

CITY OF LAKE FOREST PARK
City Council Meeting Minutes
October 24, 2002

Councilmembers present: Alan Kiest, Carolyn Armanini, Dwight Thompson, Mary Jane Goss, Nate Herzog, Roger Olstad, Ed Sterner

Staff present: David R. Hutchinson, Mayor; Michael Ruark, City Attorney; Dennis Peterson, Police Chief; Frank Zenk, Director of Public Services; Scott Walker, Public Works Field Supervisor; Ty Peterson, Planning Manager; John Hawley, Finance Director; Sarah Phillips, Government & Community Relations Manager; Susan Stine, City Clerk

Others present: Five visitors

CALL TO ORDER

Mayor Hutchinson called the regular meeting to order at 7:33 p.m.

FLAG SALUTE

Cmbr. Thompson led the council in the pledge of allegiance.

MAYOR'S REPORT

Hutchinson reported on the recruitment process for a new city administrator. He noted recent discussions of the King County Health Board regarding the septic system permit process.

At the request of the mayor, Cmbr. Armanini reported on the land bank task force and discussions regarding the proposed use of the Aldercrest site.

In response to a question from Cmbr. Kiest, Chief Dennis Peterson said he would check on issues related to sentencing and transporting DUI offenders to jail.

ADOPTION OF AGENDA

Hutchinson added discussion of potential litigation involving a personnel matter in executive session to the agenda.

Thompson moved to adopt the agenda as amended. **Armanini seconded. The motion carried unanimously.**

1 **CITIZEN COMMENTS**

2
3 Dave Crawford, 17230 Brookside Blvd NE, discussed repair solutions for Forest Park Drive, his
4 concern about the proposed elimination of funding in the 2003 budget for library rent, and the
5 proposed ordinance to require bicycle helmet use.
6

7 Roger Loschen, 3742 NE 187th St., expressed his concern regarding proposed Ordinance 877/
8 Amending LFPMC 18.52.080 to Eliminate Permit Requirement for a Sign Permit. He spoke
9 against the proposed ordinance and encouraged the council to keep the existing regulations
10 and to preserve the city's natural beauty.
11

12
13 **Introduction of Public Works Field Supervisor**

14
15 Director of Public Services Frank Zenk introduced Scott Walker to council and announced that
16 Scott has been promoted to the position of public works field supervisor.
17

18
19 **CONFIRMATION CALENDAR**

20 **Michael Mulhern, Parks and Recreation Commission, Position 1, term ending 3/31/2004**

21
22 Mayor Hutchinson introduced Michael Mulhern, his nominee for the Parks and Recreation
23 Commission, Position 1, for the term ending March 31, 2004. Mulhern discussed his
24 background and experience and expressed his interest in serving on the Parks and Recreation
25 Commission.
26

27 Armanini expressed her appreciation of his willingness to bring his expertise and perspective as
28 a volunteer to the city.
29

30 It was noted that final confirmation would take place at the November 7, 2002 council meeting.
31

32
33 **CONSENT CALENDAR**

34
35 **Thompson moved** to approve the consent calendar as follows:
36

- 37 1. September 26, 2002 council regular meeting minutes
38 2. October 24, 2002 finance committee report covering warrant nos. 42310 through 42422 in
39 the amount of \$89,847.36 drawn from the claims clearing fund and warrant nos. 23438
40 through 23509 in the amount of \$124,356.11 drawn from the payroll clearing fund.
41 Automatic withdrawal from the checking account in the amount of \$340.16 for October bank
42 service fee on 10/31/02.
43

44 **Armanini seconded. The motion carried unanimously.**
45

46
47 Hutchinson noted that first reading calendar items would be considered until King County
48 Council Member Edmonds arrives.
49

1
2 **FIRST READING CALENDAR**
3 **Resolution 741/Approving 2003 Drainage Utility Fee Increase**

4
5 Finance Director John Hawley briefed council on the proposed drainage utility fee increase and
6 inflationary costs and compared the increase with what other cities are charging for drainage
7 utility fees.

8
9 Cmbr. Armanini requested that a quarterly report be sent to Congressman Jay Inslee regarding
10 costs related to the Endangered Species Act.

11
12 In response to a question from Cmbr. Goss, Planning Manager Peterson discussed stream flow
13 volumes and the Shoreline Management Act.

14
15 After some discussion, **Cmbr. Herzog moved** to schedule Resolution 741/Approving 2003
16 Drainage Utility Fee Increase to the November 7, 2002 second reading calendar agenda.

17
18 **Cmbr. Goss seconded. The motion carried unanimously.**

19
20
21 **REPORT**
22 **Metropolitan King County Council Member Carolyn Edmonds**
23 **– King County Budget Issues**

24
25 Metropolitan King County Council Member Carolyn Edmonds discussed a document on the
26 King County Budget as proposed by King County Executive Ron Sims. She discussed the cuts
27 made to parks, public health, human services, sheriff's office, court, and criminal justice. Cmbr.
28 Edmonds responded to questions from council on various issues included in the budget. She
29 encouraged council to comment and give feedback on the proposed budget.

30
31
32
33 **FIRST READING CALENDAR**
34 **Resolution 742/Accepting Completion of Contract for Lyon Creek Waterfront Demolition**
35 **Project**
36 **Resolution 743/Authorizing the Mayor to Sign Accretion Agreement Addendum with**
37 **Sergeants Guild**
38 **Resolution 744/Authorizing the Mayor to Sign Agreement Amendment with John Galt for**
39 **Hearing Examiner Services Compensation**
40 **Resolution 745/Authorizing the Mayor to Sign Agreement with King County for**
41 **Reimbursement of Costs Related to Brightwater Environmental Impact Statement Review**
42 **Resolution 746/Awarding Bid for Construction of Pedestrian Improvements to Bothell**
43 **Way Northeast and Ballinger Way Northeast to Precision Earthworks, Inc.**
44

1 **Thompson moved** to advance the following agenda items to the second reading calendar:

2
3 Resolution 742/Accepting Completion of Contract for Lyon Creek Waterfront Demolition Project,
4 Resolution 743/Authorizing the Mayor to Sign Accretion Agreement Addendum with Sergeants
5 Guild,
6 Resolution 744/Authorizing the Mayor to Sign Agreement Amendment with John Galt for
7 Hearing Examiner Services Compensation,
8 Resolution 745/Authorizing the Mayor to Sign Agreement with King County for Reimbursement
9 of Costs Related to Brightwater Environmental Impact Statement Review,
10 Resolution 746/Awarding Bid for Construction of Pedestrian Improvements to Bothell Way
11 Northeast and Ballinger Way Northeast to Precision Earthworks, Inc.

12
13 **Goss seconded. The motion carried unanimously.**

14
15
16 **Ordinance 886/Prohibiting Operation of Motor Vessels on the Waters of Lake Washington**
17 **Adjacent to Lyon Creek Waterfront Preserve**

18
19 **Thompson moved** to advance Ordinance 886/Prohibiting Operation of Motor Vessels on the
20 Waters of Lake Washington Adjacent to Lyon Creek Waterfront Preserve to second reading
21 calendar at the November 7, 2002 special council meeting.

22
23 **Goss seconded. The motion carried unanimously.**

24
25
26 **SECOND READING CALENDAR**

27 **Resolution 736/Authorizing Mayor to Sign Amendment to Jail Services Contract with**
28 **Yakima County**

29
30 Police Chief Dennis Peterson stated that he is still waiting for a response from Yakima County
31 to the questions asked by council at the October 17, 2002 council meeting and suggested that
32 this be delayed until the November 7, 2002 council meeting.

33
34 **Armanini moved** to keep Resolution 736 on second reading calendar for the November 7,
35 2002 meeting. **Sterner seconded. The motion carried with six votes (Thompson out of**
36 **chambers).**

37
38
39 **Ordinance 877/Amending LFPMC 18.52.080 to Eliminate Permit Requirement for a Sign**
40 **Permit**

41
42 **Cmbr. Herzog moved** to amend Ordinance 877 as follows:

43
44 Page 2, line 22: "...A violation of subsection 1.B. of this ordinance shall be an infraction subject
45 to a fine of \$100.00 a day or portion thereof.

46
47 **Goss seconded. The motion carried unanimously.**

1 **Herzog moved** to amend Ordinance 877 as follows:

2
3 Page 2, line 23: “...thereof. A violation of any other subsection of this ordinance shall be an
4 infraction subject to a fine of \$25.00 a day or portion thereof.”

5
6 **Sterner seconded. The motion to amend carried unanimously.**

7
8
9 **Olstad moved** to amend as follows:

10
11 Page 2, line 26: “...effective midnight December 31, 2005 4 ...”
12 Page 1, line 10: “... effective December 31, 2005 4...”

13
14 **Thompson seconded. The motion to amend carried unanimously.**

15
16
17 **Thompson moved** to advance Ordinance 877 to final action calendar. **Herzog seconded. The**
18 **motion carried 5-2 (Aye-Thompson, Goss, Herzog, Sterner, Olstad; Nay—Kiest,**
19 **Armanini).**

20
21
22
23 **Ordinance 886/Prohibiting Operation of Motor Vessels on the Waters of Lake Washington**
24 **Adjacent to Lyon Creek Waterfront Preserve**

25
26 At the request of Chief Peterson, **Thompson moved** Ordinance 886/Prohibiting Operation of
27 Motor Vessels on the Waters of Lake Washington Adjacent to Lyon Creek Waterfront Preserve
28 to second reading calendar tonight instead of November 7, 2002 council meeting calendar.

29
30 **Goss seconded. The motion carried unanimously.**

31
32
33 With the consent of the council, Ordinance 886 will be taken out of order and discussed next on
34 the agenda.

35
36 Chief Peterson noted that Ordinance 886 was brought to council as a result of the conditional
37 use permit for the park. Planning Manager Ty Peterson explained the provisions of the
38 conditional use permit prohibiting operation of motor vessels on the waters of Lake Washington
39 adjacent to Lyon Creek Waterfront Preserve. Peterson discussed enforcement issues in
40 response to questions from council.

41
42 Armanini asked if an emergency clause should be added to this resolution.

43
44 **Sterner moved** to amend Ordinance 886 as follows:

45
46 Page 1, line 11: “...RESTRICTED AREA, AND DECLARING AN EMERGENCY.”

47
48 Page 1, line 44: “~~This ordinance shall take effective after publication and posting as provided by~~
49 ~~law~~ **Declaration of Emergency.** The operation of the preserve is subject to a condition in the
50 conditional use permit for the Lyon Creek Waterfront Preserve, that the operation of the

1 preserve is subject to the adoption of the restrictions provided for in the ordinance. The
2 Preserve is scheduled to open October 26, 2002. To comply with the conditions of the
3 conditional use permit, the City Council declares an emergency, and the ordinance shall go into
4 effect immediately.”

5
6 **Olstad seconded. The motion to amend carried unanimously.**

7
8
9 Thompson requested that staff members perfect the language in Ordinance 886 and present it
10 for further discussion later in the meeting.

11
12
13 **Ordinance 878/Relating to Use of City Credit Cards**

14
15 It was the consensus of the council to hold Ordinance 878 on second reading for the November
16 7, 2002 special council meeting.

17
18
19 **Resolution 742/Accepting Completion of Contract for Lyon Creek Waterfront Demolition**
20 **Project**

21
22 **Thompson moved** to approve Resolution 742/Accepting Completion of Contract for Lyon
23 Creek Demolition Project. **Armanini seconded. The motion carried unanimously.**

24
25
26 **Resolution 743/Authorizing the Mayor to Sign Accretion Agreement Addendum with**
27 **Sergeants Guild**

28
29 **Armanini moved** to adopt Resolution 743/Authorizing the Mayor to Sign Accretion Agreement
30 Addendum with Sergeants Guild. **Sterner seconded. The motion carried unanimously.**

31
32
33 **Resolution 744/Authorizing the Mayor to Sign Agreement Amendment with John Galt for**
34 **Hearing Examiner Services Compensation**

35
36 **Thompson moved** to adopt Resolution 744/Authorizing the Mayor to Sign Agreement with John
37 Galt for Hearing Examiner Services Compensation. **Goss seconded.**

38
39 **Sterner moved** to amend Resolution 744 as follows:

40
41 Page 1, line 22: “...mileage, photocopying and postage expenses, and shall provide such
42 records to or for review by the City whenever requested by the City. Unless otherwise agreed to
43 in advance and in writing by the City, the City shall not be liable for mileage or any other
44 expenses incurred by Galt in the performance of his duties under this contract.”

45
46 **Kiest seconded. The motion to amend carried unanimously.**

47
48
49 **The motion to adopt Resolution 744 as amended carried unanimously.**

1
2 **Resolution 745/Authorizing the Mayor to Sign Agreement with King County for**
3 **Reimbursement of Costs Related to Brightwater Environmental Impact Statement Review**
4

5 Hutchinson noted Resolution 745/Authorizing the Mayor to Sign Agreement with King County for
6 Reimbursement of Costs Related to Brightwater Environmental Impact Statement Review would
7 be held over to the November 7, 2002 council meeting second reading calendar.
8
9

10 **Resolution 746/Awarding Bid for Construction of Pedestrian Improvements to Bothell**
11 **Way Northeast and Ballinger Way Northeast to Precision Earthworks, Inc.**
12

13 **Thompson moved** to adopt Resolution 746/Awarding Bid for Construction of Pedestrian
14 Improvements to Bothell Way Northeast and Ballinger Way Northeast to Precision Earthworks,
15 Inc. **Kiest seconded. The motion carried unanimously.**
16
17

18 **Ordinance 886/Prohibiting Operation of Motor Vessels on the Waters of Lake Washington**
19 **Adjacent to Lyon Creek Waterfront Preserve**
20

21 City Attorney Mike Ruark presented his recommendations for corrections to Section 2 –
22 Restricted Area of Ordinance 886.
23

24 **Kiest moved** to amend Ordinance 886 as follows:
25

26 Page 1, line 30: "...~~southern~~ northern..."

27 Page 1, line 31: "...~~north~~ south..."

28 Page 1, line 32: "... ~~southern~~ northern... ~~north~~ south..."

29 Page 1, line 33: "... ~~southern~~ northern..."

30 Page 1, line 34: "... ~~northern~~ southern..."
31

32 **Thompson seconded. The motion to amend carried unanimously.**
33

34 **Thompson moved** to advance Ordinance 886/Prohibiting Operation of Motor Vessels on the
35 Waters of Lake Washington Adjacent to Lyon Creek Waterfront Preserve to final action
36 calendar. **Herzog seconded. The motion carried unanimously.**
37

38
39 **FINAL ACTION CALENDAR**

40 **Ordinance 877/Amending LFPMC 18.52.080 to Eliminate Permit Requirement for a Sign**
41 **Permit**
42

43 **Thompson moved** to adopt Ordinance 877/Amending LFPMC 18.52.080 to Eliminate Permit
44 Requirement for a Sign Permit. **Herzog seconded.**
45

46 Thompson said this eliminates the \$5 permit requirement, which he believes has been
47 inefficient. He noted that signage can be regulated in another way as provided for in this
48 ordinance.
49

1 Armanini expressed concern about the issue of enforcement if the permit process is eliminated
2 as described by the planning department.

3
4 Kiest referred to comments given by interested citizens and stated that he would vote with the
5 testimony to continue to have an enforcement mechanism and to continue to educate people to
6 comply with the law.

7
8 Olstad said that this ordinance provides the opportunity to find out in the next couple of years if
9 eliminating the permit requirement will work.

10
11 Goss said that she is an independent contractor and does not represent a real estate company.
12 She noted that the penalties could be a source of revenue for the city.

13
14 Herzog discussed his support for this ordinance and noted that 38 other cities in the county do
15 not require permit to regulate signs.

16
17 **The motion carried 5-2 (Aye—Thompson, Goss, Herzog, Sterner, Olstad; Nay—Kiest,**
18 **Armanini).**

19
20
21 **Ordinance 886/Prohibiting Operation of Motor Vessels on the Waters of Lake Washington**
22 **Adjacent to Lyon Creek Waterfront Preserve**

23
24 **Thompson moved** to adopt Ordinance 886/Prohibiting Operation of Motor Vessels on the
25 Waters of Lake Washington Adjacent to Lyon Creek Waterfront Preserve. **Herzog seconded.**
26 **The motion carried unanimously.**

27
28
29 A five-minute recess was called for at 9:28 p.m.

30
31 The meeting was resumed at 9:38 p.m.

32
33
34 **NEW BUSINESS**

35 **New topics for discussion**

36 **--Mayor's Proposed 2003 Budget**

37
38 Finance Director John Hawley presented an overview of the Mayor's 2003 proposed budget and
39 noted the schedule for budget workshops, public hearings, and proposed date for the adoption
40 of the budget. Hawley discussed the proposed budgets for the city council and legal services
41 and the executive and finance departments.

42
43 City Clerk Susan Stine presented information regarding the proposed 2003 municipal services
44 department budget and discussed the need for continued emphasis on improvements in records
45 management. Stine expressed her interest in ensuring the continuation of the current level of
46 library services provided in the city.

1 **Schedule**

2
3 **Thompson moved** to cancel the December 26, 2002 regular council meeting. **Armanini**
4 **seconded. The motion carried unanimously.**
5

6
7 At 10:50 p.m., Hutchinson noted that the next item on the agenda is an executive session of
8 approximately 20 minutes for discussion of potential litigation regarding a personnel matter.
9 Those not required to remain for the executive session exited the council chambers at this time.

10
11 There was no objection to Thompson's request to extend adjournment to 11:15 p.m. and
12 proceed to the executive session.
13

14
15 **Executive Session**

16
17 At 10:53 p.m., the meeting was recessed to executive session for approximately 20 minutes for
18 discussion of potential litigation regarding a personnel matter.
19

20 At 11:15 p.m., the executive session was extended for 20 minutes.
21

22 The meeting was resumed at 11:42 p.m.
23
24

25 **ADJOURNMENT**

26
27 There being no objection, the meeting was adjourned at 11:43 p.m.
28
29
30

31 _____
32 Susan Stine, City Clerk
33
34
35

36 APPROVED:
37
38
39

40 _____
41 David R. Hutchinson, Mayor