inc	M12878	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 2023-03278	57746	\$138.47
					57746 Total	\$890.18
Doty & Sons Concrete Products Inc	69455	001 010 576 80 31 00	PK-Operating Costs	Cornhole Bike Blocks	57747	\$678.00
					57747 Total	\$678.00
Dylan	CONTRACTCOSTS22	001 010 576 80 41 00	PK-Professional Services	Annual Fees for Farmers Market	57748	\$5,753.09
					57748 Total	\$5,753.09

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
EASL Inc	LS-0323	001 013 518 20 41 00	GG-Professional Service	Strategic Communication Services 02-2023	57749	\$6,000.00
					57749 Total	\$6,000.00
EFTPS	22523	001 000 281 00 00 00	Payroll Liability Taxes	Federal Payroll Taxes	0	\$121,580.72
					0 Total	\$121,580.72
Electronic Business Machines	AR242009	001 010 576 80 48 00	PK-Repair & Maintenance	Copier Copy Cost PW - 2YJ14491	57750	\$52.57
Electronic Business Machines	AR242009	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Copy Cost PW - 2YJ14491	57750	\$52.57
Electronic Business Machines	AR242009	410 016 531 10 48 00	SW - Repairs & Maintenance	Copier Copy Cost PW - 2YJ14491	57750	\$52.57
Electronic Business Machines	AR242010	001 008 521 50 48 00	LE-Facility Repair & Maint	Copier Copy Cost PD - 2XW05905	57750	\$104.64
					57750 Total	\$262.35
Fastenal Company	WAARN163917	101 016 544 90 31 02	ST-Operating Cost	Hex Cap Screws/Hitch Pin Clips	57751	\$41.41
Fastenal Company	WAARN163917	410 016 531 10 31 02	SW - Operating Costs	Hex Cap Screws/Hitch Pin Clips	57751	\$41.42
					57751 Total	\$82.83
Florida State Disbursement Unit	200000082DR34	001 000 284 00 00 00	Payroll Liability Other	200000082DR34 Child Support	57723	\$177.57
					57723 Total	\$177.57
Glass By Lund Inc	70282	001 008 594 21 63 01	LE-Capital Outlay - Facilities	Insulated Glass Installation at PD	57752	\$2,778.78
					57752 Total	\$2,778.78
Goldman	2023-1161	001 008 521 20 41 00	LE-Professional Services	Pre-Employment Polygraph Exam	57753	\$250.00
Goldman	2023-1163	001 008 521 20 41 00	LE-Professional Services	Pre-Employment Polygraph Exam	57753	\$250.00
					57753 Total	\$500.00
Grainger	9627660278	001 010 576 80 31 00	PK-Operating Costs	Tstat Guards (4)	57754	\$254.27
					57754 Total	\$254.27
Granite Construction Supply	98260	101 016 542 64 31 00	ST-Traffic Control - Supply	Sign Brackets/Corner Bolts/Flanged Nuts/Vest	57755	\$785.79
Granite Construction Supply	98273	101 016 542 64 31 00	ST-Traffic Control - Supply	Street Signs	57755	\$389.05
Granite Construction Supply	98274	101 016 542 64 31 00	ST-Traffic Control - Supply	Sign Anchors/Amber Markers	57755	\$868.21
Granite Construction Supply	98275	101 016 542 64 31 00	ST-Traffic Control - Supply	Heavy Duty Fixed Cross Piece for Sign Blades	57755	\$294.48
Granite Construction Supply	98356	001 010 576 80 31 00	PK-Operating Costs	Temporary Fencing	57755	\$1,370.01
					57755 Total	\$3,707.54
Gunarama Wholesale Inc	1205675	001 008 521 20 41 01	LE-Professional Serv-Fixed	Glock Gen-5	57756	\$495.31
					57756 Total	\$495.31
HID Global Corporation	13402013015	001 008 521 20 41 01	LE-Professional Serv-Fixed	CMT Advantage Annual Maint	57757	\$3,566.48
					57757 Total	\$3,566.48
Home Depot	1011956	101 016 544 90 31 02	ST-Operating Cost	Gutter Supplies	57758	\$243.67
Home Depot	2010411	001 010 576 80 31 05	PK-R&M Supplies	Screws/Sheathing for LSRC Dock Transition	57758	\$292.22
Home Depot	2013218	101 016 544 90 31 02	ST-Operating Cost	Radiator Heater/Socket Set/Chargers/Carabiner Hangers	57758	\$299.18
Home Depot	3013043	101 016 544 90 31 02	ST-Operating Cost	Concrete Mix	57758	\$253.40
Home Depot	4773309	001 010 576 80 31 03	PK- Equipment & Tools	Portable Gas Power Brush	57758	\$368.11
Home Depot	5011429	101 016 544 90 31 02	ST-Operating Cost	Hole Dozer/Drill Bit	57758	\$147.52
Home Depot	6090773	001 010 576 80 31 03	PK- Equipment & Tools	Wet/Dry Vac	57758	\$195.65
Home Depot	7011040	101 016 544 90 31 02	ST-Operating Cost	Level/Wire Wheel/Pliers/Grinder/Epoxy	57758	\$365.73
Home Depot	8010904	101 016 544 90 31 02	ST-Operating Cost	Lumber/Deckmate/Ratchet Strap	57758	\$124.02
Home Depot	9012206	101 016 544 90 31 02	ST-Operating Cost	Conduit/Outlet Covers/THHN Wire Wheels/Insulation	57758	\$1,311.20
					57758 Total	\$3,600.70
Honey Bucket	553314984	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Community Garden	57759	\$132.00
Honey Bucket	553323524	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Swim Beach	57759	\$330.89
Honey Bucket	553323525	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Lundeen Park	57759	\$274.45
Honey Bucket	553335106	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Frontier Cir W	57759	\$224.00
					57759 Total	\$961.34

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
HSA Bank	22523	001 000 284 00 00 00	Payroll Liability Other	Health Savings Account Employee Contributions	57724	\$200.00
					57724 Total	\$200.00
Industrial Bolt & Supply Inc	808669-1	101 016 544 90 31 02	ST-Operating Cost	Washers/Drills/Fuse Holder/Stud Cleaning Bundle	57760	\$109.18
Industrial Bolt & Supply Inc	808669-1	410 016 531 10 31 02	SW - Operating Costs	Washers/Drills/Fuse Holder/Stud Cleaning Bundle	57760	\$109.18
					57760 Total	\$218.36
J Thayer Co Inc	1635319-0	001 010 576 80 31 00	PK-Operating Costs	Tissues/USB Drives	57761	\$23.44
J Thayer Co Inc	1635319-0	101 016 544 90 31 02	ST-Operating Cost	Tissues/USB Drives	57761	\$23.43
J Thayer Co Inc	1635319-0	410 016 531 10 31 02	SW - Operating Costs	Tissues/USB Drives	57761	\$23.43
					57761 Total	\$70.30
Jefferies	a98	001 010 576 80 41 01	PK-Professional Tree Srv	Tree Service - Baker Vista Walking Path	57762	\$2,618.40
Jefferies	a99	001 010 576 80 41 01	PK-Professional Tree Srv	Tree Service - Eagle Ridge & Senior Center	57762	\$2,618.40
Jefferies	b2	001 010 576 80 41 01	PK-Professional Tree Srv	Tree Service - Lundeen Park	57762	\$9,819.00
Jefferies	b9	001 010 576 80 41 01	PK-Professional Tree Srv	Tree Service - Catherine Creek	57762	\$1,963.80
					57762 Total	\$17,019.60
Jones	022523 JONES	001 013 582 10 00 00	Refund of Deposit	LS23-Jones_ 2-25 Mill Deposit Refund	57763	\$150.00
					57763 Total	\$150.00
Kaiser Permanente	72904344	001 008 521 20 41 00	LE-Professional Services	Employee Health Screening	57764	\$710.00
					57764 Total	\$710.00
KPG Psomas Inc	193561	001 007 558 50 41 00	PL-Professional Servic	91st Ave NE Streetscape	57765	\$993.96
					57765 Total	\$993.96
Krusey	2023-LS2	001 008 521 20 41 01	LE-Professional Serv-Fixed	Domestic Violence Coordinator Hours 02-2023	57766	\$4,098.88
					57766 Total	\$4,098.88
Lake Stevens Chamber of Commerce	03-2023 CHAMBER	001 013 518 90 49 01	GG-Chamber of Commerce	Contributions for VIC 03-2023	57767	\$1,500.00
					57767 Total	\$1,500.00
Lake Stevens Police Guild	22523	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Union Dues	57725	\$1,051.50
					57725 Total	\$1,051.50
Land Development Consultants Inc	30477	304 010 594 76 60 02	Frontier Heights Pk Redevelop	Frontier Heights Park Playfields	57768	\$5,882.00
					57768 Total	\$5,882.00
Landrie	061723 LANDRIE	001 013 518 20 49 00	GG-Miscellaneous	Outdoor Plaza Rental 06/17/23 Refund	57769	\$75.00
Landrie	061723 LANDRIE	001 013 518 90 49 06	GG-Excise Tax	Outdoor Plaza Rental 06/17/23 Refund	57769	\$6.75
					57769 Total	\$81.75
Lemay Mobile Shredding Inc	4785602S185	001 008 521 20 41 01	LE-Professional Serv-Fixed	Shredding Services PD	57770	\$25.16
Lemay Mobile Shredding Inc	4785902S185	001 013 518 20 41 00	GG-Professional Service	Shredding Services	57770	\$17.06
					57770 Total	\$42.22
Lemos	022623 LEMOS	001 013 582 10 00 00	Refund of Deposit	LS22-Lemos_ 2-26-23 Mill Deposit Refund	57771	\$100.00
					57771 Total	\$100.00
Maninang	022623 MANINANG	001 013 582 10 00 00	Refund of Deposit	LS22-Maninang2_ 2-12-2 Mill Deposit Refund	57772	\$100.00
					57772 Total	\$100.00
Mayors and Business Leaders for Public Safety	1006	001 001 513 10 40 00	Executive - Prof Services	Coalition for Public Safety - Executive Officer Level	57773	\$7,500.00
					57773 Total	\$7,500.00
McCarty	021823 MCCARTY	001 013 582 10 00 00	Refund of Deposit	LS22-Mccarty2_ 2-18-23 Mill Deposit Refund	57774	\$100.00
					57774 Total	\$100.00
MissionSquare - 108991	6229679	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employer Contribution	57726	\$483.62
					57726 Total	\$483.62
MissionSquare - 307428	6641527	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employee Contribution	57727	\$1,871.22
					57727 Total	\$1,871.22

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
Nationwide Retirement Solution	22523	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-Nationwide	0	\$5,652.62
					0 Total	\$5,652.62
Office of the State Treasurer	02-2023 STATE	633 000 589 30 00 03	State Building Permit Remit	Building Code Fess 02-2023	57775	\$275.50
Office of the State Treasurer	02-2023 STATE	633 000 586 00 00 01	State Court Remit	State Court Fess 02-2023	57775	\$5,901.71
					57775 Total	\$6,177.21
Ogden Murphy Wallace PLLC	871855	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services 01-2023	57776	\$11,213.50
Ogden Murphy Wallace PLLC	871855	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services 01-2023 Adv PUD #1 of SnoCo	57776	\$220.00
Ogden Murphy Wallace PLLC	871855	001 011 515 41 41 01	Ext Consult - PRA	Legal Services 01-2023 PRR	57776	\$777.00
Ogden Murphy Wallace PLLC	871855	001 011 515 41 41 04	Ext Attorney - Sewer	Legal Services 01-2023 Sewer	57776	\$742.50
Ogden Murphy Wallace PLLC	871855	001 011 515 45 41 02	Ext Litigation - Sewer	Legal Services 01-2023 Sewer	57776	\$103.50
					57776 Total	\$13,056.50
Pilchuck Veterinary Hospital	803220	111 008 521 20 40 00	Drug Seize - Canine Prof Serv	Cia Wellness Exam	57777	\$330.38
					57777 Total	\$330.38
Playcore Wisconsin Inc	PJI-0202755	001 010 576 80 31 00	PK-Operating Costs	Aerosol Paint	57778	\$61.28
					57778 Total	\$61.28
Proforce Marketing Inc	508879	001 008 521 20 31 02	LE-Minor Equipment	Pistol Optics Setup	57779	\$619.18
Proforce Marketing Inc	509686	001 008 521 20 31 02	LE-Minor Equipment	Firearm Supplies for PD	57779	\$1,415.01
					57779 Total	\$2,034.19
Public Safety Testing Inc	PSTI23-41	001 008 521 20 41 00	LE-Professional Services	Background Investigation - Police Officer Candidates	57780	\$3,990.15
					57780 Total	\$3,990.15
Purchase Power	02-2023 POSTAGE	001 007 558 50 42 00	PL-Communication	Postage	57781	\$37.98
Purchase Power	02-2023 POSTAGE	001 013 518 20 42 00	GG-Communication	Postage	57781	\$360.06
Purchase Power	02-2023 POSTAGE	101 016 543 30 42 00	ST-Communications	Postage	57781	\$0.98
Purchase Power	02-2023 POSTAGE	410 016 531 10 42 00	SW - Communications	Postage	57781	\$0.98
					57781 Total	\$400.00
Quadient Finance USA Inc	80346335 0223	001 008 521 20 42 00	LE-Communication	Postage PD	57782	\$500.00
					57782 Total	\$500.00
Reuter	022523 REUTER	001 013 582 10 00 00	Refund of Deposit	LS22-Reuter2_2-25-23 Mill Deposit Refund	57783	\$100.00
					57783 Total	\$100.00
Right On Heating and Sheet Metal Inc	30187	001 008 521 50 48 00	LE-Facility Repair & Maint	Service Call - PD Building	57784	\$297.84
					57784 Total	\$297.84
Roth	013023 ROTH	001 005 518 10 49 01	HR-Staff Development	Crowd Manager Training Registration Reimbursement	57785	\$19.95
Roth	020923 ROTH	001 005 517 60 31 00	HR-Safety Program	QR Code Stickers for Sagety Data Sheets Reimbursment	57785	\$39.50
Roth	022323 ROTH	001 005 518 10 49 01	HR-Staff Development	Partners in Emergency Preparedness Conf Registration Reimbursment	57785	\$375.00
					57785 Total	\$434.45
SCCFOA	032123 SCCFOA	001 004 514 23 43 00	FI-Travel & Meetings	SCCFOA Monthly Meeting Lunch - A Crim	57786	\$20.00
SCCFOA	032123 SCCFOA	001 004 514 23 43 00	FI-Travel & Meetings	SCCFOA Monthly Meeting Lunch - B Stevens	57786	\$20.00
SCCFOA	032123 SCCFOA	001 004 514 23 43 00	FI-Travel & Meetings	SCCFOA Monthly Meeting Lunch - J Rowe	57786	\$20.00
SCCFOA	032123 SCCFOA	001 004 514 23 43 00	FI-Travel & Meetings	SCCFOA Monthly Meeting Lunch - M Heist	57786	\$20.00
					57786 Total	\$80.00
Snohomish County 911	5686	001 008 528 00 41 00	LE-SNO911	Dispatch Services	57787	\$33,858.75
					57787 Total	\$33,858.75
Snohomish County Human Services Dept	I000607352	001 013 566 00 41 00	GG - Liquor Tax to SnoCo	Q4 2022 Liquor Excise Taxes	57788	\$2,902.72
					57788 Total	\$2,902.72

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
Snohomish County PUD	112556577	001 010 576 80 47 00	PK-Utilities	203599006 City Shop Electric/Water	57789	\$284.55
Snohomish County PUD	112556577	101 016 543 50 47 00	ST-Utilities	203599006 City Shop Electric/Water	57789	\$284.56
Snohomish County PUD	112556577	410 016 531 10 47 00	SW - Utilities	203599006 City Shop Electric/Water	57789	\$284.56
Snohomish County PUD	129060214	001 012 572 20 47 00	CS- Library-Utilities	203033030 Library Grade Rd Electric/Water	57789	\$472.45
Snohomish County PUD	138869499	101 016 542 63 47 00	ST-Lighting - Utilities	200178218 Traffic Signal/Street Lights	57789	\$109.84
Snohomish County PUD	145523079	001 010 576 80 47 00	PK-Utilities	200493443 Catherine Creek Park Electric	57789	\$22.26
Snohomish County PUD	148815725	001 010 576 80 47 00	PK-Utilities	222509887 Davies Beach Electric/Water	57789	\$170.03
Snohomish County PUD	152100653	001 010 576 80 47 00	PK-Utilities	221908015 City Shop Mechanic	57789	\$78.67
Snohomish County PUD	152100653	101 016 543 50 47 00	ST-Utilities	221908015 City Shop Mechanic	57789	\$78.64
Snohomish County PUD	152100653	410 016 531 10 47 00	SW - Utilities	221908015 City Shop Mechanic	57789	\$78.65
					57789 Total	\$1,864.21
Snohomish County Sheriffs Office	2023-7688	001 008 523 60 41 00	LE-Jail	Jail Services 01-2023	57790	\$43,197.89
					57790 Total	\$43,197.89
Snohomish County Treasurer	0223 TREASURER	633 000 586 00 00 02	Crime Victims Comp - SnoCo	Crime Victims Compensation 02-2023	57791	\$96.25
					57791 Total	\$96.25
Sound Publishing Inc	EDH958831	001 013 518 30 41 01	GG-Advertising	CC Summer Recess	57792	\$20.76
Sound Publishing Inc	EDH958883	001 013 518 30 41 01	GG-Advertising	TBD Volunteer Notice	57792	\$67.20
Sound Publishing Inc	EDH958920	001 013 518 30 41 01	GG-Advertising	Ordinance 1142	57792	\$34.52
Sound Publishing Inc	EDH963247	001 013 518 30 41 01	GG-Advertising	CC Special Meeting 09/20/22	57792	\$43.12
Sound Publishing Inc	EDH963480	001 013 518 30 41 01	GG-Advertising	CC Meeting Cancelled 09/27/22	57792	\$20.76
Sound Publishing Inc	EDH971970	001 007 558 50 41 03	PL-Advertising	LUA2023-0009/0032 Davies Beach Dock	57792	\$120.52
					57792 Total	\$306.88
Sound Publishing Inc	042723 14102803	001 005 518 10 41 01	HR - Advertising/Marketing	Career Fair Employer Registration	57793	\$555.00
					57793 Total	\$555.00
Sound Security Inc	1083820	001 013 518 20 41 00	GG-Professional Service	Fire & Security Monitoring CH	57794	\$571.20
Sound Security Inc	1083820	001 012 575 50 47 00	CS- The Mill- Utilities	Fire & Security Monitoring The Mill	57794	\$385.00
Sound Security Inc	1083820	001 010 576 80 41 00	PK-Professional Services	Fire Monitoring/Confidence Testing PW Shop	57794	\$289.82
Sound Security Inc	1083820	101 016 542 30 41 02	ST-Professional Service	Fire Monitoring/Confidence Testing PW Shop	57794	\$289.82
Sound Security Inc	1083820	410 016 531 10 41 01	SW - Professional Services	Fire Monitoring/Confidence Testing PW Shop	57794	\$289.82
					57794 Total	\$1,825.66
Stericycle Inc	3006345852	001 008 521 20 41 01	LE-Professional Serv-Fixed	Hazardous Water Disposal PD	57795	\$10.36
					57795 Total	\$10.36
Technological Services Inc	25738	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Vehicle Services A-18-80	57796	\$1,126.09
					57796 Total	\$1,126.09
Thomco Aggregate LLC	022223 THOMCO	101 016 542 30 45 01	ST-Dumpster Service	Concrete Dump Fees	57797	\$163.82
					57797 Total	\$163.82
TransUnion Risk & Alternative Data Solutions Inc	4016011-202302-1	001 008 521 20 41 01	LE-Professional Serv-Fixed	TILO - Information Gathering Services	57798	\$81.83
					57798 Total	\$81.83
Trevor Justin Government Relations LLC	4	001 013 511 70 40 00	Lobbying Services	Lobbying Services 02-2023	57799	\$4,500.00
					57799 Total	\$4,500.00
UPS	0000074Y42063	001 008 521 20 42 00	LE-Communication	Evidence Shipping	57800	\$17.08
UPS	0000074Y42073	001 008 521 20 42 00	LE-Communication	Evidence Shipping	57800	\$14.07
					57800 Total	\$31.15
Verizon Northwest	9928415302	001 008 521 20 42 00	LE-Communication	Wireless Phone Service	57801	\$3,003.49
					57801 Total	\$3,003.49

Vendor Name	Invoice #	Account #	Account Name	Description	Check #	Amount
Washington Assoc of Sheriffs and Police Chiefs	DUES2023-00422	001 008 521 20 49 00	LE-Dues & Memberships	WASPC Associate Dues - J Young	57802	\$75.00
					57802 Total	\$75.00
Washington Audiology Services	61461	001 008 521 20 41 00	LE-Professional Services	Hearing Test	57803	\$22.00
					57803 Total	\$22.00
Washington Department of Health	022723 DOH	001 008 521 20 49 00	LE-Dues & Memberships	Drug Dog Handlers K9 Renewal	57804	\$55.00
					57804 Total	\$55.00
Washington State Patrol	I23004768	633 000 589 30 00 10	Gun Permit - WSP Remittance	Weapons Permit Background Checks	57805	\$384.25
					57805 Total	\$384.25
Washington State Support Registry	22523	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Child Support	0	\$546.86
					0 Total	\$546.86
Wave Broadband	103946401-0010023	510 006 518 80 49 04	LR - WaveBroadband Fiber Lease	Fiber Leases	57806	\$633.27
Wave Broadband	103946401-0010023	001 002 513 11 42 00	AD-Communications	Telephone Service	57806	\$70.34
Wave Broadband	103946401-0010023	001 003 514 20 42 00	CC-Communications	Telephone Service	57806	\$140.68
Wave Broadband	103946401-0010023	001 004 514 23 42 00	FI-Communications	Telephone Service	57806	\$140.68
Wave Broadband	103946401-0010023	001 005 518 10 42 00	HR-Communications	Telephone Service	57806	\$70.34
Wave Broadband	103946401-0010023	001 006 518 80 42 00	IT-Communications	Telephone Service	57806	\$211.02
Wave Broadband	103946401-0010023	001 007 558 50 42 00	PL-Communication	Telephone Service	57806	\$457.45
Wave Broadband	103946401-0010023	001 007 559 30 42 00	PB-Communication	Telephone Service	57806	\$70.34
Wave Broadband	103946401-0010023	001 008 521 20 42 00	LE-Communication	Telephone Service	57806	\$2,392.53
Wave Broadband	103946401-0010023	001 012 575 30 42 00	CS- Museum - Communications	Telephone Service	57806	\$70.34
Wave Broadband	103946401-0010023	001 012 575 50 42 00	CS- The Mill- Communication	Telephone Service	57806	\$70.34
Wave Broadband	103946401-0010023	001 013 518 20 42 00	GG-Communication	Telephone Service	57806	\$281.36
Wave Broadband	103946401-0010023	101 016 543 30 42 00	ST-Communications	Telephone Service	57806	\$404.82
Wave Broadband	103946401-0010023	410 016 531 10 42 00	SW - Communications	Telephone Service	57806	\$404.82
					57806 Total	\$5,418.33
WR Lake Stevens LLC	02-2023 WR	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Car Washes for PD Vehicles 02-2023	57807	\$560.00
					57807 Total	\$560.00
Zachor Stock & Krepps Inc PS	23-LKS-0002	001 011 515 41 41 02	Ext Consult - Prosecutor Svs	Prosecution Services	57808	\$14,294.00
					57808 Total	\$14,294.00

**CITY OF LAKE STEVENS
CITY COUNCIL SPECIAL/RETREAT MEETING MINUTES**

Thursday, February 9, 2023, at 4:00 p.m.

IN PERSON ONLY at the Hotel Bellwether, 1 Bellwether Way, Bellingham, WA 98225

CALL TO ORDER: 6:00 p.m. by Council President Anji Jorstad

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmembers Kim Daughtry, Ryan Donoghue, Mary Dickinson, Marcus Tageant, Gary Petershagen and Anji Jorstad.

ELECTED OFFICIALS ABSENT: Councilmember Steve Ewing

4:00 p.m. Reception

5:00 p.m. Buffet Dinner

6:00 p.m. Discussion Items

Housekeeping and Introduction to the Retreat

Zencity Presentation/Introduction to Consultants

Recap of 2022 Council Retreat Takeaways.

City Administrator Brazel reviewed the retreat takeaways from last year's retreat.

Review of Council Priorities

City Administrator Brazel reviewed updates to the Council priorities.

Note: Council took a break at 6:54 p.m. to 7:04 p.m.

Review of 2022 Executive Retreat

City Administrator Brazel reviewed the 2022 Executive Staff Retreat with the Council.

Celebrate 2022 Successes

Each Department Director reviewed successes and accomplishments from their departments.

The meeting adjourned at 8:02 p.m.

Brett Gailey, Mayor

Kelly M. Chelin, City Clerk

**CITY OF LAKE STEVENS
CITY COUNCIL SPECIAL/RETREAT MEETING MINUTES**

Friday, February 10, 2023, at 7:30 a.m.

IN PERSON ONLY at the Hotel Bellwether, 1 Bellwether Way, Bellingham, WA 98225

CALL TO ORDER: 8:30 a.m. by Council President Anji Jorstad

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmembers Kim Daughtry, Ryan Donoghue, Mary Dickinson, Marcus Tageant, Gary Petershagen and Anji Jorstad.

ELECTED OFFICIALS ABSENT: Councilmember Steve Ewing

7:30 a.m. Breakfast Buffet

8:30 a.m. Ice Breaker

Executive Session (Confidential Session per RCW 42.30)

Council recessed to Executive Session at 8:51 a.m. for approximately 30 minutes to discuss Litigation/Potential Litigation per RCW 42.30.110 (1) (i). There will be no action.

At 9:21 a.m. the Executive Session was extended to 9:27 a.m.

Note: The Council took a break from 9:27 a.m. to 10:00 a.m.

Discussion Items

Revenue Sources/Transportation Benefit Funding

Takeaway: The staff will schedule Lance Holman from Holman Capital to come to a Council meeting for a presentation.

Economic Development

Lake Stevens Industrial Center

Takeaway: Director Wright will follow up on other uses for Industrial Park.

Note: Council took a break from 10:55 a.m. to 11:00 a.m.

11:30 a.m. Lunch

Discussion Items

91st Ave NE Streetscape

Takeaway: Director Wright will work with the property owners.

Human Services

Takeaway: Continue to keep an eye on social services and how many people are receiving services.

Note: Council took a break from 12:55 p.m. to 1:00 p.m.

Review Council Procedures

Takeaway: City Clerk Chelin will bring back revisions to the procedures.

Council Breaks

Takeaway: Council discussed July 12- August 15 as dates for a break. The staff will look at the calendar and bring back a recommendation.

Mission, Vision and Values

Takeaway: A small committee will be formed of Councilmember Jorstad, Councilmember Tageant, Directors Wright and Warrington to review the vision statement.

Takeaways/Wrap Up

Adjournment

The meeting adjourned at 3:12 p.m.

Brett Gailey, Mayor

Kelly M. Chelin, City Clerk

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

February 21, 2023, at 6:00 p.m.

By Remote Participation via Zoom and In Person at The Mill, 1808 Main Street, Lake Stevens.

CALL TO ORDER: 6:00 p.m. by Council President Anji Jorstad

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmembers Kim Daughtry, Gary Petershagen, Mary Dickinson, Anji Jorstad, Ryan Donoghue, Marcus Tageant and Steve Ewing

4:30 p.m. Council Photos

Call to Order

Council President Jorstad called the meeting to order at 6:00 p.m.

Discussion Items

Creator Zone Presentation- Chris Smith

Short-Term Rental Briefing

Council discussed short term rentals. Council will send comments to City Clerk Chelin by March 15, 2023. This item will go back to the Planning Commission for further review.

2023 Comprehensive Plan Docket Briefing

This item will come back for action at a future meeting.

Police Department Strategic Plan and Annual Report

Draft Council Agenda for February 28, 2023

Executive Session - Confidential Session per RCW 42.30

The meeting recessed to executive session at 7:50 p.m. for approximately 30 minutes to discuss Litigation and Potential Litigation per RCW 42.30.110 1 (i). No action to follow.

Adjournment

The meeting adjourned at 8:30 p.m.

Brett Gailey, Mayor

Kelly M. Chelin, City Clerk

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

February 28, 2023, at 6:00 p.m.

Hybrid Meeting - By Remote Participation via Zoom & in Person at The Mill Building

CALL TO ORDER: 6:00 p.m. by Mayor Brett Gailey

ELECTED OFFICIALS PRESENT: Mayor Brett Gailey, Councilmembers Kim Daughtry, Ryan Donoghue, Mary Dickinson, Steve Ewing, Gary Petershagen, Marcus Tageant and Anji Jorstad.

Call to Order

Mayor Brett Gailey called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Council President Jorstad led the Pledge of Allegiance.

Roll Call

All Councilmembers were present.

Approval of Agenda

The Chief asked that the Police Department Awards be rescheduled to another meeting.

MOTION. Councilmember Daughtry made a motion, seconded by Councilmember Donoghue, to approve the agenda as amended. The motion passed 7-0-0-0.

Citizen Comments

There were no public comments.

Council Business

Councilmember Dickinson attended the Youth Advisory Council and School District Board meeting.

Councilmember Donoghue attended the Department of Emergency Management meeting.

Councilmember Daughtry attended the Youth Advisory Council meeting. He gave an update on transportation projects.

Councilmember Jorstad thanked Councilmember Tageant, Councilmember Donoghue and the Police Chief for participating in the polar plunge.

Mayor Business

Mayor Gailey congratulated Councilmember Daughtry on receiving the Advanced Municipal Leadership Certificate from AWC. He recently toured the Career and Technology Education Department.

Proclamation honoring Kathy Holder**City Department Report****Community Development - Climate Mitigation Plan****Public Works Annual Report****Consent Agenda**

MOTION. Councilmember Petershagen made a motion, seconded by Councilmember Daughtry, to approve the consent agenda with a correction to the January 24, 2023 minutes to reflect the correct spelling of Gary O'Reilly's name. The motion passed 7-0-0-0.

The consent agenda items were as follows:

- 2023 Vouchers
- City Council Meeting Minutes of January 24, 2023
- Commerce GMA Planning Grant
- Appoint Bruce Morton to Planning Commission
- Service Agreement with Mayors and Business Leaders for Public Safety, Inc.

Public Hearing:**Shoreline Master Program Update**

Director Wright reviewed Ordinance 1156 amending the Lake Stevens Shoreline Master Program.

Mayor Gailey opened the hearing for public comments.

There were no comments from the audience.

Mayor Gailey closed the hearing.

MOTION. Councilmember Jorstad made a motion, seconded by Councilmember Ewing, to approve Ordinance 1156 Amending the Shoreline Master Program. The motion passed 7-0-0-0.

Sherlock Rezone (LUA2022-0110)

City Attorney Rubstello explained that this is a Closed Record Public Hearing and First and Final Reading for Ordinance No. 1158 related to the Sherlock Rezone (LUA2022-0110).

Senior Planner Place reviewed Ordinance 1158 amending the zoning for an undeveloped 0.88-acre parcel (APN: 29060600201500), located at the corner of SR 92 and Callow Rd, from R4 to R8-12 as part of the Sherlock Rezone (City File No. LUA2022-0110).

Mayor Gailey opened the hearing for public comments.
There were no comments from the audience.
Mayor Gailey closed the hearing.

MOTION. Councilmember Daughtry made a motion, seconded by Councilmember Jorstad, to approve Ordinance 1158, related to the Sherlock Rezone. The motion passed 7-0-0-0.

Executive Session – Confidential Session per RCW 42.30

Council recessed to Executive Session at 6:45 p.m. to discuss Property Acquisition for RCW 42.30.110 1 (b) for approximately 10 minutes. There will be no action.

At 6:55 p.m., the Executive Session was extended to 7:05 p.m.

Adjournment

MOTION. Councilmember Daughtry made a motion, seconded by Councilmember Jorstad, to adjourn the meeting. The motion passed 7-0-0-0.

The meeting adjourned at 7:07 p.m.

Brett Gailey, Mayor

Kelly M. Chelin, City Clerk

CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: Seattle City Light Agreement

Contact Person/Department: Jill Meis, Sarah Garceau, Parks Department

Budget Impact: N/A

Legal Review: Yes

RECOMMENDATION(S)/ACTION REQUESTED:

Authorize the Mayor to sign the agreement with Seattle City Light for construction of the trail.

SUMMARY/BACKGROUND:

The city of Lake Stevens has been coordinating with Seattle City Light to construct the Westside Trail from the ballfields at 20th Street SE North to 8th Street SE, within their electrical line easement. This agreement has been reviewed by the City Attorney and WCIA and is ready for signature by the city.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Consent Agreement - LS revised

Return to:

Seattle City Light
Real Estate Services SMT 3338
P.O. Box 34023
Seattle, WA 98124-4023

AGREEMENT- (Consent Agreement for Use of City of Seattle's Transmission Line Easement)

Reference #: 290524-3-102 (JG)

Grantor: City of Seattle

Grantee: City of Lake Stevens

Short Legal: Snohomish County, SW ¼ SEC24 T29N R5E

Tax Parcel #: 00457000001600, 29052400302200

This Agreement entered into by and between the **City of Seattle** ("City") acting by and through its **City Light Department** ("City Light") and the **City of Lake Stevens** ("Lake Stevens") this -
_____ day of _____, 2023.

WHEREAS, Lake Stevens has the permission of City Light to construct recreational trailway and park facilities on the following described real property:

Parcel 1:

GLENWOOD DIV A BLK 000 D-00 - W 2/3 LOT 16 LESS ESE TO SEATTLE CITY LIGHT & LESS R/W TO SNO CO PER FOR RD SWD AFN 200808080303 & CORR AFN 201109060211

Parcel 2:

NE1/4 SW1/4 LESS N 660FT THOF & LESS TH PTN LY E OF 300FT ESE GRANT TO CITY OF SEATTLE & EXC ADDL R/W FOR RD (87TH AVE SE) TO SNO CO PER SWD REC UND AFN200401070097

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

and WHEREAS, City Light owns, operates and maintains municipal electric transmission facilities and necessary appurtenances located within a recorded transmission line easement ("Easement Area") over a portion of the above described real property; and

WHEREAS, Lake Stevens desires the consent of City Light to construct site improvements according to the plans titled LAKE STEVENS POWERLINE TRAIL CONSTRUCTION PLANS ("Plans"), dated August 26, 2021, said Plans kept on file by City Light and by this reference made a part hereof; and

WHEREAS, City Light may consent to improvements in its Easement Areas in certain limited circumstances where City Light determines that it is in the public interest and the owners of such improvements meet certain conditions to avoid interference with City Light's Easement rights and to ensure that City Light facilities and operations are adequately protected;

Now, therefore, the parties mutually agree to the following:

City Light hereby consents to Lake Stevens' use of the Easement Area for the sole purpose of the construction, operation and maintenance of the improvements listed above (altogether the "Improvements"), subject to the following terms and conditions:

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns will not construct, install, place or allow any building, structure or other improvement within the Easement Area except those improvements as depicted in the above-described Plans that have been reviewed and accepted by City Light. City Light's acceptance of the Plans has been granted as of the date of this Agreement. If, for any reason, the Plans undergo a significant change in design prior to or during initial construction, Lake Stevens or Lake Stevens' agents shall submit the new plans to City Light for its review and approval.

A minimum working clearance of 20 feet from the 230 KV transmission lines shall be maintained at all times for personnel and machinery. Clearance requirements from structure to structure may be greater. Lake Stevens, their agents, employees, subcontractors and assigns must comply with all NESC, Washington L & I, WAC and OSHA codes and clearances while engaging in any activity within the Easement Area.

Transmission lines have a large amount of fault current. The fault current from a 230 kV transmission line may be as high as 60 kA. For this reason, it is prudent to ensure that all the ferrous materials used in the City Light's Easement Area, if any, shall be properly grounded. Any ferrous materials appurtenant to Lake Stevens' improvements permitted hereunder shall be engineered in such a way to deal with the induction from the transmission line in a safe manner. It is recommended not to use any continuous, conductive material for the new fence. All grounding recommendations shall be made by the Lake Stevens' consultant, City Light does not provide grounding studies.

No new trees shall be placed within the Easement Area that have mature heights of over 12 feet. If any trees are placed within the Easement Area, City Light shall have the right to trim or remove the plantings and charge the Lake Stevens for the cost of such work. City Light shall not be liable for damage to the plantings as a result of such trimming or removal.

No grading, cutting or filling other than that shown on the Plans is allowed within the Easement Area without prior written consent from City Light. There shall be no trenching, digging, cutting, filling, or excavation within 10 feet of any tower foundation structure.

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns, covenants and agrees that it will not store, dump, bury or transfer any hazardous substances, inoperable vehicles, chemicals, oils, fuels, or containers for said substances, chemicals, oils, fuels,

flammable materials, etc., within the Easement Area; and further agrees to observe all environmental laws of the State of Washington or any other governmental subdivision having regulatory authority over such activities within the Easement Area.

There will be no ponds, "V" ditches, water features, or open water retention facilities within the Easement Area.

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns, shall, upon completion of any construction on or around the Easement Area, remove all debris and restore the surface of the Easement Area as nearly as possible to the condition in which it existed at the date of this Agreement.

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns shall not at any time interfere with the City Light's access to and over the Easement Area. Any locking gate installed within the Easement Area shall have double locks, one lock being owned by City Light. City Light will not be responsible for any damage to any fence resulting from City Light gaining access to its Easement Area.

The CEO and General Manager of City Light, or their agents, shall have the right at all reasonable times to inspect the Easement Area for the purpose of observing the conditions thereof, and the manner of compliance by Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns with the terms and conditions of this Agreement.

City Light reserves the right to locate a transmission line pole or poles or other support structures, and any other appurtenances, facilities or equipment in the future pursuant to its Easement within the Easement Area. Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns shall remove any and all above ground structures and materials from the Easement Area that interfere with its Easement rights upon request from City Light.

Lake Stevens, their successors in interest, agents, employees, subcontractors, assigns, invitees, and licensees, will assume all risk of loss, damage or injury which may result from its use of the Easement Area, including but not limited to use of the Easement Area by the public. It is understood and agreed that any damage to City Light's property, caused by or resulting from use by Lake Stevens, their successors in interest, agents, employees, subcontractors, assigns, invitees, licensees, and public of the Easement Area, may be repaired by City Light and the actual cost of such repair shall be charged against and be paid by Lake Stevens or their successors in interest.

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns, agrees that City Light shall not be liable for any damages to Lake Stevens' Improvements by reason of any construction, alterations, or maintenance performed in the Easement Area by City Light, its agents or representatives.

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns, agrees to the fullest extent permitted by law to indemnify, protect and hold harmless City Light, its elected and appointed officials, officers, employees or agents from all claims, actions, losses, damages, suits and

expenses, including attorneys' fees and costs, of every kind and description, which may accrue from or be suffered by reason of the Lake Stevens', their successors in interest, agents, employees, subcontractors and assigns, invitees, licensees, or public use of the Easement Area or the performance of any work in connection with its use; and in case of any such suit or action being brought against City Light, its elected and appointed officials, officers, employees or agents, or damages arising out of or by reason of any of the above causes, Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns shall, upon notice to Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns of commencement of such action, defend the same at the Lake Stevens', its successors in interest, agents, employees, subcontractors and assigns, sole cost and expense and will fully satisfy any judgment after the said suit shall have been finally determined, if adversely, to City Light. Lake Stevens waives its immunity under Title 51 (Industrial Insurance) of the Revised Code of Washington solely for the purposes of this provision and acknowledges that this waiver was mutually negotiated. This provision shall survive the expiration or termination of this Agreement.

City Light agrees to defend and indemnify Lake Stevens and its elected and appointed officials, officers, employees and agents against all claims, losses, damages, suits, and expenses, including attorney's fees and costs, to the extent the claims arise out of, or result from, the negligence of City Light, its employees or agents in their performance of work or operations within the Easement Area. City Light waives its immunity under Title 51 (Industrial Insurance) of the Revised Code of Washington solely for the purposes of this provision and acknowledges that this waiver was mutually negotiated. This provision shall survive the expiration or termination of this Agreement.

Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns agrees not to use the Easement Area for any other purpose whatsoever than as set forth above and agree that the CEO and General Manager of City Light shall be the sole judge of any conflict or violation of such use as above stated. The CEO and General Manager of City Light shall have the right at all times to suspend any or all operations within the Easement Area, not expressly permitted or allowed by this Agreement, which he deems to be detrimental to the best interests of City Light.

This Agreement is for the use of the Easement Area only and shall not be construed to replace or to be used in lieu of any permits or licenses which may be required, granted or supervised by any other subdivision of government charged with licensing, policing and supervising the operations of Lake Stevens, their successors in interest, agents, employees, subcontractors and assigns, hereunder. It is understood that any uses granted hereunder are subject to existing rights, if any, of other parties. In consenting to the use of the Easement Area for this purpose, City Light does not waive or subordinate any of the rights and privileges granted to City Light by easements for transmission line purposes.

APPROVED:

SEATTLE CITY LIGHT

Greg Sancewich,
Manager, Real Estate Services

CITY OF LAKE STEVENS

Name, Title

CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: Resolution 2023-02 - Support of Community Economic Revitalization Board (CERB) Grant

Contact Person/Department: Russ Wright, Community Development

Budget Impact: \$50,000 grant, will require city match up to \$12,500.

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Approve Resolution 2023-02 allowing the Mayor or designee to submit a grant application for CERB funding

SUMMARY/BACKGROUND:

Lake Stevens has promoted an economic strategy in its Comprehensive Plan that calls for master planning growth centers to ensure future development meets the needs of the community's residents and businesses to attract new businesses, services, and retail opportunities. It is the city's intention to promote and develop the Lake Stevens Industrial Center as a local employment center following completion of the pending Infrastructure and Market Analysis currently underway. The scope of work, under the grant, would be to develop a feasibility analysis to determine the appropriate locations for infrastructure improvements in the Industrial Center, including sewer and stormwater lines and a sewer lift station, as the first step among many to revitalize the area.

The Community Economic Revitalization Board (CERC) is a branch of the Department of Commerce that acts as the statewide economic development agency. CERB provides grants for planning and construction that promote economic development. If the city is successful in receiving planning funds, the city will apply for construction funding during the next available review cycle.

APPLICABLE CITY POLICIES:

Comprehensive Plan Chapters 2, 6, 7 and 9.

ATTACHMENTS:

1. Resolution 2023-02

Attachment 1

Resolution No. 2023-02

A RESOLUTION OF THE CITY COUNCIL OF LAKE STEVENS WASHINGTON, AUTHORIZING SUBMISSION OF AN APPLICATION FOR A COMMUNITY ECONOMIC REVITALIZATION BOARD GRANT IN THE APPROXIMATE AMOUNT OF \$50,000 FOR INDUSTRIAL INFRASTRUCTURE FEASIBILITY PLANNING.

WHEREAS, Community Economic Revitalization Board (CERB) funds are available to support feasibility and planning work in furtherance of economic development; and

WHEREAS, the Lake Stevens desires to pursue an objective feasibility study analysis for the purpose of identifying the location for a sewer lift station and determining the best alignment of sewer and stormwater lines to provide utility connections and infrastructure improvements with the Lake Stevens Industrial Center in support of job growth as consistent with the purposes of the CERB; and

WHEREAS, the CERB Project represents a commitment resources toward enhancing the vitality of the area and expansion of economic and employment opportunities of the city of Lake Stevens, together with increased tax revenues; and

WHEREAS, in the event the application for CERB funding is approved, and the grant is accepted by the city of Lake Stevens, the city of Lake Stevens will comply with all applicable federal and State requirements in regard to environmental impact of the project; and

WHEREAS, the project will not result in the transfer/relocation of jobs from one part of the state of Washington to another; and

WHEREAS, the matching portion of the grant is minimum of 20% of the project amount. The city of Lake Stevens will investigate and evaluate options for joint participation in the matching obligations with the CERB grant; and

WHEREAS, the city of Lake Stevens finds that an application should be submitted for consideration by CERB, and that such submission will promote economic development within the city of Lake Stevens.

NOW THEREFORE, BE IT RESOLVED that the City Council of the city of Lake Stevens, Washington, as follows:

1. That the Mayor, or his/her designee, is hereby authorized to submit an application to the Community Economic Revitalization Board, for and on behalf of the city of Lake Stevens, for CERB funding in the approximate amount of \$50,000 for the CERB Project; and
2. That the Mayor is hereby further authorized to provide such additional information as may be necessary to secure approval of such application; and
3. That, in the event such application is approved, the Mayor is authorized to enter into an agreement for such funding; and

4. That this Resolution shall be effective upon passage and signatures hereon in accordance with law.

PASSED this 14th day of March 2023

Brett Gailey, Mayor

ATTEST:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: Authorize the Mayor to sign Contract amendment for additional right-of-way consulting on the Main Street Improvements design project

Contact Person/Department: Erik Mangold, Public Works

Budget Impact: \$68,177

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Due to the unexpected right-of-way acquisition needed for the current design of the Main Street Corridor Improvement Project, our current Consultant, Transpo Group, needed to bring on a ROW Specialist Consultant of DCI Engineers. We are requesting council to authorize the Mayor to sign the supplemental agreement.

SUMMARY/BACKGROUND:

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. 18013_Supplement 1_Scope & Fee-ROW_230309

Amendment to Agreement for Services

Client Name:	City of Lake Stevens		
Project Name:	Main Street Improvements		
Original Agreement Dated:	12-15-2022		
Amendment Dated:	3-9-2023	TG:	1.22405.00

The existing Agreement for Services between Transpo Group (Consultant) and City of Lake Stevens(City) is amended to include the following additional services. All terms and conditions described in the Agreement remain in force and are not modified by this Amendment.

Scope of Services

Per City request, right of way services will be added to the original contract as Task 12.

Task 12—Right of Way Services

This element will be performed by DCI Engineers (DCI) to provide right-of-way services as needed for the Lake Stevens Main Street Road Improvements

Objectives

Collaborate with the design team early on to minimize ROW impacts and acquisition costs. Acquire all necessary property rights needed for the road improvement project.

Assumptions

- ROW maps to be provided by the design team.
- Legal Descriptions of acquisition areas to be provided by the design team.
- Approved and updated WSDOT ROW procedures provided to DCI if available.
- Any escrow, closing and recording costs to be paid by the county after closing.
- Title report fees are based on title reports for 6 impacted parcels.
- Based on the preliminary RW map, DCI will acquire property rights from 6 parcels.
- It is assumed that 3 parcels will require a narrative appraisal and appraisal review (over 25k) and the other 3 parcels will fall under the appraisal waiver (AOS)(under 25k) criteria. This is based on a preliminary right of way funding estimate. This estimate includes improvements.
- City owned parcels will be the responsibility of the agency to ensure that any needed property owned by the city for the project is appropriately designated right of way.
- Project is not federally funded at this time, but all acquisition activities will follow 49 CFR part 24 and all local and state rules and regulations.
- No Right of Way activities except Right of way funding estimates, title report reviews and community meetings will commence until all applicable environmental activities (NEPA/SEPA) have been completed and approved.
- Any design changes beyond original scoping may be subject to additional scope of fees.
- If the county chooses to condemn any properties, any condemnation activities will be the responsibility of county legal counsel.

- It is assumed the project will commence in 2023, if the project is delayed into 2024, it will be at the discretion of DCI to assess schedule availability and current fee structure.
- No relocation activities are anticipated. If relocation is needed, additional fees will be scoped.

Deliverables

- Acquire all necessary property rights to construct the project.
- Order title reports/review title reports
- Prepare Right of Way Funding estimate.
- Attend design team/agency meetings as required
- Prepare all conveyance documents.
- Facilitate all closing activities.
- Attend any public meetings, virtually or in person as needed
- Appraisal Waiver, Appraisal and or Appraisal Review to be facilitated by DCI.
- Weekly project status report
- Deliver completed acquisition files, electronically and hard copy to county at completion.

Transpo Group USA, Inc.
Cost Estimate Worksheet



Number / Project Name
1.22405.0 Main Street Improvements

Pay rates are effective from April 2, 2022 through June 30, 2023, within the ranges shown in the attachment.
 Only key staff are shown and other staff may work on and charge to the project as needed by the project manager.

	Project Manager	Quality Control	Project Engineer - Civil	Project Engineer - Traffic	CAD - Civil	CAD - Traffic	Outreach	Graphics	Project Admin
initials	KBC	BAS	MW	TN	JK	OAS	IMR	CD	CLF
job title	Eng L4	Eng L6	Eng L3	Eng L4	Anyl L1	Anyl L1	PA L4	PA L4	PA L3
cost rate	\$54.09	\$74.52	\$51.92	\$54.09	\$37.50	\$35.82	\$41.59	\$42.55	\$40.63

Labor:

	Work Task									Hours	Cost
1	Task 1 - Project Management										
2	1.1 Project Coordination										\$0
3	1.2 Progress Reports and Invoicing										\$0
4	1.3 Meetings										\$0
5	1.4 Project Schedule										\$0
6	Task 2 - Data Collection										
7	2.1 - Survey Update - LDC										
8	2.2 - Geotechnical Investigation - Landau										
9	Task 3 - Review Existing 30% Design										\$0
10	Task 4 - 60% Submittal										\$0
11	4.1 - 60% Civil Design										\$0
12	4.2 - 60% Stormwater Design - LDC										\$0
13	4.3 - 60% Channelization and Signing Design										\$0
14	4.4 - 60% Illumination and JUT Design										\$0
15	4.5 - 60% Urban Design - LDC										\$0
16	4.6 - 60% Landscape Design - Origin										\$0
17	4.7 - 60% Traffic Control - LDC										\$0
18	4.8 - 60% Opinion of Probable Construction Cost										\$0
19	4.9 - 60% Bid Documents										\$0
20	4.10 - 60% Quality Control										\$0
21	Task 5 - Stakeholder and Public Outreach										\$0
22	Task 6 - Permitting										
23	6.1 - Environmental Permitting - Landau										
24	6.2 - Local Permitting - LDC										
25	Task 7 - Utility Coordination										\$0
26	Task 8 - 100% Submittal										\$0
27	8.1 - 100% Civil Design										\$0
28	8.2 - 100% Stormwater Design - LDC										\$0
29	8.3 - 100% Channelization and Signing Design										\$0
30	8.4 - 100% Illumination and JUT Design										\$0
31	8.5 - 100% Urban Design - LDC										\$0
32	8.6 - 100% Landscape Design - Origin										\$0
33	8.7 - 100% Traffic Control - LDC										\$0
34	8.8 - 100% Opinion of Probable Construction Cost										\$0
35	8.9 - 100% Bid Documents										\$0
36	8.10 - 100% Quality Control										\$0
37	Task 9 - Final PS&E										\$0
38	Task 10 - Bid Assistance										\$0
39	Task 11 - Construction Phase Services - TBD										\$0
40	Task 12 - Right of Way Services										\$0

Total Hours	0	0	0	0	0	0	0	0	0	0	0
Labor Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0.00

Overhead	Rate	174.45%									\$0.00
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Fee (as a % of labor)	30.00%										\$0.00
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Miscellaneous Expenses:		Reimbursable
Item	Cost	
1 Federal Express / Courier	\$0	
2 Phone	\$0	
3 Fax	\$0	
4 Postage	\$0	
5 Graphic supplies	\$0	
6 Photography	\$0	
7 Travel expenses (mileage)	\$0	
8 Reproduction	\$0	
9 Traffic counts	\$0	
10 Traffic accident data	\$0	
11 Spec. MPS model run	\$0	
12 Transportation Concurrence Application	\$0	
Total Reimbursable Expenses	\$0	

Subconsultants:		Subs Cost
Firm		
1 LDC		
2 Landau		
3 Origin		
4 DCI		\$68,177
5 Subconsultant E		\$0
Total Subconsultants		\$68,177

TOTAL ESTIMATE **\$68,176.97**

Transpo Group USA, Inc.
Cost Estimate Worksheet

DCI Engineers Right of way Services

Lake Stevens Main Street Improvements

Only key staff are shown and other staff may work on and charge to the project as needed by the project manager.

	ROW PM	Agent	Agent						
initials	RG	DC	SG						
job title	PM	RWAgent	RW agent						
cost rate	\$65.00	\$35.00	\$25.00						

Labor:

	Work Task								Hours	Cost
1	Right of Way Funding estimates	2	5	2					9	\$355
2	Title report Reviews	2	5	3					10	\$380
3	Acquisition of 6 parcels	80	130	40					250	\$10,750
4	Community outreach	2	2	2					6	\$250
5	Appraisal coordination	3	3						6	\$300
6									0	\$0
7									0	\$0
8									0	\$0
9									0	\$0
10									0	\$0
11									0	\$0
12									0	\$0
13									0	\$0
14									0	\$0
15									0	\$0
16									0	\$0
17									0	\$0

Total Hours	89	145	47	0	0	0	0	0	113	113
Labor Costs	\$5,785	\$5,075	\$1,175	\$0	\$0	\$0	\$0	\$0		\$12,035.00

Overhead	Rate 169.54%									\$20,404.14
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Fee (as a % of labor and overhead)	20.00%									\$6,487.83
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Miscellaneous Expenses:

	Item	Reimbursable Cost
1	Federal Express / Courier	\$0
2	Phone	\$0
3	Fax	\$0
4	Postage	\$750
5	Graphic supplies	\$0
6	Photography	\$0
7	Travel expenses (mileage)	\$1,000
8	Reproduction	\$0
9	Lodging	
10	Title reports	\$3,500
11	Spec. MPS model run	\$0
12	Transportation Concurrence Application	\$0
Total Reimbursable Expenses		\$5,250

Subconsultants:

	Firm	Subs Cost
1	LVC Appraisal (narrative) 3 appraisal	\$15,000
2	Duncan Appraisal 3 reviews	\$4,500
3	AOS 3 AOS	\$4,500
4		
5		
Total Subconsultants		\$24,000

TOTAL ESTIMATE \$68,176.97

CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: Climate Mitigation Plan Draft Strategies and Actions

Contact Person/Department: Melissa Place, Community Development

Budget Impact: None

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

The city's consultant (Cascadia Consulting Group) will provide an overview of the draft strategies and actions of the city's Climate Mitigation Plan, which will provide the technical climate change foundation for the city's upcoming update to the Comprehensive Plan. Staff and the consultant are seeking the Council's feedback on the draft strategies and actions.

SUMMARY/BACKGROUND:

The City of Lake Stevens is developing its first Climate Mitigation Plan (CMP) as a framework and roadmap to manage current and future carbon emissions and potential climate change impacts in Lake Stevens. This plan will establish a suite of feasible strategies to help reduce Lake Stevens's greenhouse gas (GHG) emissions, recognizing emissions targets and preparing residents for potential climate impacts. The CMP will also provide the technical climate change foundation for the city's upcoming Comprehensive Plan Update, which must be adopted by June 30, 2024.

The city received a grant in the amount of \$80,000 from the Department of Commerce to assist with this planning effort. The city started its CMP process in January of 2023 and is required to complete the project by June 30, 2023, to comply with the grant contract. A consultant team led by Cascadia Consulting Group (CCG) will work with the City of Lake Stevens to develop this plan.

To date, a [Public Engagement Plan](#) has been developed to provide a strategic framework for communicating with and engaging partners and the public in the planning

process.

The next step in the development of the plan is to consider a list of draft strategies and actions which will comprise the substance of the plan. These measures are broadly categorized and encompass a multitude of environmental considerations. As such, some directly affect city operations, while others affect local utilities and other partnering agencies outside of the city's purview. The city has been coordinating with and will continue to coordinate with outside agencies for feedback on the draft measures.

The objective of this meeting is to obtain feedback from the Council on the draft strategies and actions (**Attachment 1**). City staff including department heads, outside agencies, and the Planning Commission have reviewed and provided feedback on the draft strategies and actions prior to presenting them to the Council.

Planning Commission feedback at their March 1, 2023 meeting generally included a preference for incentives versus adoption of stricter environmental regulations, sensitivity to cost increases as a result of adding potential regulations, support for energy efficient replacement of city systems/facilities, desire for a central location for recycle drop-off, strong support for development of a pedestrian and bike plan and a need for the strategies and actions to be fluid and flexible (**Attachment 2**).

Based on the feedback to date, the draft list is separated into two areas; 1) City-led strategies and actions and 2) Outside agency-led strategies and actions that the city can help support (**Attachment 1**).

Next Steps

A public workshop will be held on March 21st, focus group discussions will be held on March 22nd and 23rd, and a community-wide survey will run from March 10th through April 6th to obtain community input on the CMP and draft strategies and actions. The list will then be finalized based on engagement with the community and defined stakeholders. For more information on the plan or to participate in the survey, please visit the city's CMP webpage at the following link:

<https://lakestevenswa.gov/587/Climate-Mitigation-Plan>.

Further work on the plan entails an equity assessment and cost-benefit assessment of implementation of the strategies and actions. Staff anticipates bringing progress updates and draft documents to the Council each month from now until June, with a draft plan in May and adoption of the final plan by the Council in June.

APPLICABLE CITY POLICIES:

N/A

ATTACHMENTS:

1. Attachment 1 - Draft Strategies and Actions
2. Attachment 2 - Planning Commission Minutes from March 1, 2023

City Strategies & Actions

Action Information

Focus Area	Strategy	Action Short Name	Action Description
Buildings & Energy	Use less energy	Energy-efficient lighting and appliances	In City-owned facilities, purchase and install the following energy efficient appliances: - Indoor and outdoor lighting and lighting-control devices (i.e., light timers and motion sensors) including light emitting diodes (LED) and dimming technologies when appropriate. Convert all streetlights to LEDs. - EnergyStar rated (or equivalent) appliances.
Buildings & Energy	Use less energy	Retrofit existing City buildings	Partner with PUD to retrofit existing City buildings for energy efficiency, which may involve some or all of the following specific actions: - Conduct an aging facility assessment to prioritize investments. - Develop a prioritized 5- or 10-year capital replacement plan and determine the funding level necessary for implementation. - Identify funding for equipment replacement and building retrofits at all existing and new facilities. - Make energy efficiency improvements in existing buildings--as light and plumbing fixtures are being replaced, they shall be upgraded to LED and/or low flow fixtures. All appliances shall be Energy Star-rated or equivalent. - Consider project location and contracting practices where the benefits are shared by low-income populations and communities of color.
Buildings & Energy	Use less energy	Encourage efficiency retrofits	Partner and coordinate with PUD Electric and other local organizations to encourage and promote new energy efficient programs.
Buildings & Energy	Use cleaner energy sources	Construction standards	Adopt building code amendments in accordance with changes as mandated by the SBCC and WSEC (to stay compliant with state environmental and energy strategies).

Buildings & Energy	Use cleaner energy sources	Heat pump program	Partner with local utilities and other regional partners to expand regional electric heat pump campaigns to replace natural gas-powered furnaces and oil heating systems with heat pumps and increase energy efficiency in City and residential buildings. Focus on serving low income residents and providing rebates, financial incentives, and educational materials/resources.
Buildings & Energy	Use cleaner energy sources	Support and incentivize solar	Partner and coordinate with local organizations and utilities to encourage and promote incentives for installation of renewable and/or energy efficient systems (such as biomass, geothermal resources, sunlight, water, and wind) on a case-by-case basis in public spaces. This could include streamlined permitting, development benefits, rebates, or bulk-purchasing program. Focus on increasing access to renewable energy by low-income households.
Buildings & Energy	Use cleaner energy sources	Electrify City facilities	Replace natural gas heating systems with electric systems at all City facilities at time of major renovation or replacement, with a goal of electrifying heating systems at all facilities by 2030. Include efficiency retrofits and solar panel installation in retrofits/remodels where feasible to offset energy costs. At City facilities, replace fossil fuel-powered backup generators with onsite solar and battery storage systems. Replace diesel generators with biodiesel where solar is not feasible.
Buildings & Energy	Use cleaner energy sources	Support electrification of commercial and multifamily buildings	Promote existing financing mechanisms and incentives, and develop new incentives to convert gas and oil heating systems at commercial and multifamily buildings to electric space and water heating at low upfront cost, with a focus on low and middle income residential buildings. Partner with regional utilities and jurisdictions to provide technical assistance and outreach to building owners to encourage electrification. Pair electrification measures with efficiency retrofits and renewable energy installation.

Buildings & Energy	Use cleaner energy sources	Home electrification program	Partner with the Snohomish County PUD and utilities to support the development of a residential home energy program to provide education, technical assistance, and financial assistance to replace gas and oil heating systems with electric heat pumps, improve home efficiency, and install renewable energy systems. Options include a rebate program, bulk-purchase retrofit campaign, or other financing mechanism. Explore, identify, and develop funding sources to support building electrification programs and discourage fossil-fuel use. Explore both grant funding and local taxes on fossil-fuel sources to fund electrification and weatherization assistance for low- and middle-income households.
Buildings & Energy	Strengthen energy systems	Utility Infrastructure Resilience	Support and coordinate with energy utilities in their efforts to upgrade the safety and reliability of infrastructure vulnerable to climate change
Transportation	Drive less	Sustainable City employee commutes & telework	Continue to support sustainable commutes for City staff; encourage work from home (telework) and flexible schedules, and work with local transportation agency to promote transportation alternatives where possible. This could include free or reduced transit passes for staff (opt-in program); incentives to use alternative transportation (walking, biking, using transit, or carpooling) such as bike lockers, showers and cycling infrastructure at City workplaces; resources and programs to increase the awareness around reducing commute emissions; and a guaranteed ride home safeguard to reimburse an employee's taxi or rideshare ride home in case of personal emergency or illness.
Transportation	Drive less	Update the Pedestrian and Bicycle Plan	Develop a Pedestrian and Bicycle Plan, that evaluates the use of urban street design guidelines such as NACTO, and identify/evaluate projects, provide a preliminary scope of work, and establish priorities of work with the intention of providing a roadmap, foundation, and timeline for future improvements.
Transportation	Drive less	Transportation Demand Management	Support and coordinate with Community Transit to provide strategies to incentivize Travel Demand Management (TDM) strategies to reduce car trips from residents at new developments through incentive programs.
Transportation	Drive less	Walkability/ street connectivity	Increase street and multimodal connectivity by studying and implementing land use and transportation policies to increase density, increase walkability and bicycle paths, and encourage business development so that basic and desirable amenities and schools are available by active transportation (walking and biking) from more residences.

Transportation	Drive less	Public Transportation	Coordinate with Transit Agency to plan for transit-supportive growth patterns and improvement of transit infrastructure, and to develop innovative solutions for those areas of the city that lack regular, fixed route transit.
Transportation	Drive less	Transit-Oriented Development	1. Execute policy 2.8.3 in Lake Stevens Comp Plan: Promote cooperation and coordination among transportation providers, local governments and developers to ensure that developments are designed to promote and improve physical, mental and social health, and reduce the impacts of climate change on the natural and built environments. 2. Work with local planning and land use agencies to develop more transit-accessible jobs and housing.
Transportation	Drive cleaner vehicles	Public & City EV Infrastructure Plan	Develop and implement an EV Infrastructure Plan. The Plan should: - Guide EV charging expansion throughout the city, in collaboration with local utilities. - Include analysis and recommendations on 2030 and 2050 fleet electrification goals and on the facilities and infrastructure required for the City and School District to meet those goals. - Include a readiness and capacity study to evaluate increasing EV charging at commercial and residential properties, and an implementation strategy including partnerships, funding, and future policy recommendations. - Plan for charging installations at the most visited City-owned or leased facilities.
Transportation	Drive cleaner vehicles	Electric equipment	Establish goal dates to phase out gas-powered maintenance equipment, and transition to using electric equipment (lawnmowers, leaf blowers, etc.) for City maintenance and operations and allocate funding for additional batteries to avoid breaks due to charging needs.
Transportation	Drive cleaner vehicles	EV education & outreach	Support and coordinate with Snohomish PUD Electric on educating residents on the benefits of EVs, EV incentives and rebates, charger locations, and other information by providing education and outreach programs and materials.
Transportation	Drive cleaner vehicles	City fleet electrification	Define and implement a green vehicle selection process and resources for new or replacement vehicles, to electrify the City vehicle fleet, including updating charging infrastructure. Replace City vehicles with electric or hybrid wherever possible when they are at the end of their lives; purchase one hybrid or long-range electric vehicle for each major site for highway/town travel and on-road maintenance projects; and track technology development for hybrid, electric, or alternative fuel trucks. When a viable option comes on the market, acquire and test one truck as a pilot project.

Water & Natural Systems	Use less water and improve water management	Low-impact development	Using Department of Ecology guidelines where practical, create low-impact development (LID) policies and guidelines specific to Lake Stevens. Guidelines and policies may include requiring LID for all City-owned construction and remodels, and replacing old stormwater infrastructure with permeable pavement, bioscales, rain gardens, and vegetated roofs.
Water & Natural Systems	Use less water and improve water management	Water-efficient plumbing fixtures	Install water-efficient plumbing fixtures in City facilities (such as "push button" showers and low flushometers). When possible, use grey water and reclaimed water.
Water & Natural Systems	Use less water and improve water management	Water Storage	Provide back-up water supplies during droughts and support climate resilience by constructing new water storage systems (e.g. large cisterns, water towers, and reservoirs).
Water & Natural Systems	Use less water and improve water management	Water Storage	Support PUD Water in planning to provide back-up water supplies during droughts and support climate resilience by constructing new water storage systems (e.g. large cisterns, water towers, and reservoirs).
Water & Natural Systems	Use less water and improve water management	Exceed project design standards	Use LEED and SITES standards as examples to develop project design standards that exceed the minimum for energy efficiency and storm water management.
Water & Natural Systems	Use less water and improve water management	Sustainable water management	Support sustainable water management at City facilities and citywide: - Provide education and financial incentives to private landowners for practicing sustainable water management (e.g., through green stormwater retrofits, habitat restoration, and water reuse). - Manage City water resources sustainably through smart irrigation, smart metering, green stormwater management, preventative maintenance, water conservation and reuse, strategic plant selection, and landscape management. Isolate irrigation to allow brown-outs in particular areas, especially during summer.
Water & Natural Systems	Use less water and improve water management	Flood prevention projects	Design and install flood prevention projects (such as water diversion designs or barriers) along key roads, sidewalks, and bike trails.
Water & Natural Systems	Expand, protect, and improve green spaces and natural ecosystems	Water-efficient landscape standards	Plant trees and plants that are suitable for a warmer, drier planet, prioritizing use of drought-tolerant native plants (and controlling invasive plant, animal, and aquatic species). Utilize educational campaigns to encourage drought-resistant and native landscaping and design. Work with landscape companies and home owner associations to educate and incentivize drip irrigation and low fertilizer/pesticide management techniques.
Water & Natural Systems	Expand, protect, and improve green spaces and natural ecosystems	Tree preservation guidelines	Protect tree canopy and prevent tree loss by developing urban forestry and tree preservation guidelines. Offer tree-awareness campaigns and classes to educate the community, and develop tree planting demonstration programs. Support and encourage residents and property owners to plant the right tree in the right place.
Water & Natural Systems	Expand, protect, and improve green spaces and natural ecosystems	Natural habitat resilience	Increase water residence time, store water on landscape, conserve water, and protect water quality to increase aquatic habitat resilience to low summer water levels.

Water & Natural Systems	Expand, protect, and improve green spaces and natural ecosystems	Ecosystem services benefits	Explore opportunities (more likely on a small-scale basis) to quantify the benefits of natural systems and include these natural capital assets in community and development planning and cost-benefit assessments.
Waste & Materials Management	Reduce communitywide waste	Recycling requirements & education	Coordinate with Waste Management to develop requirements and educational programs to support recycling and composting. - Update requirements to ensure that new buildings include sufficient space for recycling and compost bins. - Develop and implement an educational campaign to support the phase-in of requirements for residential and commercial recycling and composting from WA's 2022 Organics Management Law. Work with building owners, renters, businesses, and all community members to educate about the requirements and how they can take action.
Waste & Materials Management	Reduce communitywide waste	C&D waste diversion and recycling	Coordinate with Waste Management to adopt local Construction & Demolition (C&D) waste diversion guidance or requirements to reduce emissions related to construction; develop and implement a policy and program for recycling C&D waste by a designated date.
Waste & Materials Management	Reduce communitywide waste	Landfill waste reduction target	Coordinate with Waste Management to set a target percentage reduction in waste disposed of in landfills, and a date to achieve that target.
Waste & Materials Management	Reduce communitywide waste	Use Food Well Washington Plan review	Coordinate with Waste Management to conduct a thorough review of the Use Food Well Washington Plan to determine which recommendations make sense for implementation in Lake Stevens. As part of this review, identify the priority level for different recommendations.
Waste & Materials Management	Reduce communitywide waste	Support community reuse and waste reduction	Coordinate with Waste Management to support community reuse and waste reduction programs through grant funding and promotional communications. Some examples of programs may include "Buy Nothing" groups, tool libraries, food banks, and food rescue programs.
Waste & Materials Management	Reduce municipal waste	Single-use plastics ban	Set standards for recycling and purchasing of materials. Improve city consumption of recycled or post-recycling materials.
Waste & Materials Management	Reduce municipal waste	Waste management training for City staff	Train and educate City staff on waste management. Improve signage throughout City offices and facilities related to trash, recycling, and compost and hold annual trainings with all staff on responsible waste management.
Community Resiliency & Adaptation	Improve community resilience by increasing capacity to respond to future climate impacts	Emergency management planning	Review and update Lake Stevens' emergency management plans to ensure readiness to respond to climate emergencies. Emergency management plans might include developing additional air shelters, cooling centers, or resilience hubs in case of extreme weather events; developing emergency communication materials; and partnering with community members, other agencies, and community-based organizations to ensure equitable access to education and resources related to emergency preparedness and response.
Community Resiliency & Adaptation	Improve community resilience by increasing capacity to respond to future climate impacts	Review City standards, codes, and guidelines with climate lens	Conduct a review of City standards, guidelines, and codes with a climate change lens. Update standards, guidelines, and codes as needed to plan for climate impacts and improve citywide resilience (e.g., encourage green stormwater infrastructure and retrofits, tree planting and retention, and other adaptation strategies).

Community Resiliency & Adaptation	Improve community resilience by increasing capacity to respond to future climate impacts	Vulnerability Assessment	Conduct a community vulnerability assessment to better understand the specific climate risks Lake Stevens is facing, identify vulnerable infrastructure and community groups, and better prioritize resilience and adaptation actions.
Community Resiliency & Adaptation	Improve community resilience by increasing capacity to respond to future climate impacts	Adaptation incentives	Advocate for, support, and utilize state and federal adaptation incentive and rebate programs that help and fund adaptation upgrades or retrofits (e.g., installation of green roofs, cool pavement, ceiling fans, air filters).
Community Resiliency & Adaptation	Improve community resilience by increasing capacity to respond to future climate impacts	Resilience hubs	Support the development of "resilience hubs," which provide public access to cooling, warming, and clean air, especially in the face of climate emergency events. Consider using City facilities as resilience hub locations and/or partner with other agencies and community-based organizations to host hubs.
Community Resiliency & Adaptation	Improve community resilience by increasing capacity to respond to future climate impacts	Filter fan education	Implement education programs in collaboration with Puget Sound Clean Air Agency and other local or regional organizations to train community members on making DIY filter fans.
Community Resiliency & Adaptation	Encourage climate and environmental education and awareness	Community gardens	Provide financial and technical support to community-based organizations to expand and add community gardens throughout Lake Stevens. Support increased community gardening access and education to underserved communities, including building and maintaining gardens near low-income apartments and providing classes or opportunities to learn more about sustainability and gardening. Support the development of community gardens at community buildings, churches, and multi-family properties.
Community Resiliency & Adaptation	Encourage climate and environmental education and awareness	Youth climate education program	Collaborate with Lake Stevens School District to disseminate information for a climate and environmental education program. Initiatives could include curriculum development, climate challenges or pledges, school garden planning and development, and educational campaigns.
Community Resiliency & Adaptation	Implement the CMP	Working groups	Establish 2 working groups/task forces to implement the CAP. - Establish a working group or "Green Team" with City staff members from all key implementation departments and divisions to implement the CMP, make decisions on action prioritization and implementation, and draft policies and other guidance documents. - Establish a working group or task force with community members from different city demographics (age, race/ethnicity, income, line of work). The working group can coordinate with City staff and the City "Green Team" to support action implementation and take ownership over community-centric CMP actions. The working group can also connect City staff with local community-based organizations and businesses.

External Agency Strategies & Actions

Action Information

Focus Area	Strategy	Action Short Name	Action Description
Buildings & Energy	Use cleaner energy sources	Home electrification program	In collaboration with utilities and local jurisdictions, develop a residential home energy program to provide education, technical assistance, and financial assistance to replace gas and oil heating systems with electric heat pumps, improve home efficiency, and install renewable energy systems. Options include a rebate program, bulk-purchase retrofit campaign, or other financing mechanism. Explore, identify, and develop funding sources to support building electrification programs and discourage fossil-fuel use. Explore both grant funding and local taxes on fossil-fuel sources to fund electrification and weatherization assistance for low- and middle-income households.
Water & Natural Systems	Use less water and improve water management	Water Storage	Provide back-up water supplies during droughts and support climate resilience by constructing new water storage systems (e.g. large cisterns, water towers, and reservoirs).
Waste & Materials Management	Reduce communitywide waste	Recycling requirements & education	Develop requirements and educational programs to support recycling and composting. - Update requirements to ensure that new buildings include sufficient space for recycling and compost bins. - Develop and implement an educational campaign to support the phase-in of requirements for residential and commercial recycling and composting from WA's 2022 Organics Management Law. Work with building owners, renters, businesses, and all community members to educate about the requirements and how they can take action.
Waste & Materials Management	Reduce communitywide waste	C&D waste diversion and recycling	Adopt local Construction & Demolition (C&D) waste diversion guidance or requirements to reduce emissions related to construction; develop and implement a policy and program for recycling C&D waste by a designated date.
Waste & Materials Management	Reduce communitywide waste	Landfill waste reduction target	Set a target percentage reduction in waste disposed of in landfills, and a date to achieve that target.
Waste & Materials Management	Reduce communitywide waste	Use Food Well Washington Plan review	Conduct a thorough review of the Use Food Well Washington Plan to determine which recommendations make sense for implementation in Lake Stevens. As part of this review, identify the priority level for different recommendations.
Waste & Materials Management	Reduce communitywide waste	Support community reuse and waste reduction	Support community reuse and waste reduction programs through grant funding and promotional communications. Some examples of programs may include "Buy Nothing" groups, tool libraries, food banks, and food rescue programs.
Waste & Materials Management	Reduce municipal waste	Municipal electronics management	Develop guidelines around responsible electronics purchasing and disposal. Consider purchasing refurbished electronics where viable or develop guidelines for environmentally preferable brands and attributes of electronics (potentially as part of the Sustainable Purchasing Policy). Donate or properly recycle electronics when the City is ready to dispose of them.

Community Resiliency & Adaptation	Encourage climate and environmental education and awareness	Youth climate education program	Collaborate with Lake Stevens School District to disseminate materials climate and environmental education program. Initiatives could include curriculum development, climate challenges or pledges, school garden planning and development, and educational campaigns.
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DRAFT

Attachment 2

PLANNING COMMISSION MEETING MINUTES



Hybrid-Online or in the Mill

3-1-23

CALL TO ORDER:	6:00 pm by Chair Mike Duerr
MEMBERS PRESENT:	Chair Mike Duerr, Vice Chair Jennifer Davis, Todd Welch, Linda Hoult, Connor Davis, and Janice Huxford
MEMBERS ABSENT:	None
STAFF PRESENT:	Community Development Director Wright, Senior Planner Schmidt, Senior Planner Place, Clerk Cody Schwindt and Clerk Jennie Fenrich
OTHERS PRESENT:	Councilmember Ryan Donahue

Chair Duerr called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Roll Call: All present

Guest business: None

Action Items: Minutes for January 18, 2023, motion to approve made by Commissioner Hoult, seconded by Commissioner Welch with one addition (6-0-0-0).

Commissioner Welch made a motion to approve, Commissioner Huxford seconded February 15, 2023, the minutes with one addition. (6-0-0-0).

Discussion Items: Senior Planner Place introduced the Climate Mitigation plan. Gretchen Muller of Cascadia Consulting Group gave a presentation on the Climate Mitigation Plan Update. She shared that the goal of this exercise is to identify strategies and actions for meeting Lake Steven’s climate and equity goals, align with state greenhouse gas reduction goals and to incorporate climate change policy into the 2024 Comprehensive Plan update. She shared the outline of how the planning process will proceed for the Plan, with the ultimate goal of adoption of the final ordinance and proposed actions. The timeline to have this plan completed by June 30, 2023, was presented. The Commission provided the following feedback to the consultant and staff on the draft strategies and actions that were presented:

- Significant cost increases for people live in town - drive up cost of first-time homeownership
- P.9 - home electrification - grant funding and local taxes on fossil fuels - leading with stick and not carrot – prefer carrot

- Replacing systems as go offline and need to be replaced - love this approach
- Renewable energy credits - wants more information on this
- Aviation - not necessarily need to talk about it – seems irrelevant to Lake Stevens
- Adoption will come in form of affordability – the more affordable something is, the greater the likelihood for it to be adopted
- Want more trees - development continues to take down trees
- Own local recycling company - recyclable hauler - now only independent recyclable hauler - would ask that mammoths not only ones included- look at independent companies that are in these spaces
- Strategies/actions need to be fluid and flexible – keep in mind local businesses
- Cost of construction putting undue burden on housing stock - don't want to be in direct conflict with affordable housing
- Incentivizing solar - solar potential - cost-benefit analysis - not good investment - cost outweighs benefit (solar where appropriate)
- Look for central location to recycle/have recycle drop-off (had to drive out in county recently to recycle)
- Transportation focus area
 - Developing pedestrian and bike plan - dovetails with other goals for community - livability - co-benefit with climate - nice element for other goals too. Top priority for two Commissioners.
 - Emphasizing incentives as opposed to stick (disincentives)

Senior Planner Christi Schmidt presented the Lake Stevens Industrial Center work session for draft plans to the area. Mackenzie and EconNorthwest have done an analysis on the Industrial Area and provided their options for development. It was noted by the consultants the good news that rents are up and vacancies are down in the area. Their research shows our Industrial area will be most suitable for businesses like wood working, metal shops, cabarets and similar and will most likely be Built to Suit development. The Commissioners were asked for their feedback. Commissioners want to make sure the connectivity to the Centennial Trail and bike/walking paths are considered. Concerns with Marijuana odor was brought up, and how it will be a deterrent to developers. Director Wright has presented these findings to the City Council during their retreat.

Commissioner Report: Commissioner Huxford gave thanks to City Engineer Kim Klinkers for the work Public Works has been doing to try to reduce the speeding on South Lake Stevens Rd. She also cautions the Commission to watch HB1110 and is worried how it will affect our city and growth.

Director Report: Director Russ Wright reported there are multiple bills being discussed that will affect growth management. Director Wright expects middle housing objectives will pass.

Adjourn: Commissioner Hoult moved to close the meeting, seconded by Commissioner Welch to adjourn the meeting at 7:47 p.m. On vote the motion carried (6-0-0-0).

Jennie Fenrich, Planning Commission Clerk

CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: Ordinance 1157 Amending LSMC Title 10 Parks and Recreation

Contact Person/Department: Sarah Garceau, Parks Department

Budget Impact: 0

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Approve Ordinance 1157 to amend Title 10 for Parks and Recreation.

SUMMARY/BACKGROUND:

The Parks and Recreation Department is requesting updates to the Lake Stevens Municipal Code, Title 10. These updates will help provide clarification on the intent of the code and provide greater flexibility to park users in some areas of recreation. Some of these updates came from staff observation of how parks are being used, in addition to ensuring that the code is written for current trends in parks and recreation.

An overview of changes are as follows:

- Updating the Department from "Planning and Community Development" to "Parks and Recreation".
 - Adding and updating wording throughout the code for clarification.
 - Adding 10.03.025 "Adoption of Rules and Regulations by Director".
 - Update 10.03.140 to allow portable propane barbeques.
 - Update 10.03.170 to clearly define what activities are required for permits and contracts
 - Update 10.03.180 to allow for temporary canopies up to 12 x 12 feet.
 - Update wording on how the code will be enforced - "Violations and Penalties" sections.
-

Title 10 of the Lake Stevens Municipal Code includes the following Chapters:

- 10.03 Park Rules and Regulations
- 10.04 General Provisions
- 10.08 Accidents and Enforcement
- 10.12 Restricted Areas and Obstructions
- 10.16 Swimming, Diving and Waterskiing Recreation
- 10.20 Operation of Watercraft
- 10.24 Equipment Requirements
- 10.28 Piers and Marinas
- 10.32 Nuisances and Debris
- 10.36 Miscellaneous

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Ordinance 1157 Amending Title 10
2. Title 10 - Parks and Recreation - Updates March 2023

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

ORDINANCE NO. 1157

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON AMENDING LAKE STEVENS MUNICIPAL CODE (LSMC) TITLE 10. ENTITLED “PARKS AND RECREATION”; UPDATING DIRECTOR TO BE CONSISTENT WITH THE FORMATION OF THE PARKS AND RECREATION DEPARTMENT; UPDATING VIOLATION AND PENALTY SECTIONS; UPDATING DEFINITIONS; ALLOWING FLEXIBILITY FOR PARK USES; CONSOLIDATING VAPING AND TOBACCO USE; REFERENCING TITLE 9 FOR NUDE SUNBATHING ENFORCEMENT; UPDATING SHORELINE TO INCLUDE ENTIRE LAKE AND OTHER WATER TO BE CONSISTENT WITH ANNEXATION; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY AND AN EFFECTIVE DATE.

WHEREAS, the City of Lake Stevens owns, operates and manages a number of public parks and outdoor recreation facilities within the City; and

WHEREAS, the City has the authority to regulate conduct within public parks in the City, and has enacted such regulations in LSMC Title 10; and

WHEREAS, the City Council has formed a Parks and Recreation Department; and

WHEREAS, the City Council has identified the need for enhanced efficiency; and

WHEREAS, the City annexed the entire lake shoreline; and

WHEREAS, the City has observed uses consistent with recreation and wishes to provide flexibility for those uses; and

WHEREAS, the City has observed a proliferation of new recreation forms and needs to update the definition of recreational wheeled devices; now, therefore,

THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 10 of the Lake Stevens Municipal Code is amended to read as follows:
See attached revision of the chapter.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force and effect five days after its publication in the City’s official newspaper.

PASSED by the City Council of the City of Lake Stevens this ____ day of March 2023.

Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:

First and Final Reading: March 14, 2023

Published: _____

Effective Date: _____

Greg Rubstello, City Attorney

TITLE 10

PARKS AND RECREATION

Chapters:

- 10.03 Park Rules and Regulations
- 10.04 General Provisions
- 10.08 Accidents and Enforcement
- 10.12 Restricted Areas and Obstructions
- 10.16 Swimming, Diving and Waterskiing Recreation
- 10.20 Operation of Watercraft
- 10.24 Equipment Requirements
- 10.28 Piers and Marinas
- 10.32 Nuisances and Debris
- 10.36 Miscellaneous

(Lake Stevens 3/19)

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Chapter 10.03

PARK RULES AND REGULATIONS

Sections:

- 10.03.010 Short Title
- 10.03.020 Definitions
- 10.03.025 Adoption of Rules and Regulations by Director
- 10.03.030 Construction of Provisions
- 10.03.040 Purpose
- 10.03.050 Hours
- 10.03.060 Posting Signs, Posters, and Notices
- 10.03.070 Damage to Park Property Unlawful
- 10.03.080 Animals at Large Prohibited
- 10.03.090 Horses Prohibited
- 10.03.100 Firearms and Explosives
- 10.03.110 Teasing, Annoying, or Injuring Animals Prohibited
- 10.03.120 Restriction on Vehicles
- 10.03.130 Depositing Refuse and Litter
- 10.03.140 Building Fires
- 10.03.150 Intoxicating Liquor and Drugs Prohibited
- 10.03.155 Smoking and Tobacco Use Prohibited
- 10.03.157 Vaping Prohibited
- 10.03.160 Camping
- 10.03.170 Selling Refreshments, Merchandise or Services for Recreational Rentals
- 10.03.180 Certain Vocations Prohibited
- 10.03.190 Practicing and Playing Certain Games
- 10.03.200 Permit for Assemblies and Events Required
- 10.03.210 Racing Regulations
- 10.03.220 Watercraft
- 10.03.230 Emergency Aid by Watercraft
- 10.03.240 Testing Vehicles Prohibited
- 10.03.250 Amplified Music and Public Address Systems
- 10.03.260 Adoption of Rules and Regulations by Director
- 10.03.270 Violation and Penalty

- 10.03.280 Reward for Assisting in Enforcing Chapter
- 10.03.290 Principal Offender Defined
- 10.03.300 Conflicts

10.03.010 Short Title.

This chapter shall constitute the “Park Rules and Regulations for the City of Lake Stevens” and may be cited as such. (Ord. 821, Sec. 2, 2009)

10.03.020 Definitions.

The terms used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

- (a) “Department” means the City of Lake Stevens ~~Planning and Community Development~~ Parks and Recreation Department.
- (b) “Director” means the Director of the ~~Planning and Community Development~~ Parks and Recreation Department for the City of Lake Stevens, or his or her designee.
- (c) Event. Refer to Chapter 14.08.
- (d) Event Permit. Refer to Chapter 14.08.
- (e) “Park” means a site designed, developed or designated by the City for recreational use or activities by the public including, but not limited to:
 - (1) Indoor facilities, such as:
 - (i) Gymnasiums;
 - (ii) Swimming pools; or
 - (iii) Community and activity centers; and
 - (2) Outdoor facilities, such as:
 - (i) Sport fields;
 - (ii) Playgrounds;
 - (iii) Skate parks;
 - (iv) Docks, piers, boardwalks and fishing areas;
 - (v) Swim and beach areas;
 - (vi) Boat launches and marinas;
 - (vii) Parking lots; or
 - (viii) Gazebos, picnic shelters and related outdoor activity areas; and

- (3) Areas and trails for:
 - (i) Pedestrians;
 - (ii) Bicyclists; or
 - (iii) Dogs or equestrians; and
- (4) Any other public property or facility that the City has designed, identified or designated for recreational use or activities.
- (f) "Park Permit". A park permit allows for special park use, including gatherings, of by more than 50 people. A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than 100 persons, held in a City park, public property or facility, and that is not likely to cause a significant impact on the park, public property or facility or other property or facility users and the general public. Park permits are issued for events such as family reunions, birthday parties and other small group or organization meetings.
- (g) "Person" means all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.
- (g)(h) "Recreational wheeled device" means any device that has wheels, and is used for recreation, and is designed to propel the person using that device, which includes but is not limited to bicycles, skates and skateboards whether powered by gravity, hand, foot, pedal power, internal combustion or electric motor, whether it be stood on, sat upon or ridden in, including but not limited to bicycles, skate boards and scooters.
- (h)(i) "Smoking and tobacco use" means the carry- ing or smoking of any kind of lighted tobacco- containing pipe, cigarette, cigar, or the carry- ing or smoking of any other lighted smoking equipment using tobacco and any other chew- ing, tasting or ingesting of tobacco products.
- (h)(j) "Vape" or "vaping" means the use of a vapor product, or inhaling of vapor or aerosol from a vapor product.

(j)(k) "Vapor product" means any (1) device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or (3) solution or substance intended for use in such a device, including, but not limited to, concentrated nicotine. "Vapor product" includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos,

electronic pipes, vape pens, steam stones, or similar products or devices, as well as any parts that can be used to build such products or devices. "Vapor product" does not include any drug, device, or combination product approved for sale by the United States Food and Drug Administration that is marketed and sold for such approved purpose. (Ord. 1000, Sec. 1, 2017; Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 2, 2008)

10.03.025 Adoption of Rules and Regulations by Director.

The Director shall have the power, to promulgate and adopt rules and regulations consistent with the provisions of this chapter pertaining to the operation, maintenance and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations may include the establishment of hours during which any park or portion thereof, as designated by signs located within the designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department.

10.03.030 Construction of Provisions.

This chapter is declared to be an exercise of the police power of the City enacted for the public peace, health, safety and welfare. The provisions of this chapter shall be liberally construed to accomplish the purpose of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.040 Purpose.

Parks may from time to time be set aside by the City for park and recreational purposes. The City may organize public recreation programs consisting primarily of activities planned and directed by the ~~Planning and Community Development~~ Parks and Recreation Department. The Director of the ~~Planning and Community~~

~~Development~~ Parks and Recreation Department is authorized to contract with community groups to organize recreation activities in City parks that are open to the general public and for which a fee may be charged. (Ord. 821, Sec. 2, 2009)

10.03.050 Hours.

Park hours shall be 7:00 a.m. till dusk unless posted otherwise. Park hours may be extended as part of a permitted event or with prior written permission from the Director. No person shall enter or be present at a Lake Stevens park area after closing time. (Ord. 821, Sec. 2, 2009)

10.03.060 Posting Signs, Posters, and Notices.

(a) No person shall, without prior written permission of the Director, attach any notice, bill,

poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; provided, that the Director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

- (b) No person shall, without prior written permission of the Director, use, place, or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or place or erect in any park, a permanent or temporary structure of any kind; provided, that before granting permit, the Director shall establish general rules and regulations pertaining hereto, including provisions requiring removal, protecting City employees, the general public interest, and persons using City parks.
- (c) It is further unlawful for any person to distribute literature of any kind in any park within the City without first obtaining written permission to do so from the Director. The Director shall establish rules and regulations relating to the distribution of literature which may prohibit the distribution of literature of a purely commercial advertising nature and shall require the deposit with the City of a "litter" cleanup deposit in an amount to be determined by the Director prior to the issuance of any such written permit. (Ord. 821, Sec. 2, 2009)

10.03.070 Damage to Park Property Unlawful.

No person shall remove, destroy, or mutilate, injure, cut, disturb, misuse, or mark or write upon any structure or building, or any part of any structure or any building, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, or pick, alter, cut or remove any shrub, tree, fern, plant, flower, lighting system, or sprinkling system, or any other property lawfully located within a park area. (Ord. 821, Sec. 2, 2009)

10.03.080 Animals at Large Prohibited.

No person shall allow or permit any dog or other pet to run at large in any park or public property. Any person with a dog or other pet in his/her possession in any park or on public property shall be responsible for both the conduct of the animal, damage caused by the animal, and removal from the park or public property of feces deposited by such animal. Dogs or pets on park or public property must be on a leash of no more than eight feet in length, and under the control and direction of the owner or guardian, except;

- (a) Dogs used by public law enforcement agencies and under control of a law enforcement officer.
- (b) In areas specifically designated as "off-leash areas" by the Director and posted as such, for the exercising of pets. Dogs and pets must still be under the control and direction of the owner or guardian.
- (c) When exceptions or conditions are applied as part of a permitted event.
- (d) The Director may ban dogs and other pets from areas of any parks or public property where she or he determines the same may be a nuisance. The Director may ban dogs and other pets from areas of any park or public property during a permitted event or where organized public recreation activities may be conducted. (Ord. 821, Sec. 2, 2009)

10.03.090 Horses Prohibited.

No person shall permit any horse, except horses used by and under the control of a public law enforcement agency, to be in any park, whether at large or under the direct control of its rider, except in areas specifically designated by the Director and posted as such or as part of a permitted event. (Ord. 821, Sec. 2, 2009)

10.03.100 Firearms, Projectiles and Explosives.

No person shall shoot, fire, or explode any fireworks, firecrackers, torpedoes, or explosives of any kind or throw any projectiles, or shoot or fire

any firearm, air gun, bow and arrow, BB gun, or use any slingshot on any park properties except a law enforcement officer in the line of duty. The Director may issue a permit for the purpose of conducting a public fireworks display under RCW 70.77.260. The permit must meet the requirements of Section 9.64.030, Public Display of Fireworks. (Ord. 881, Sec. 1, 2013; Ord. 821, Sec. 2, 2009)

10.03.110 Teasing, Annoying, or Injuring Animals Prohibited.

No person shall tease, annoy, disturb, molest, catch, injure, kill, or throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird, or fowl. No person shall fish on the park properties except at areas designated by the Director and posted as such. No person shall feed any fowl or other wildlife in the park. ~~except in designated areas.~~ (Ord. 821, Sec. 2, 2009)

10.03.120 Restriction on Vehicles.

- (a) At all times and at all locations within any park, pedestrians shall enjoy the right-of-way over any motorized or unmotorized ~~vehicle, bicycle, tricycle, animal, skates, or skateboard~~ recreational wheeled device.
- (b) No person shall ride, drive, or operate any ~~bicycle, skates, or skateboard~~ recreational wheeled device in any area within any park where such activity is prohibited by means of posted notice. The Director is authorized to place the appropriate notice or notices at such times, and/or within such areas of any park which shall make it unlawful to ride, drive, or operate any bicycle, skates, or skateboard within such designated areas, according to the posted notice.
- (c) No motorized or nonmotorized vehicle or trailer shall be parked in a City park overnight unless part of an event for which an event permit has been issued and for which the Director has specifically addressed and conditioned as part of the permit. (Ord. 821, Sec. 2, 2009)

10.03.130 Depositing Refuse and Litter.

No person shall throw any refuse, litter, cigarette butts, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park area or trail, or deposit any waste or abandoned material therein except in designated receptacles. No person shall deposit any refuse not generated in parks in any receptacle within any park or upon any park properties. (Ord. 821, Sec. 2, 2009)

10.03.140 Building Fires.

No person shall build a fire in any park. Charcoal barbecues are prohibited except ~~for~~ in City-pro- vided barbecue grills, ~~which can be when used for cooking food.~~ Small portable propane barbecues no more than 36 inches in length or less than 30 inches in height are allowed for cooking food, provided they do not damage and endanger park property and are properly functioning (Ord. 821, Sec. 2, 2009)

10.03.150 Intoxicating Liquor and Drugs Prohibited.

- (a) No person shall bring into any park or consume by mouth, inhalation, or injection, or possess while in any park, any intoxicating liquor, narcotic, or dangerous drugs or consume by any method any material or substance (such as glue, for example) capable of producing a state of intoxication or euphoria; provided, however, that this section shall not be applied to any person consuming a drug obtained by such person by lawful prescription and taken pursuant to the medical direction of a licensed health care practitioner; further provided, the Director or designee may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor and Cannabis Board subject to reasonable conditions. Any application for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit, (Lake Stevens 1/18)

the Director may apply restrictions reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance.

(b) Alcohol may be served or sold within a fully enclosed City building pursuant to an approved rental agreement or event permit that includes permission by the Director or designee and ~~a permit~~must comply with all rules and requirements of permit or license issued by the Washington State Liquor and Cannabis Board. (Ord. 1083, Secs. 1, 2, 2020; Ord. 821, Sec. 2, 2009)

10.03.155 V a p i n g , Smoking and Tobacco Use Prohibited.

Vaping, sSmoking, marijuana and tobacco use are prohibited in all City parks under the control and jurisdiction of the City. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 1, 2008)

~~10.03.157 Vaping Prohibited.~~

~~No person may vape or use a vapor product in any public playground, park, beach, athletic field, trail and/or other similar public facility owned by or under the control and jurisdiction of the City. (Ord. 1000, Sec. 2, 2017)~~

10.03.160 Camping.

~~It~~As provided in Chapter 9.80 of this code, it is unlawful for any person or group of persons to camp out in any park except at places set aside for such purposes by the Director and so designated by signs. (Ord. 821, Sec. 2, 2009)

10.03.170 Selling Refreshments, Merchandise, Services or ~~Services for~~ Recreational Rentals.

(a) No person or organization shall ~~sell refreshments, merchandise, services or provide services for recreational rentals~~perform the activities set forth below in any park without first entering into a concession contract with the City according to the rules and regulations established by the Director or unless commercial sales are in conjunction with an event for which an event or park permit ~~per mit~~ has been issued pursuant

to 14.16C.065.-

- (b) Operating a fixed or mobile concession or event or traveling exhibition.
- (c) Soliciting , selling, offering for sale, peddling, hawking, or vending any goods or services.
- (d) Advertising any goods or services.
- (e) Filming, recording, or photographing for commercial purposes without authorization from the Director.
- (f) Conducting classes or organized competitions.
- (g) Distributing any commercial circular notice, leaflet, pamphlet or printed material of any kind in structure or building. These facilities are not public forums or limited public forums and are designated solely to the specific purposes for which they are dedicated.
- (h) Entering upon, using or traversing any portion of a park for commercial purpose, including fund raising and/or fund solicitation.
- (a)(i) Attaching or securing to any vehicle or structure any commercial circular notice, leaflet, pamphlet or printed material of any kind.
- (b)(j) To be eligible to sell goods or services the business/individual must address and comply with the provisions of Section 14.16C.065.
(Ord. 954, Sec. 1, 2016; Ord. 821, Sec. 2, 2009)

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10.03.180 Certain Vocations Prohibited.

- (a) No person shall take up collections for any purpose nor solicit for any services or products with the exception of approved concessions that follow the process provided for in Section 10.03.170.
- (b) No person shall hold, operate or conduct a circus, carnival, or traveling exhibition on any park property, except such activities as may be a regular part of the parks and recreation program, without first obtaining a written permit from the Director or except as part of an event for which an event permit has been issued.
- (c) Except as provided in Sections 10.03.040 and 10.03.170, it is unlawful for persons to conduct activities in a City of Lake Stevens park area for ~~private voluntary~~ personal gain ~~(profit)~~.
- (d) No person shall use a metal detector in any City park without written permission of the Director.
- (e) Except as part of an event or an approved concession for which an event permit has been issued or contract executed:
 - (1) No person shall erect a canopy, tent, shelter or other temporary or permanent structure in a City park. Except temporary canopies up to 12 feet by 12 feet are allowed when properly weighted to prevent wind movement.
 - (2) No person shall operate an inflatable bouncy house, castle or similar type of apparatus in a City park or facility. (Ord. 954, Sec. 2, 2016; Ord. 821, Sec. 2, 2009; Ord. 797, Sec. 1, 2009)

10.03.190 Practicing and Playing Certain Games.

No person shall practice or play games in which objects are projected or air borne such as golf, baseball, volleyball, horseshoes, cricket, polo, lacrosse, archery, or hockey except at park areas set apart or designated for such purposes by the Director so as not to conflict with normal park usage. (Ord. 821, Sec. 2, 2009)

10.03.200 Permit for Assemblies and Events Required.

- (a) Except as provided elsewhere in this chapter, no person, group or organization shall hold, host or sponsor any organized event, assembly, meeting or other organized activity in a park that would likely attract 50 or more persons except as part of an event or activity for which a park or event permit has been issued.
- (b) A park permit is required for any activity, assembly, gathering, meeting or other organized activity, of more than 50 but less than ~~a~~ 100 persons, held in a City park or public property, or for uses determined by the Director, to be not commonly carried out in a park.
 - (1) A person or group desiring to hold, host, sponsor or organize such activity, as outlined above, shall apply for a park permit by filing a complete application with payment of all applicable fees (per the current City of Lake Stevens Fee Resolution) and all supporting and required documents with the City at least 14 days prior to the date on which the activity, assembly, gathering or meeting is to occur.
 - (2) Additional permits and fees (per the current City of Lake Stevens Fee Resolution) may be required to rent or lease additional park or public facilities.
- (c) An event permit is required for any person, group or organization desiring to host, sponsor or organize an event in the City of Lake Stevens likely to attract participants and spectators of 100 persons or more pursuant to Chapter ~~14.44~~ 14.16C.065 LSMC.
- (d) When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a manner that respects the liberty

of applicants and the public. (Ord. 821, Sec. 2, 2009)

10.03.210 Racing Regulations.

No person shall engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, or animal in any park area, without first obtaining an event permit to do so. Said permit will outline specified places and times designated for such activities by the Director upon his/her determination that:

- (a) Adequate provision has been made to ensure that the health and safety of participants and spectators of any activities will not be subject to undue hazard; and
- (b) Such activities will be conducted in such a manner as to minimize potential damage to public or private property. (Ord. 821, Sec. 2, 2009)

10.03.220 Watercraft.

No person shall have, keep, or operate any boat, float, trailer, raft, or other watercraft in or upon any bay, lake, slough, river, or creek within the limits of any park, or land on the shore bordering any park, except at places set apart by the [Planning](#) Director and designated by signs. No boat, float, trailer, raft, watercraft, motorized or nonmotorized vehicle will be parked or left overnight in any park, except as part of an event for which an event permit has been issued. (Ord. 821, Sec. 2, 2009)

10.03.230 Emergency Aid by Watercraft.

No person shall land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or lifesaving. The Director shall have the power to permit exceptions for special events. (Ord. 821, Sec. 2, 2009)

10.03.240 Testing Vehicles Prohibited.

No person shall operate any motor vehicle or motorcycle for the purpose of testing it, or ascertaining its fitness for service, along or upon any park drive, parkway, or park boulevard. (Ord. 821, Sec. 2, 2009; Ord. 491, 1995)

10.03.250 Amplified Music and Public Address Systems.

No person shall operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the [Planning](#) Director; provided, that the Director shall establish general rules and regulations pertaining thereto. Vehicle-operated portable radios, music and other media players are permitted on City-owned, operated or maintained property, provided they shall only be operated at a volume that does not allow the sound to be heard by a person with normal hearing that is more than 25 feet from the sound device, nor in any manner which unreasonably disturbs the peace of others as provided for in Chapter 9.56, Noise Control. (Ord. 821, Sec. 2, 2009; Ord. 551, 1997; Ord. 491, 1995)

10.03.260 Adoption of Rules and Regulations by Director.

The Director shall have the power to promulgate and adopt reasonable rules and regulations pertaining to the operation, management, and use of the parks, and shall post the same in conspicuous places in the parks. Rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. No person shall violate

or fail to comply with any park rule or regulation duly adopted and posted by the Director. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

10.03.270 Violation and Penalty.

Failure to comply with any provision of this chapter or violation of any provision of this chapter ~~is an infraction for the first offense and for a second offense within a 365-day period is subject to enforcement under Title 17 of this code title "Uniform Enforcement Code", including civil enforcement penalties in Chapter 17.60 and criminal penalties in Chapter 17.90.~~

- ~~(a) For the first offense the fee of such violation shall be set equivalent to the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.~~
- ~~(b) For the second offense, the fee of such violation shall be set equivalent to double the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.~~
- ~~(c) Third or subsequent offenses of this chapter in a 365-day period shall either be:
 - ~~(1) A misdemeanor subject to a jail term of not more than 90 days, a fine of not more than \$1,000, or both such fine and imprisonment; or~~
 - ~~(2) Subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code.~~~~
- ~~(d) Payment of a civil fine within three business days of the issuance of the notice of infraction issued under this chapter shall reduce the amount of the fine owing by 50 percent. (Ord. 821, Sec. 2, 2009; Ord. 771, Sec. 3, 2008; Ord. 604, Sec. 9, 1999; Ord. 491, Sec. 3, 1995)~~

10.03.280 Reward for Assisting in Enforcing Chapter.

The Director may offer, post, and pay a suitable reward not exceeding \$100.00 for information leading to the arrest and conviction of anyone violating the provisions of this chapter. (Ord. 821, Sec. 2, 2009)

10.03.290 Principal Offender Defined.

Anyone concerned in the violation of this chapter, whether directly committing the act of omitting to do the thing constituting the offense, or who aids or abets the same, whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense is, and shall be, a principal under the terms of this chapter, and shall be proceeded against and prosecuted as such. (Ord. 821, Sec. 2, 2009)

10.03.300 Conflicts.

All City ordinances shall be in force in all City parks. In the event of a conflict between this chapter and any other provisions of the Lake Stevens Municipal Code, this chapter shall control. (Ord. 821, Sec. 2, 2009; Ord. 491, Sec. 3, 1995)

Chapter 10.04

GENERAL PROVISIONS

Sections:

- 10.04.010 Short Title
- 10.04.020 Authorization - Waters Defined
- 10.04.030 Application - Provisions
Supplemental
- 10.04.040 Definitions
- 10.04.050 Public Employees - Compliance
Required
- 10.04.060 Application of Water Safety and
Watercraft Code - Exemptions
- 10.04.070 Public Health
- 10.04.080 Liability for Damages
- 10.04.090 Adoption of Statutes by Reference

10.04.010 Short Title.

This title shall constitute the “Water Safety and Watercraft” code of the City and may be cited as such. (Ord. 881, Sec. 2, 2013)

10.04.020 Authorization - Waters Defined.

- (a) The City, in the exercise of its police power, assumes control and jurisdiction over all waters within its limits.
- (b) As authorized by RCW 35A.21.090, the powers and jurisdiction of the City with boundaries adjacent to or fronting on any lake, or other navigable waters, shall extend into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such lake or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the City limits. (Ord. 881, Sec. 2, 2013)

10.04.030 Application - Provisions Supplemental.

The provisions of this title shall be applicable to all vessels and watercraft operating in the waters of the City. The provisions of this title shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith in the waters where such United States and state laws and regulations are applicable. (Ord. 881, Sec. 2, 2013)

10.04.040 Definitions.

For the purpose of this title:

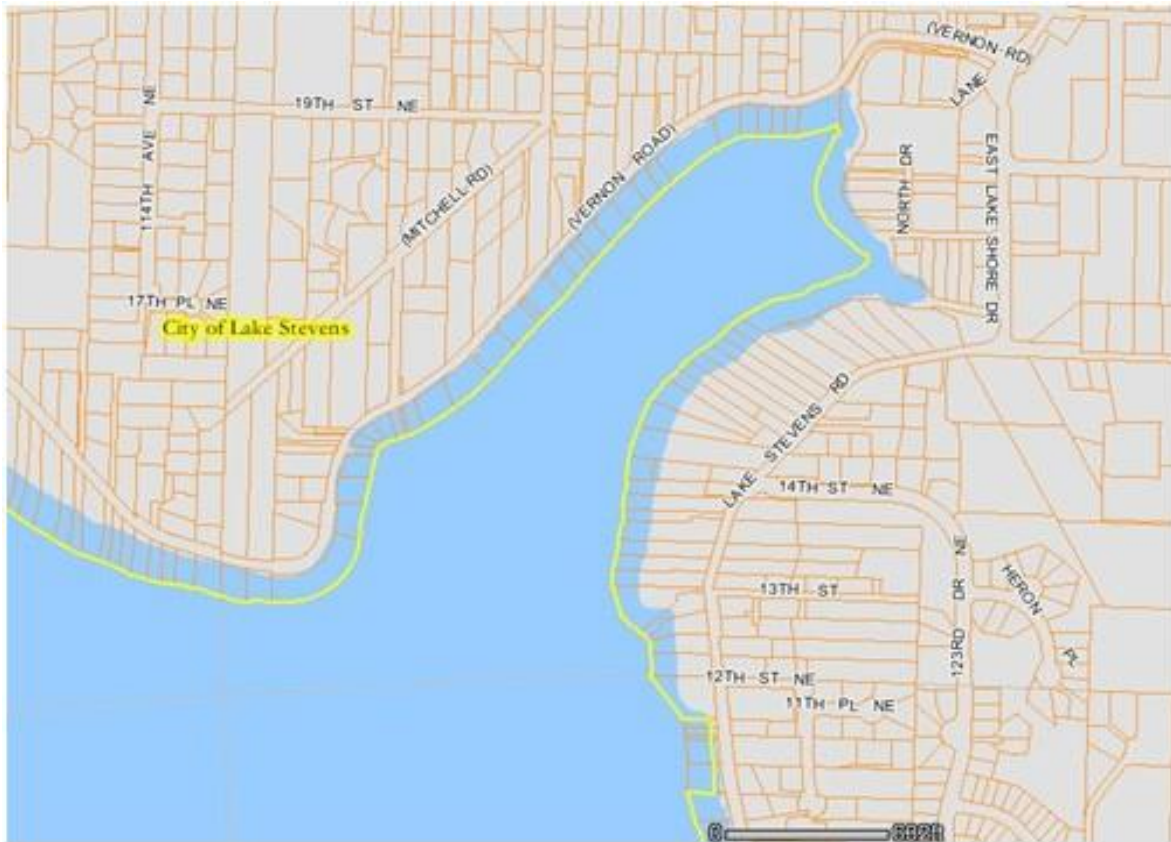
“Anchorage” means a designated position where vessels or watercraft may anchor or moor.

“Aquatic event” means any organized water event of limited duration which is duly sanctioned ~~at least seven days in advance~~ by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.

“Authorized emergency vessel” means any authorized vessel or watercraft of the Lake Stevens Police Department, Snohomish County Sheriff’s Department, Lake Stevens Fire, the United States government, and state and authorized patrol vessels, fire rescue boats or watercraft.

“Commission” means the State Parks and Recreation Commission.

“Cove” means that area of Lake Stevens set forth in the figure below including swim beach on northern shore:



“Darkness” means that period between sunset and sunrise.

“Diver’s flag” means a red flag, five units of measurement on the hoist by five units of measurement on the fly with a white stripe of one unit crossing the red diagonally, the flag to have a stiffener to make it stand out from a pole or mast. This flag shall only pertain to skindiving and SCUBA (self-contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver’s flag or marking. A unit of measurement shall not be less than two inches.

“Idling speed” means that speed of any motorboat while underway when its propulsion machinery is set at the machine’s lowest possible speed.

“Motor driven boats and vessels” means all boats and vessels which are self propelled.

“Muffler” or “muffler system” means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

“Observer” means the individual riding in a vessel who is responsible for observing a water skier at all times.

“Obstruction” means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation.

“Oil” means any oil or liquid, whether of animal, vegetable, mineral or chemical origin, or a mixture, compound or distillation thereof.

“Operate” means to steer, direct, or otherwise have physical control of a vessel that is underway.

“Operator” means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

“Owner” means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

“Personal flotation device” means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the [U.S. Coast Guard](#).

“Personal watercraft” means a vessel of less than 16 feet that uses a motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind, the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

“Pier” means any pier, wharf, dock, flat, grid-iron or other structure which promotes the convenient loading or unloading or other discharge from vessels or watercraft, or the repair thereof.

“Reckless” or “recklessly” means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

“Restricted area” means an area that is closed to all water traffic or where water traffic is regulated for the health, safety and welfare of the public.

“Safety marker” means a floating marker buoy owned by the City of Lake Stevens and anchored to the lake bottom, delineating an area from the shoreline waterward to the marker where vessels must not travel at a speed greater than idling speed or eight miles per hour, whichever is the lesser.

“Towboat” means any vessel or watercraft engaged in towing or pushing another vessel or watercraft.

“Underway” means that a vessel is not at anchor, or made fast to the shore, or aground.

“Vessel” includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

“Wake” means more than a six-inch swell in the water created by the movement of any watercraft.

“Water skiing” means the physical act of being [propelled or](#) towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device. (Ord. 1042, Sec. 1, 2018; Ord. 881, Sec. 2, 2013; Ord. 543, 1997; Ord. 453, 1994)

10.04.050 Public Employees - Compliance Required.

The provisions of this title shall apply to the operator of any vessel or watercraft owned by or used in the service of the United States government or of this state, or of any political subdivision thereof. (Ord. 881, Sec. 2, 2013)

10.04.060 Application of Water Safety and Watercraft Code - Exemptions.

The provisions of this title shall be applicable to the operation of any and all vessels or watercraft in the waters of the City, except that they shall not apply to any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law; provided, that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons using the waters of the City. (Ord. 881, Sec. 2, 2013)

10.04.070 Public Health.

All watercraft and vessels entering the waters of the City shall comply with the applicable public health laws and regulations of the United States,

the state, and its political subdivisions. (Ord. 881, Sec. 2, 2013)

10.04.080 Liability for Damages.

Nothing in this title shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure from any liability for damages. The safeguards to life and property required in this title shall not be construed as relieving any person from installing and maintaining any other safeguards which may be required by law. (Ord. 881, Sec. 2, 2013)

10.04.090 Adoption of Statutes by Reference.

The City of Lake Stevens hereby adopts and incorporates by reference the following sections of the Revised Code of Washington as presently enacted and as may be subsequently amended:

RCW 79A.60.020	Violations of chapter punishable as misdemeanor - Circumstances - Violations designated as civil infractions
RCW 79A.60.030	Operation of vessel in a negligent manner - Penalty
RCW 79A.60.040	Operation of vessel in a reckless manner - Penalty
RCW 79A.60.080	Failure to stop for law enforcement officer
RCW 79A.60.100	Enforcement - Chapter to supplement federal law
RCW 79A.60.110	Equipment standards - Rules - Penalty
RCW 79A.60.120	Tampering with vessel lights or signals - Exhibiting false lights or signal - Penalty
RCW 79A.60.130	Muffler or underwater exhaust system required - Exemptions - Enforcement - Penalty
RCW 79A.60.140	Personal flotation devices - Inspection and approval - Rules

RCW 79A.60.150	Failure of vessel to contain required equipment - Liability of operation or owner - Penalty
RCW 79A.60.160	Personal flotation devices required - Penalty
RCW 79A.60.170	Water skiing safety - Requirements
RCW 79A.60.180	Loading or powering vessel beyond safe operating ability - Penalties
RCW 79A.60.190	Operation of personal watercraft - Prohibited activities - Penalties
RCW 79A.60.200	Duty of operator involved in collision, accident, or other casualty - Immunity from liability of persons rendering assistance - Penalty
RCW 79A.60.210	Casualty and accident reports - Confidentiality - Use as evidence
RCW 79A.60.220	Boating accident reports by local government agencies - Investigation - Report of coroner
RCW 79A.60.230	Vessels adrift - Owner to be notified
RCW 79A.60.500	Uniform waterway marking system
RCW 88.02.550	Registration and display of registration number and decal required - Penalty - Exemptions
RCW 88.02.790	Vessel dealer display decals - Use

(Ord. 881, Sec. 2, 2013)

Chapter 10.08

ACCIDENTS AND ENFORCEMENT

Sections:

- 10.08.010 Accident - Reports
- 10.08.020 *Repealed*
- 10.08.030 Filing False Information and Concealment of Pertinent Facts
- 10.08.040 Duties of Lake Stevens Police Department
- 10.08.050 Aiding and Abetting Violation
- 10.08.060 Violation - Penalty

10.08.010 Accident - Reports.

- (a) Initial Accident Report. In the event of any boating accident in City waters which results in the death of any person, the disappearance of any person, injury to any person which requires medical treatment beyond first aid, damage to vessels and other property totaling \$2,000 or more, or if the vessel is a complete loss, the master, owner or operator of any involved vessel shall immediately report the same to the Lake Stevens Police Department.
- (b) Written Accident Report. In addition to subsection (a) of this section, the master, owner or operator of any involved vessel shall file a written Washington State boating accident report within 48 hours of any accident except for an accident involving death of a person, personal injury requiring medical attention beyond first aid, or disappearance of a person under circumstances that indicate death or injury from a vessel then within 24 hours of the accident.
- (c) Written Accident Report for All Other Accidents. For accidents not meeting the requirements in subsection (b) of this section, the master, owner or operator of any involved vessel shall file a written Washington State Boating Accident Report with the Lake Stevens

Police Department within 10 days of the occurrence or death for all other boating accidents. (Ord. 881, Sec. 3, 2013)

10.08.020 Reports Confidential - Inadmissible as Evidence.

Repealed by Ord. 881.

10.08.030 Filing False Information and Concealment of Pertinent Facts.

It is a violation of this title for any master, owner, operator or other occupants of any vessel or watercraft involved in a reportable accident under the provisions of this title or involved in any violation of this title to willfully and knowingly file false information with and/or conceal pertinent facts to the accident or violation from the persons duly authorized to investigate the accident or violation. This section shall constitute a separate violation and shall not preclude prosecution for the original violation or accident. (Ord. 881, Sec. 3, 2013)

10.08.040 Duties of Lake Stevens Police Department.

The duties of the Lake Stevens Police Department and such agencies or persons the City may contract with to enforce the provisions of this title shall be as follows:

- (a) To enforce the ordinances and regulations of the City upon the waters adjacent thereto;
- (b) To maintain patrols in the waters of the City for the protection of life and property including but not limited to the removal and disposition of drifting debris and nuisances from the waters of the City;
- (c) To investigate and report upon accidents in City waters;
- (d) To perform all necessary functions in connection with search and rescue in City waters;
- (e) To cooperate with the authorities of the United States, the state and its political subdivisions in the enforcement of the laws and regulations of

the United States, the state and its political subdivisions;

- (f) To designate, indicate the location of, and to patrol anchorage locations for vessels within areas set forth by the ordinances of the City. (Ord. 881, Sec. 3, 2013)

10.08.050 Aiding and Abetting Violation.

It is unlawful to counsel, aid or abet the violation of, or failure to comply with, any of the provisions of this title. (Ord. 881, Sec. 3, 2013)

10.08.060 Violation - Penalty.

Any person who violates or fails to comply with any provisions of this title shall be guilty of a misdemeanor unless otherwise stated herein. (Ord. 881, Sec. 3, 2013)

Chapter 10.12

- (1) Vessel, watercraft or obstruction made fast to any buoy, pier or other structure

RESTRICTED AREAS AND
OBSTRUCTIONS

Sections:

- 10.12.010 Restricted Areas and Markings
10.12.020 Obstructions - Moving of Same

10.12.010 Restricted Areas and Markings.

- (a) In the interests of safe navigation, life safety and the protection of property, the Chief of the Lake Stevens Police Department [and Parks Director](#) shall designate vessel restricted areas up to 100 feet away from any public swimming area; provided, that this section shall not apply to patrol or rescue craft or in the case of an emergency.
- (b) The Chief of Police [and Parks Director](#) shall be authorized to install buoys, designed in compliance with the State Uniform Waterway Marking System, in such locations on the waters of the City as the City Council may designate from time to time. Such buoys shall establish the boundaries of speed control area, swimmers only, or swimmer restricted areas; vessel-type restricted area; or other water and restriction zones within the waters of the City. Such boundaries shall become effective when the buoys, as designated, are installed. (Ord. 881, Sec. 4, 2013)

10.12.020 Obstructions - Moving of Same.

- (a) No master or person having charge of any vessel, watercraft or obstruction shall anchor the same fast to any buoy, pier or other structure owned by or under the authority and control of the City without first obtaining written permission from the Police Chief.
- (b) The Chief of Police or any duly authorized officer of the Department shall have the power to cause the removal of any:

- owned by or under the authority and control of the City;
- (2) Vessel, watercraft or obstruction lying at any pier in City waters, which is obstructing any slip or other vessel or watercraft.
- (c) No person shall fail to remove or refuse to remove any vessel, watercraft or obstruction after being requested to do so by any police officer. (Ord. 881, Sec. 4, 2013)

Chapter 10.16

SWIMMING, DIVING AND WATERSKIING RECREATION

Sections:

- 10.16.010 Operational Regulations for Waterskiing or Other Devices
- 10.16.015 Towing Skiers or Other Devices
- 10.16.020 Boat Direction
- 10.16.030 Restrictions on Hours of Operation of Vessels
- 10.16.040 Water Users - Swimmers
- 10.16.050 Water Users - Divers
- 10.16.060 *Repealed*
- 10.16.070 Private Buoys or Markers
- 10.16.080 Violation and Penalties

10.16.010 Operational Regulations for Waterskiing or Other Devices.

Due to the speed required for waterskiing and other recreational devices where a person or persons is being towed by or is attached to or using a vessel for propulsion including but not limited to tubing, knee boarding, wake boarding, etc., and the large area of the lake required for maneuvering vessels and person(s) being towed and the substantial interference with other water users, or danger of impact and wake damage presented to other water users and health hazards, the operation of vessels for towing water skiers and other devices is allowed only during daylight hours.

Unless conditions of the water, traffic congestion, weather, freedom from obstruction or view, or other circumstances demand greater distance, it shall be unlawful for any persons to waterski or use other devices:

- (a) Within 100 feet of any swimmer, bather, skin and/or SCUBA diver's flag or artificially illuminated marker buoys, other vessels, except for the towing vessel, floating objects except the waterward side of safety zone markers,

- jumps and slalom marker buoys, or other water persons being towed except those persons being towed by the same vessel;
- (b) Between the shoreline and a City designated safety buoy and/or safety buoy line except for launching and returning any persons being towed by a vessel approach within 100 feet of any shoreline, float or wharf, provided:
 - (1) While moving outward from any shoreline, float or wharf, said person(s) being towed by a vessel shall leave the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the right-hand side of the person(s) being towed by a vessel,
 - (2) While moving inward toward the shoreline, said person(s) being towed by a vessel shall approach the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the right-hand side of the water skier,
 - (3) That no launching or returning persons being towed by a vessel shall be allowed from a dock or shoreline without the owner's permission,
 - (4) That no launching or returning persons being towed by a vessel shall be allowed within 100 feet of a designated public swimming area, swimmer or wader,
 - (5) This provision does not create an additional 100 feet buffer area waterward of a safety buoy or marker. (Ord. 1042, Sec. 2, 2018; Ord. 881, Sec. 5, 2013)

10.16.015 Towing Skiers or Other Devices.

If towing a person on water skis or other devices, the vessel must be rated to carry at least the number of persons on board plus those being towed. You may not exceed the vessel's safe carrying capacity. (Ord. 1042, Sec. 2, 2018; Ord. 881, Sec. 5, 2013)

10.16.020 Boat Direction.

Any motor driven vessel or personal watercraft on the lake shall operate in a counterclockwise direction. No person(s) may be towed or use a vessel for propulsion except in a counterclockwise direction. (Ord. 1042, Sec. 2, 2018; Ord. 881, Sec. 5, 2013; Ord. 453, 1994)

10.16.030 Restrictions on Hours of Operation of Vessels.

- (a) Except as allowed in subsection (b) of this section, it shall be unlawful to operate any motor driven vessel or personal watercraft in excess of eight miles per hour, or such speed as to create a wake, whichever is less, within the cove area of Lake Stevens after 1:00 p.m. local time.
- (b) The following shall be exempt from the prohibitions of subsection (a) of this section:
 - (1) Vessels used in conjunction with a special event for which a special event permit has been issued and which specifically allows faster speeds.
 - (2) Emergency response vessels. (Ord. 881, Sec. 5, 2013; Ord. 529, 1996; Ord. 453, 1994)

10.16.040 Water Users - Swimmers.

- (a) Where waterskiing or other devices are permitted, the swimming, bathing and floating restricted area is any area more than 100 feet out into the lake from any shoreline when the operation of such waterskiing or similar activity is authorized.
- ~~(b)~~ Where waterskiing or similar activities are permitted, swimming, bathing and floating are permitted at distances greater than 100 feet from the shoreline if the swimmer is accompanied by and within 50 feet of said vessel and a skier-down flag is displayed on the vessel. (Ord. 1042, Sec. 2, 2018; Ord. 881, Sec. 5, 2013)

(b)

- (c) ~~(e)~~ Nude Sunbathing Prohibited— see 9.16.100

10.16.050 Water Users - Divers.

All persons engaging in diving shall mark the water areas where such operations are being conducted. Where such operations are being conducted during daylight hours, the water areas shall be marked with one or more diver's flags. Where such operations are conducted during the hours of darkness, the water area shall be marked with one or more artificially illuminated marker buoys of sufficient size and illumination to be visible at a distance of not less than 100 yards. No person shall display such markers except during the time and in the water areas where diving operations are actually being conducted. (Ord. 881, Sec. 5, 2013)

10.16.060 Swimming and Diving Prohibited Areas.

Repealed by Ord. 881.

10.16.070 Private Buoys or Markers.

- (a) It shall be unlawful for any person or nongovernmental agency to place any buoy or marker or other floating object within the jurisdiction of Lake Stevens, except as provided by this section.
- (b) Residential property owners, on Lake Stevens, with no dock may place a mooring buoy as near to the shore as practical and at least 10 feet from the property lines extended into the lake consistent with the Shoreline Master Program, Uniform Waterway Marking System (Chapter 352-66 WAC) and RCW 79.105.430. A second buoy to help secure moorage to the first buoy is allowed. A separate private buoy or marker permit is required from the City. The buoys are also required to be authorized by the Washington State Department of Natural Resources and the authorization number placed on the buoy.
- (c) Waterskiing or similar activities which require the placement of buoys, jumps or floats will only be allowed when such fixtures are placed and maintained in accordance both with a valid and current aquatic lands use permit or

lease where such permits or leases are required by the Washington State Department of Natural Resources; valid and current HPA, or exemption, issued by the Department of Fish and Wildlife; and a private buoy or marker permit issued by the City of Lake Stevens. The City of Lake Stevens shall have no responsibility to establish or maintain such buoys, jumps or floats for waterskiing activities.

- (d) Use of temporary buoys, markers, jumps or floats for activities associated with a special event requiring a special event permit from the City do not require a separate private buoy or marker permit. However, the event sponsor shall contact the Department of Fish and Wildlife early in the review process to determine if an HPA is required for placement and use of the temporary facilities.
- (e) The ~~Planning~~ Director in consultation with the Chief of Police is hereby authorized to issue permits for private buoys or markers. The permit fee for such buoys or markers shall be set by the City Council by resolution. In deciding whether or not to issue such a permit the ~~Planning~~ Director and Chief of Police shall consider the purpose and the location of the proposed buoys or markers, the proximity of the proposed buoys or markers to the shoreline, adjacent property, other buoys and markers, traffic congestion hazards to navigation, regulations in the Shoreline Master Program, and any other issue bearing on public safety and health. A denial of a permit application shall be done in writing setting forth the factors which the ~~Planning~~ Director and Chief of Police considered and the reasons for the denial.
- (f) In the event the ~~Planning~~ Director and Chief of Police deny an application the proponent can appeal the decision pursuant to Chapter 14.16A.
- (g) When found to be in violation of this chapter, pursuant to Title 17, no person shall fail to remove or refuse to remove any obstruction or

buoy after being requested to do so by any police officer or code enforcement officer. (Ord. 1042, Sec. 2, 2018; Ord. 881, Sec. 5, 2013)

10.16.080 Violation and

Penalties.

~~Failure to comply with any provision of this chapter or violation of any provision of this chapter is subject to enforcement under Title 17 of this code title "Uniform Enforcement Code", including civil enforcement penalties in Chapter 17.60 and criminal penalties in Chapter 17.90. A violation of any section of this chapter shall be an infraction punishable by a fine of up to \$250.00 per violation; provided, however, that any person who commits two infractions of this chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such. (Ord. 881, Sec. 5, 2013)~~

Chapter 10.20

OPERATION OF WATERCRAFT

Sections:

- 10.20.010 Boat Launching Prohibited at Public Beach
- 10.20.020 Vessel Operators -- Age Restrictions
- 10.20.030 Vessel Operators -- Minimum Crew
- 10.20.040 Rules of the Road
- 10.20.050 Speed -- General Regulations
- 10.20.060 Speed -- Hours of Darkness
- 10.20.070 Speed
- 10.20.080 Speed Regulations -- Special Circumstances
- 10.20.090 Motorboats -- Right-of-Way
- 10.20.100 Vessel operation -- Overloading
- 10.20.110 Yielding Right-of-Way to Authorized Emergency Vessels
- 10.20.120 Aircraft
- 10.20.130 Inattention
- 10.20.140 Interference with Navigation or Disturbing Other Boats
- 10.20.145 Public Nuisance Noises Emanating from Watercraft
- 10.20.150 Intoxication -- Impounding
- 10.20.160 Incapacity of Operator
- 10.20.170 License Required
- 10.20.180 Violation and Penalties

10.20.010 Boat Launching Prohibited at Public Beach.

It shall be unlawful for any motor driven vessel to be launched, operated or retrieved from the water at a public beach.

10.20.020 Vessel Operators - Age Restrictions.

- A. No person under the age of fourteen (14) years shall operate any motor boat powered by an engine of ten horsepower or more unless such person is accompanied by a person who is over the age of sixteen (16) years.

- B. No person owning or in charge of any motor boat powered by an engine of ten horsepower or more shall permit any person under the age of fourteen (14) years to operate such a motor boat unless the underage child is accompanied by a person who is over the age of sixteen (16) years.

10.20.030 Vessel Operators -- Minimum Crew.

- (a) Every vessel towing water skiers, other similar devices attached to or towed by a vessel either stationary or moving requiring propulsion shall carry an observer in addition to the operator. Such observer shall be a minimum of 10 years of age, and shall have the duty of keeping a lookout for hazards to, or created by, the tow and of reporting same to the operator.
- (b) All persons in motorboats traveling in excess of eight miles per hour shall remain seated, unless such vessel is specifically designed for persons to not be seated while underway. (Ord. 1042, Sec. 2, 2018)

10.20.040 Rules of the Road.

Except as otherwise specified in this title, vessels shall be subject to the "Navigation Rules, International -- Inland, CG 169, May 1, 1977" promulgated by the United States Coast Guard pursuant to Act of Congress, as such rules are now or hereafter be amended or updated; and provided further that sailing vessels or other watercraft, while engaged in a sanctioned or authorized race, predicted log race, regatta or similar event, shall be subject to the applicable rules for such event including, but not limited to, differing right-of-way rules.

10.20.050 Speed -- General Regulations.

- A. No person shall operate any vessel in other than a careful and prudent manner or at a rate of speed greater than is reasonable and proper under the conditions existing at the time and point of operation, taking into account the con-

dition of the water, amount and character of traffic and congestion, weather, size and configuration of the Lake, freedom from obstruction to view around or other circumstances so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person.

- B. Operating a watercraft in excess of the posted speed limit shall be prima facie evidence of reckless operation of a watercraft.

10.20.060 Speed -- Hours of Darkness.

It shall be unlawful for any person to operate any vessel at a speed greater than eight (8) miles per hour during hours of darkness.

10.20.070 Speed.

It shall be unlawful for any person to operate a motorboat at a speed greater than 35 miles per hour. (Ord. 1042, Sec. 2, 2018)

10.20.080 Speed Regulations -- Special Circumstances.

- (a) Unless conditions of the water, traffic and congestion, weather, size and configuration of the Lake cover area, freedom from obstruction to view, or other circumstances demand greater distance and/or slower speed, no person shall operate any vessel:
- (1) At a speed greater than idling speed or eight miles per hour, whichever is the lesser, within 100 feet of any swimmer, skin and/or scuba diver's flag or artificially illuminated marker buoy, other vessel, floating objects, except the waterward side of jumps and slalom marker buoys or water skier or other person being towed by or attached to a vessel, except when being towed by said vessel;
 - (2) In any water area designated as a public "swimming only" area, or as a "vessel prohibited" area, except this provision

does not apply to vessels actually used in their rescue of persons in distress;

- (3) At a speed greater than idling speed or eight miles per hour, whichever is the lesser, within 100 feet of any shoreline, float, or wharf, or between the shoreline and the safety buoy and/or safety buoy line except as provided in subsection (b) of this section.
- (b) For the purpose of launching and returning any water skier or other person being towed by or attached to a vessel and only for such purpose, any vessel towing said person(s) may be operated within 100 feet of any shoreline, float, or wharf, or in the water area of the Lake between the shoreline and a safety buoy and/or safety buoy line; provided, that:
 - (1) While launching or returning, said vessel moves at a speed not greater than 35 miles per hour;
 - (2) While moving outward away from the shoreline, float or wharf, said vessel shall leave the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the starboard side of said vessel;
 - (3) While moving inward toward the shoreline, float or wharf, said vessel shall approach the shoreline at an angle of not less than 45 degrees nor more than 60 degrees with the shoreline on the starboard side of said vessel;
 - (4) That after any returning water skier or other person being towed releases the tow rope of said vessel, said vessel shall move at a speed not greater than idling speed or eight miles per hour, whichever is the less;
 - (5) That no launching or returning person(s) being towed shall be allowed from a dock or shoreline without the owner's prior permission;
 - (6) That no launching or returning person(s) being towed shall be allowed within 100

feet of a designated swimming area or swimmer, wader or scuba diver; and

Provided, further that if water ski launch floats or jumps be provided for the launching or use of water skiers, the City Council may regulate use operations to and from such floats or jumps.

Provided further, that nothing herein shall require the City of Lake Stevens to install, mark or maintain such flats or jumps. (Ord. 1042, Sec. 2, 2018)

10.20.090 Motorboats - Right-of-Way.

Every motorboat shall at all times yield right-of-way to sailboats, rowboats, water skiers, swimmers and divers. Every motorboat shall yield to other motorboats in accordance with the "Inland Steering and Sailing Rules" promulgated by the United States Coast Guard.

10.20.100 Vessel Operation -- Overloading.

No person shall operate, or being owner or in charge shall authorize any person to operate, any vessel loaded with passengers or cargo which exceeds the particular vessel's maximum safe loading capacity. In addition to penalties which are provided for the unlawful operation of such vessels, the officer may require that any such overloaded vessel immediately put to shore to lighten its load.

The maximum safe loading capacity of any vessel shall be determined by the officer, taking into consideration the size, configuration, construction, type and condition of the particular vessel; provided, that where the manufacturer of any vessel has specified the maximum safe loading capacity for the particular vessel, such specified maximum shall be considered the maximum safe loading capacity of the particular vessel for the purposes of this title.

Provided, further, that in the absence of capacity plates, the following formula may be considered:

A. First, a check of the number of persons.

$$\frac{L \times B}{15} = \text{number of persons}$$

L = Overall length

B = Maximum width (both dimensions in feet and tenths of a foot). The result taken to the nearest whole number gives the number of persons that can be put aboard without crowding in good weather conditions.

B. Second, the weight-carrying capacity shall be ascertained by determining the allowable weight in pounds from the expression:

$$7.5 \times L \times B \times De = \text{pounds for persons, engine, fuel and equipment}$$

L = Overall length

B = Maximum width

De = Minimum effective depth of the boat

Measure "De" at the lowest point that water can enter. This takes account of low transom cut-outs or credits an acceptable engine well. All dimensions are in feet and tenths of a foot.

The weather and water conditions shall also be taken into account. If the water is rough, the number of persons carried shall be reduced.

10.20.110 Yielding Right-of-Way to Authorized Emergency Vessels.

It shall be the duty of the master, owner or operator of a vessel or watercraft to reduce speed and if necessary stop ~~his~~^{their} vessel or watercraft, at the same time yielding right-of-way as otherwise specified in this title, upon the approach of an authorized emergency vessel or watercraft displaying an emergency light and/or sounding a siren and while actually responding to an emergency or in immediate pursuit of any violator of the law.

10.20.120 Aircraft.

- A. All vessels or watercraft shall keep clear of seaplanes landing within any area now or hereafter set aside by law for such purpose.
- B. All aircraft must comply with the Civil Air Regulations (14 CFR 91.69) as now enacted or hereafter amended which govern seaplanes upon the navigable water of the United States and conform with the Inland Rules of CG-169 applicable to vessels.

10.20.130 Inattention.

It is unlawful for any operator of a watercraft, vessel or personal watercraft to operate such craft in an inattentive manner. For the purpose of this section "inattentive" means operation of the watercraft or vessel in a lax or slack manner.

10.20.140 Interference with Navigation --
Disturbing Other Boats.

- A. No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation in the waters of the City.
- B. No person shall operate any watercraft in such a manner as to unjustifiably or unnecessarily annoy, frighten or endanger the occupants of any other watercraft, or throw up a dangerous wake when approaching another watercraft or other property.

10.20.145 Public Nuisance Noises Emanating
from Watercraft.

- (a) Watercraft Noise. The use or operation of any audio system such as radio, tape player, disc player, portable media players, docking stations, or any other electronic sound reproduction device located on or within a watercraft being operated or moored on any public waterways or place accessible to the public, in such manner as to disturb the peace, and reasonable comfort and repose of persons, in their homes,

businesses, owners or possessors of real property on the waterway or public use area of the waterway is prohibited.

- (b) The operation of such audio system, such as radio, tape player, disc player, portable media player, docking stations or any other electronic sound reproduction device, from a watercraft in such a manner to be audible to those outside the watercraft at a distance of 100 feet or more from the source, as best that point can be estimated without the use of any distance-measuring device, regardless of the time of day, shall be prima facie evidence of a violation of this section.
- (c) And provided further, that vessels or watercraft participating in a City sponsored or permitted event in which watercraft participation is a planned element of the event shall not be in violation of this section.
- (d) Violation and Penalty.
 - (1) Failure to comply with any provision of this chapter or violation of any provision of this chapter is a civil infraction for first and second offenses occurring within a 365-day period. For the first and second offense the fee for such violation shall be set equivalent to the basic rule violation as set forth in the Justice Information System (JIS) Law Table as published by the Administrative Office of the Courts.
 - (2) Third or subsequent offenses of this chapter within a 365-day period shall either be a misdemeanor subject to a jail term of not more than 90 days, a fine of not more than \$1,000, or both such fine and imprisonment.
 - (3) Failure to comply with any provision of this chapter may also be subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code. (Ord. 881, Sec. 6, 2013)

10.20.150 Intoxication -- Impounding.

- A. Operating a motorcraft while under the influence. See 10.04.090.
- B. Permitting operation. It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor or any drug as defined in RCW 88.12.025.
- C. Whenever it appears reasonably necessary to protect property, an arresting officer may impound a watercraft or vessel when it cannot be otherwise secured or released. The arresting officer, in lieu of impound may release the watercraft to a person who, in the officer's opinion, can safely operate the watercraft or vessel or secure said watercraft or vessel to a moorage facility when same has been approved for such purpose. The owner or operator of the watercraft or vessel must sign a waiver of impound to allow the arresting officer an option other than impounding the watercraft or vessel.

10.20.160 Incapacity of Operator.

No owner or person in charge of a watercraft or vessel shall authorize or knowingly permit the same to be operated by any person who is physically or mentally incapable of operating the vessel or watercraft in a safe manner under the prevailing circumstances.

10.20.170 License Required.

- A. All vessels and watercraft operated or moored on the waters of the City or in the cove must be properly licensed and/or registered in accordance with applicable federal, state, county and local law or regulations. Vessels and watercraft required to be licensed and/or registered shall display appropriate decals and numbers showing such licensing and/or registration in accordance with WAC 308-93-140 and WAC 308-93-145.

- B. All vessels and watercraft required to be licensed and/or registered shall carry such certificate of license or registration in the vessel or watercraft and shall present same to any federal, state, county or local law enforcement officer upon request.

10.20.180 Violation and Penalties.

~~Failure to comply with any provision of this chapter or violation of any provision of this chapter is subject to enforcement under Title 17 of this code title "Uniform Enforcement Code", including civil enforcement penalties in Chapter 17.60 and criminal penalties in Chapter 17.90. A violation of any section of this Chapter with the exception of 10.20.150 shall be an infraction punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.~~

Chapter 10.24

EQUIPMENT REQUIREMENTS

Sections:

- 10.24.010 Whistles and lights
- 10.24.020 Equipment
- 10.24.030 Violation and Penalties

10.24.010 Whistles and lights.

- A. No master, owner or any other person in charge of the watercraft or vessel, while lying at any pier, or while navigating in City waters, shall cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilot house of any vessel or watercraft underway for any purpose other than those authorized by law.
- B. The rules concerning navigation lights shall be complied with in all weather sunset to sunrise, and during such time no other lights which may be mistaken for the proscribed lights shall be exhibited. Both the Navigation Rules (CG-169) adopted by Section 10.20.040 and the Federal Requirements for Recreational Boats (CG-290), shall be complied with regarding proper lighting.

10.24.020 Equipment.

- A. In addition to the requirements imposed by the Navigation Rules adopted by Section 10.20.040, recreational boats shall be subject to safety requirements imposed by Federal Requirements for Recreational Boats, CG-290, 1978, promulgated by the United States Coast Guard, pursuant to Act of Congress, as

such rules are now or may hereafter be amended or adopted.

- B. All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended.

10.24.030 Violations and Penalties.

Failure to comply with any provision of this chapter or violation of any provision of this chapter is subject to enforcement under Title 17 of this code title "Uniform Enforcement Code", including civil enforcement penalties in Chapter 17.60 and criminal penalties in Chapter 17.90. A violation of any section of this Chapter shall be an infraction and punishable by a fine of up to \$250.00 per violation. Provided, however, that any person who commits two infractions of this Chapter within a one-year period shall upon the commission of the third identical offense within the one-year period be guilty of a misdemeanor and shall be prosecuted for such.

Chapter 10.28

PIERS AND MARINAS

Sections:

- 10.28.010 Unsafe piers
- 10.28.020 Mooring at private docks without permission
- 10.28.030 Boat rental records
- 10.28.040 Violation and Penalties

Such record shall be preserved for not less than six (6) months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat rental or charter operation, any

such watercraft shall carry the equipment required by this title.

10.28.040 Violations and Penalties.

Failure to comply with any provision of this chapter or violation of any provision of this chapter is subject to enforcement under Title 17 of this code title "Uniform Enforcement Code", including civil enforcement penalties in Chapter 17.60 and criminal penalties in Chapter 17.90. A violation of any section of this chapter shall be a misdemeanor.

10.28.010 Unsafe piers. Whenever any pier or gangway devoted to public use appears to be dangerous for such use, the Chief of Police shall report the matter to the City Building Official who shall inspect the same and shall order any unsafe portion barricaded with proper fencing until such time as necessary repairs shall be made. If the owner, agent or lessee of such pier fails to comply with the orders of the building official immediately, the building official shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade, and the expense shall be paid by and recoverable from the owner, agent, or lessee of such pier to the City. It is unlawful for any person to allow any such pier or gangway to be used or open to use.

10.28.020 Mooring at private docks with permission. No person shall moor a watercraft or vessel to a private seawall or dock or beach it upon private property within the City without the permission of the owner thereof, except in emergency situations.

TITLE 10 - WATER SAFETY AND WATERCRAFT

10.28.030 Boat rental records. The owner or proprietor of a boat rental or charter operation shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and time and the date and time of the return of such watercraft.

Chapter 10.32

NUISANCES AND DEBRIS

Sections:

- 10.32.010 Floating objects
- 10.32.020 Drifting debris
- 10.32.030 Nuisances
- 10.32.040 Oil spillage prohibited
- 10.32.050 Sunken vessels
- 10.32.060 Penalties

10.32.010 Floating objects.

All vessels, watercraft logs, piling, building material, scows, unauthorized or unpermitted buoy or marker, or any other article of value found adrift in City waters may be taken in charge by the Police Department and shall be subject to reclamation by the owner thereof, on payment by the owner to the City of any expenses incurred by the City, and in case of failure to reclaim may be sold or disposed of according to law. (Ord. 1042, Sec. 2, 2018)

10.32.020 Drifting debris.

It is unlawful for the owner, agent or lessee in charge of any pier to allow the whole or any part thereof to fall into or remain adrift in the navigable waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and, upon failure to do so, the same may be removed by the Chief of Police and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the City.

10.32.030 Nuisances.

Sunken or swamped vessels or watercraft, refuse of all kinds, structure or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber logs, piles, boom sticks, lumber, boxes, empty containers, grass clippings and garden refuse, and oil of any

kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are declared to be public nuisances. It is unlawful for any person to throw or place in, or cause or permit to be thrown or placed any of the above-named articles or substances in water of the City, or upon the shores thereof, or in such position that the same may or can be washed into said waters, either by high waters, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure to do so, the same may be removed by the police department and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all case such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder.

10.32.040 Oil spillage prohibited.

No owner, master, or other person aboard or in charge of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier or other structure, and no person along or upon the shore of the harbor, shall spill, throw, pump or otherwise cause oil of any description to be in or float upon the waters of the City. Any person causing oil to be in or upon the same and, upon his or her failure to do so, the same may be removed by the police department and the expense thereof shall be paid by and recoverable from the person causing the oil to be in or upon the water. The payment of such sum, or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage.

10.32.050 Sunken vessels.

When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the Chief of Police may order the same immediately removed and if the

owner or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the Chief of Police may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft, or obstruction. The expense incurred by such removal shall be paid by such vessel or watercraft or obstruction or the owner or other person in charge thereof, and, in case of failure to pay the same, the City may maintain an action for the recovery thereof.

10.32.060 Penalties.

A violation of any section of this chapter shall be a misdemeanor.

Chapter 10.36

MISCELLANEOUS

Sections:

- 10.36.010 Special Regulations Establishment
- 10.36.020 Police Chief Duties
- 10.36.030 Vessels and Watercraft -- Habitation Prohibited
- 10.36.040 Local Excise Tax -- Payment Required
- 10.36.050 Severability

10.36.010 Special Regulations Establishment.

Special regulations for permitting a specific water use activity, establishment of course or limitation of hours of operation may be enacted by presentation to the City Council of a plan for implementation of such regulations including establishment and maintenance of floats, buoys, safety patrols, and other measure to permit the activity without undue restriction on other permitted water uses and without undue demand on the comfort, repose and safety of other water and shoreline users. Water use activities or facilities may also be regulated by the Shoreline Master Program. (Ord. 881, Sec. 7, 2013)

10.36.020 Police Chief Duties.

The Police Chief or designee is hereby authorized and directed to prepare, post and maintain at convenient public places adjacent to the Lake in this City public notices which shall specify the current specified restrictions as set out in this title. Such notices shall be conspicuously posted on or adjacent to every public launching ramp and/or wharf and at such other locations as will reasonably inform the public of these restrictions. (Ord. 1042, Sec. 2, 2018)

10.36.030 Vessels and Watercraft -- Habitation Prohibited.

No boat, vessel, watercraft or houseboat, moored in the ~~cove-lake~~ or off ~~the-any~~ shoreline of the City, shall be used as a place of habitation.

10.36.040 Local Excise Tax -- Payment

Required.

No person shall moor, store, or operate a vessel within the City's jurisdiction without displaying evidence of compliance with the applicable Snohomish County ordinance or resolution which imposes a local excise tax pursuant RCW 82.49.070.

Any and all fines collected for violation of this section shall be in addition to the tax required to be paid under the applicable Snohomish County ordinance or resolution.

10.36.050 Severability.

If any court shall find any provision of this title or its application to any person or circumstance to be unconstitutional or otherwise invalid, such finding shall not affect the validity of all remaining portions of this title or the applicability of this title to other persons or circumstances. (Ord. 453, 1994; Ord. 334, 1989; Ord. 314, 1988; Ord. 150, 1976; Ord. 23, 1963)

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CITY COUNCIL STAFF REPORT



Agenda Date: 3/14/2023

Subject: Ordinance 1159 Public Use of Controlled Substances

Contact Person/Department: Jeffrey Beazizo, Police Department

Budget Impact:

Legal Review: No

RECOMMENDATION(S)/ACTION REQUESTED:

Adopt Ordinance 1159 Public Use of Controlled Substances

SUMMARY/BACKGROUND:

The use of dangerous drugs in public negatively affects children, youth, and the community and normalizes the use of dangerous drugs without a prescription. The use of alcohol and marijuana by persons of legal age is prohibited in public.

It is the desire of the Lake Stevens City Council, the Lake Stevens Mayor and his administration, and the Lake Stevens Chief of Police and his command staff, that the Washington State Legislature during the current legislative session enact legislation that effectively allows law enforcement officers within the State of Washington to arrest persons intentionally using and/or possessing dangerous drugs as that term is defined in this ordinance making it unnecessary for Washington cities and towns to enact their own local ordinances addressing the adverse consequences that current state statutes, as set forth in these recitals have, encouraged or created; and for this reason, the effective date of this ordinance will be delayed until after the end of the current legislative session to give the state legislature the opportunity to approve legislation making this local ordinance unnecessary. This ordinance may be published by Summary Publication of the Ordinance Rule and shall become effective on July 1, 2023, unless earlier made unnecessary by state legislation and repealed by action of the Lake Stevens City Council.

APPLICABLE CITY POLICIES:

ATTACHMENTS:

1. Ordinance 1159

CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 1159

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON
AMENDING CHAPTER 9.40 OF THE MUNICIPAL CODE IN REGARD TO THE
USE OF DANGEROUS DRUGS IN PUBLIC PLACES; PROVIDING FOR
SEVERABILITY, AUTHORIZING NECESASARY CORRECTIONS, SUMMARY
PUBLICATION BY ORDINANCE TITLE ONLY, AND FOR AN EFFECTIVE
DATE**

WHEREAS, the use of dangerous drugs without a prescription and the supervision of a medical professional can result in physical injury or death; and

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional often exacerbates mental health conditions; and

WHEREAS, use of dangerous drugs can alter a person's brain or brain chemistry with negative health consequences; and

WHEREAS, persons using dangerous drugs can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships; and

WHEREAS, the use of dangerous drugs without a prescription is positively correlated with criminal behavior; and

WHEREAS, the City has taken steps to address these problems through teaming police officers with social workers and mental health professionals; and

WHEREAS, state law now requires that persons subject to arrest for possession of a dangerous drug be referred to assessment and services in lieu of arrest at least twice before he or she may be arrested; and

WHEREAS, this state requirement has resulted in increased use of dangerous drugs in public; and

WHEREAS, the use of dangerous drugs in public increases public disorder and the negative effects of using dangerous drugs without a prescription; and

WHEREAS, the use of dangerous drugs in public negatively affects children and youth and normalizes the use of dangerous drugs without a prescription; and

WHEREAS, the use of alcohol and marijuana by persons of legal age is prohibited in public; and

WHEREAS, prohibiting the use of dangerous drugs in public places will enhance public health and safety; and

WHEREAS, it is the desire of the Lake Stevens City Council, the Lake Stevens Mayor and his administration, and the Lake Stevens Chief of Police and his command staff, that the Washington State Legislature during the current legislative session enact legislation that effectively allows law enforcement

officers within the State of Washington to arrest persons intentionally using and/or possessing dangerous drugs as that term is defined in this ordinance making it unnecessary for Washington cities and towns to enact their own local ordinances addressing the adverse consequences that current state statutes, as set forth in these recitals have, encouraged or created; and for this reason, the effective date of this ordinance will be delayed until after the end of the current legislative session to give the state legislature the opportunity to approve legislation making this local ordinance unnecessary,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new section 9.40.020 is added to Chapter 9.40 of the Lake Stevens Municipal Code to read as follows:

9.40.020 Use of Controlled Substance in a Public Place.

A. It is unlawful for any person to intentionally use any dangerous drug in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state of Washington or except upon the written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances.

B. For purposes of this section, the following terms or words shall be interpreted as follows:

1. “Dangerous drug” means any controlled substance classified in Schedule I, II, III, or IV of Chapter 69.50 RCW, excluding cannabis, as it now exists or shall hereafter be added to, deleted from, modified, or amended.

2. “Public place” means an area generally visible to public view and includes without limitation any place where the public has a right of access, which includes without limitation sidewalks, parking lots and parking garages, streets, alleys, highways, or roads, improved or unimproved right-of-way; public buildings and grounds, including schools, parks, playgrounds, trails, and meeting halls; establishments to which the public is invited including restaurants, theaters, stores, gas station, meeting halls, lobbies, halls and dining rooms of hotels, bars, taverns, pubs, or establishments where beer or soft drinks may be sold, and their associated parking lots, parking structures, walkways, doorways, and entrances; buses and other forms of public transportation of all kinds and character, and their associated stations and platforms used in conjunction therewith which are open to unrestricted use and access by the public; and all other places of like or similar nature.

3. “Use” means any effort taken in furtherance of an attempt to inject, ingest, inhale, swallow or otherwise introduce a controlled substance into the human body.

C. Use of a dangerous drug in a public place is a misdemeanor.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing or ordinances or their sections and subsections.

Section 4. Effective Date. This ordinance may be published by Summary Publication of the Ordinance Rule and shall become effective on July 1, 2023, unless earlier made unnecessary by state legislation and repealed by action of the Lake Stevens city council.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 2023.

CITY OF LAKE STEVENS

Brett Gailey, Mayor

ATTEST:

Kelly Chelin, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

Date of publication: _____

Effective Date (5 days after publication):_____