

**CITY OF LAKE FOREST PARK
CITY COUNCIL MEETING MINUTES
June 10, 2004**

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

Staff present: David R. Hutchinson, Mayor; Karen Haines, City Administrator; Michael Ruark, City Attorney; Rosemary Larson, Assistant City Attorney; Dennis Peterson, Police Chief; Sarah Phillips, Government & Community Relations Manager; Susan Stine, City Clerk

Others present: Eight visitors

CALL TO ORDER

Mayor Hutchinson called the regular meeting to order at 7:36 p.m.

FLAG SALUTE

Cmbr. Goss led council in the pledge of allegiance.

MAYOR'S REPORT

Hutchinson reported that the Association of Washington Cities annual conference is June 15-18 in Ocean Shores. He reported on other items of interest to council.

ADOPTION OF AGENDA

Cmbr. Kiest moved that items 1 and 2, Ordinance 905/Relating to City's Sign Regulations and Ordinance 906/Relating to Legal Nonconforming Signs, be advanced to the June 24, 2004 agenda second reading calendar. **Cmbr. Thompson seconded.**

Cmbr. Armanini expressed her interest in remanding Ordinance 905 to the Economic Development Commission and Planning Commission to study and make a recommendation regarding the issue of signage for businesses in the mall interior that was raised at the May 27, 2004 public hearing.

The maker and seconder withdrew the motion.

Armanini moved to remand Ordinance 905, Relating to City's Sign Regulations, to the Economic Development and Planning Commissions for the development of language concerning signage for those businesses located in the interior portions of the mall.

Thompson seconded. The motion carried unanimously.

1
2 **Kiest moved** to advance item 2, Ordinance 906/Relating to Legal Nonconforming Signs to
3 second reading calendar at the June 24, 2004 regular council meeting.

4
5 **Armanini seconded. The motion carried unanimously.**

6
7 Thompson requested to pull Resolution 853/Awarding Bid for Horizon View Tennis Court Repair
8 to Emerald Paving from the consent calendar and place on first reading calendar.

9
10 Thompson noted that the Council Rules Committee met and requests the addition to the agenda
11 of an amendment to council rules immediately following adoption of the agenda.

12
13 Thompson also requested to pull item 9, Authorization to Hire for Associate Planner Position
14 from the consent calendar and to place it on the first reading calendar.

15
16 **Thompson moved** to adopt the agenda as amended. **Cmbr. Herzog seconded. The motion**
17 **carried unanimously.**

18
19
20 **AMENDMENT TO COUNCIL RULES**

21
22 **Thompson moved** to amend the council rules as follows:

23
24 **“Rule 18. Mandatory Reconsideration – Mayor’s Veto**

25
26 *The motion for reconsideration of an ordinance—Ordinance Veto Override shall be placed as*
27 *the first item on the Final Action Calendar at the next regular meeting following the filing of the*
28 *Mayor’s Veto Message. The motion may not be tabled or postponed. The Mayor pro tem will*
29 *chair the meeting during this agenda item. The Mayor, if present, may have up to three minutes*
30 *to address the Council. Council discussion on the motion will follow.*

31
32 *At conclusion of discussion, if any, the mayor pro tem shall put the motion to a vote. Council*
33 *members present shall cast an aye or nay vote unless they are recused. The vetoed ordinance*
34 *must receive five affirmative votes to be adopted. Less than five votes for the ordinance shall*
35 *mean that the veto is sustained.”*

36
37 **Cmbr. Olstad seconded.**

38
39 In response to a question from Armanini, Assistant City Attorney Rosemary Larson noted it is
40 stated in the RCW a majority of the total council plus one is required to override the veto.

41
42 **The motion carried unanimously.**

43
44
45 Thompson noted item 4, Ordinance 907 Vetoed—Council Consideration is placed on final action
46 calendar.

47
48 Thompson also requested that councilmembers consider dates for a special meeting to be set
49 later in the meeting due to a number of items that require council discussion and action.

1 **CITIZEN COMMENTS**

2
3 Steve Danishek, 4626 NE 174th Place, expressed his concerns regarding safety issues on the
4 Burke Gilman Trail and the need for Police Department enforcement.

5
6 Donovan Tracy, 15044 Beach Drive NE, said that he is misquoted in the draft May 27, 2004
7 council meeting minutes and requested an amendment to the minutes.

8
9 Douglas Hartwick, 17824 33rd Avenue NE, noted he uses the Burke Gilman Trail on a regular
10 basis and recommended improvements in signage and pavement maintenance.

11
12
13 **FINAL CONFIRMATION CALENDAR**

14 **Jeff Altman, Transportation Commission, Position 1, term ending 3/31/2007**
15 **Peggy Gerdes, Transportation Commission, Position 4, term ending 3/31/2005**
16 **John Wright, Transportation Commission, Position 5, term ending 3/31/2005**
17 **Jon Skamser, Transportation Commission, Position 7, term ending 3/31/2006**

18
19 **Thompson moved** to confirm the following to serve on the Transportation Commission:

20
21 Jeff Altman, Transportation Commission, Position 1, term ending 3/31/2007
22 Peggy Gerdes, Transportation Commission, Position 4, term ending 3/31/2005
23 John Wright, Transportation Commission, Position 5, term ending 3/31/2005
24 Jon Skamser, Transportation Commission, Position 7, term ending 3/31/2006

25
26 **Cmbr. Goss seconded. The motion carried unanimously.**

27
28
29 **CONSENT CALENDAR**

30
31 Armanini requested to pull the May 27, 2004 council regular meeting minutes from the consent
32 calendar.

33
34 After some discussion, **Armanini moved to amend** the May 27, 2004 council meeting minutes
35 as follows:

36
37 Page 3, line 39: "... He noted that he has ~~nothing but contempt for~~ **been disappointed with**
38 King County based on previous actions and reminded the council of the impact that
39 Mercer Island residents had on the I-90 project."

40
41 **Goss seconded. The motion carried unanimously.**

42
43
44 **Thompson moved** to approve the consent calendar as follows:

- 45
46 1. May 13, 2004 Council Regular Meeting Minutes
47 2. May 27, 2004 Council Study Session Minutes
48 3. May 27, 2004 Council Regular Meeting Minutes as amended
49 4. June 10, 2004 Finance Committee Report covering warrant nos. 45702 through 45778 in
50 the amount of \$336,023.29 drawn from the claims clearing fund and warrant nos. 26555
51 through 26637 in the amount of \$197,098.60 drawn from the payroll clearing fund.

- 1 5. Authorization to Hire for Public Works Maintenance Worker Position
- 2 6. Authorization for City Staff to Reject All Bids and Readvertise for Inflow & Infiltration
- 3 Reduction Project
- 4 7. Resolution 852/Authorize Mayor to Sign Agreement for Homeland Security Sub-Grant
- 5 8. Resolution 854/In Memory of James Hunt, Former Mayor and City Councilmember

6
7 **Cmbr. Sterner seconded. The motion carried unanimously.**

8
9
10 **FIRST READING CALENDAR**

11 **Authorization to Hire Provisional Police Officer**

12
13 Chief of Police Dennis Peterson noted that the police department has several vacancies, and he
14 requested authorization to hire two provisional police officers.

15
16 Following some discussion, **Kiest moved** to amend the request to authorize the police
17 department to hire two provisional police officers. **Olstad seconded. The motion to amend**
18 **carried unanimously.**

19
20
21 **Resolution 849/Adopting a Policy Relating to Meal and Food Expenses**

22
23 **Kiest moved** to advance Resolution 849/Adopting a Policy Relating to Meal and Food
24 Expenses to second reading calendar.

25
26 **Thompson seconded. The motion carried unanimously.**

27
28
29 **Resolution 850/Authorizing the Mayor to Sign Letter to Amend On-Call Services**

30 **Agreement with Berryman & Henigar**

31 **Resolution 851/Authorize Expenditure from Public Safety Department for Reinvesting in**
32 **Youth**

33 **Resolution 855/Authorize Mayor to Sign Contract for Interim Planner Position**

34 **Ordinance 910/Adopting 2003 International Building Code and Other Construction Codes**

35
36
37 **Thompson moved** to advance the following to second reading calendar:

38
39 Resolution 850/Authorizing the Mayor to Sign Letter to Amend On-Call Services Agreement with
40 Berryman & Henigar

41 Resolution 851/Authorize Expenditure from Public Safety Department for Reinvesting in
42 Youth

43 Resolution 855/Authorize Mayor to Sign Contract for Interim Planner Position

44 Ordinance 910/Adopting 2003 International Building Code and Other Construction Codes

45
46 **Goss seconded. The motion carried unanimously.**

1 **SECOND READING CALENDAR**
2 **Proposed Interlocal Agreement on Burke Gilman Trail**

3
4 Hutchinson distributed copies of an outline of a proposed interlocal agreement between the city
5 and King County. City Administrator Karen Haines explained each of the understandings
6 contained in the proposed interlocal agreement. She described the process by which decisions
7 would be made related to the trail and the plan to establish a task force for this process.

8
9 Kiest noted since this was only presented to council tonight, discussion should be delayed to a
10 future meeting.

11
12 In response to questions from Goss, Haines noted the various persons at the county with whom
13 they worked on the proposed agreement.

14
15 Cmr Sterner encouraged this and said this is a good start in drafting the interlocal agreement.
16 He noted he did meet with County Council Carolyn Edmonds to discuss trail issues and said this
17 is an excellent start.

18
19 **Thompson moved** to establish a council ad hoc committee with Cmbrs. Thompson, Armanini
20 and Herzog as its members to address Burke Gilman Trail issues; to authorize referral of the
21 proposed memorandum of agreement to the committee; and to charge the committee with the
22 task to make recommendations to the council regarding the proposed memorandum of
23 agreement. **Herzog seconded. The motion carried unanimously.**

24
25
26
27 **Ordinance 909/Amending LFPMC 18.52.48 Relating to Conditional Use Permit**
28 **Requirements for Trails**

29
30 **Thompson moved** to hold over Ordinance 909/Amending LFPMC 18.52.48 Relating to
31 Conditional Use Permit Requirements for Trails to the next meeting.

32
33 **The motion died for lack of a second.**

34
35 Councilmembers discussed issues related to proposed Ordinance 909 and information required
36 for council review.

37
38 Olstad expressed his interest in referring the proposed ordinance to the ad hoc committee for its
39 recommendations.

40
41 Armanini noted that the proposed ordinance and the proposed memorandum of agreement can
42 move forward on parallel tracks and suggested that the council provide some direction to the
43 city attorney on how to proceed.

44
45 Thompson asked how an application from King County would be reviewed if it were received
46 today. Haines noted the various standards related to trails, clearing and grading, and shorelines
47 that would apply.

48
49 Thompson asked for information regarding sight distance issues and safety standards.
50

1 In response to a question from Armanini, Haines said that the project would be subject to a
2 SEPA review and determination. Haines noted that the county would be the lead agency and
3 would do an environmental impact statement (EIS).
4

5 Thompson requested additional information regarding pavement or surface standards. He also
6 requested information regarding possible covenants with the county for vegetation maintenance.
7

8 Haines noted that vegetation maintenance could be added to the memorandum of agreement
9 and discussed enforcement of the agreement. Kiest discussed his understanding of how
10 covenants can be used to enhance the code.
11

12 Thompson requested additional information regarding the city's liability following the issuance of
13 a permit for trail development.
14

15
16 **Herzog moved** to amend Ordinance 909 as follows:
17

18 Page 1, line 26-27: "...the board of adjustment, or hearing examiner as appropriate..."
19

20 **Thompson seconded. The motion carried unanimously.**
21

22 Armanini requested that the administration review the municipal code to find and delete all
23 references to the board of adjustment.
24

25 Herzog said his concerns are related to the hearing examiner process and in providing clear
26 language for staff interpreting the ordinance that eliminates ambiguity.
27

28 Sterner agreed with Herzog's comments and expressed his interest in clear standards to be
29 used for trails.
30

31 Olstad said he agreed with Cmbr. Herzog and noted that standards need to be spelled out with
32 sufficient specificity to avoid misunderstandings or misinterpretation.
33

34 Goss requested information regarding the county maintenance schedule for the trail. She also
35 asked if a survey is required when a permit application is made.
36

37 In response to a question from Armanini, Assistant City Attorney Larson said that she believes
38 that she has been given sufficient direction to proceed with developing some planning standards
39 for council consideration.
40

41 42 **Resolution 853/Awarding Bid for Horizon View Tennis Court Repair to Emerald Paving** 43

44 Herzog said that he and Cmbr. Olstad had concerns regarding the bids received and asked if
45 the project should be re-bid.
46

47 Haines said that the city had received two bids, and the council is being asked to award the bid
48 to Emerald Paving, Inc., the lower of the two bids. Because both bids were higher than the
49 estimate, staff reviewed the low bid carefully and recommends awarding the bid to Emerald
50 Paving, Inc. because of the company's experience with such projects and recognizing the
51 impact of higher fuel costs than was anticipated when the project was advertised.

1
2 Following further discussion, **Herzog moved** to adopt Resolution 853/Awarding Bid for Horizon
3 View Tennis Court Repair to Emerald Paving. **Sterner seconded. The motion carried**
4 **unanimously.**

5
6
7 **Authorization to Hire for Associate Planner Position**

8
9 **Herzog moved** authorization to hire for the associate planner position. **Armanini seconded.**
10 **The motion carried unanimously.**

11
12
13 **Resolution 849/Adopting a Policy Relating to Meal and Food Expenses**

14
15 **Thompson moved** to adopt Resolution 849/Adopting a Policy Relating to Meal and Food
16 Expenses. **Kiest seconded. The motion carried unanimously.**

17
18
19 **Resolution 850/Authorizing the Mayor to Sign Letter to Amend On-Call Services**
20 **Agreement with Berryman & Henigar**

21
22 **Kiest moved** to adopt Resolution 850/Authorizing the Mayor to Sign Letter to Amend On-Call
23 Services Agreement with Berryman & Henigar. **Sterner seconded.**

24
25 Armanini asked for an opportunity to review current and proposed rates for this agreement prior
26 to adoption. Council agreed to take action on Resolution 850 at the end of the second reading
27 calendar.

28
29
30 **Resolution 851/Authorize Expenditure from Public Safety Department for Reinvesting in**
31 **Youth**

32
33 **Kiest moved** to adopt Resolution 851/Authorize Expenditure from Public Safety Department for
34 Reinvesting in Youth. **Goss seconded.**

35
36 **Kiest moved** to amend Resolution 851 as follows:

37
38 Page 1, lines 20 and 23: “...an amount of ~~\$2,000~~ \$1,500 could be used...
39 “...to expend ~~\$2,000~~ \$1,500 for the Reinvesting in Youth...”

40
41 **Armanini seconded.**

42
43 **The motion to amend carried unanimously.** (Council approved June 24, 2004)

44
45
46 Following discussion, Thompson suggested that the resolution title reflect the proposed change
47 in amount also.

48
49 **The motion carried unanimously.**

1 **Resolution 855/Authorize Mayor to Sign Contract for Interim Planner Position**

2
3 Haines said administration is asking council to authorize staff to sign a contract with Waldron
4 Resources or the Prothman Company for interim planning services. The interim planner would
5 continue until the associate planner position is filled.

6
7 **Armanini moved** to adopt Resolution 855/Authorize Mayor to Sign Contract for Interim Planner
8 Position. **Kiest seconded.** **The motion carried unanimously.**

9
10
11 **Ordinance 910/Adopting 2003 International Building Code and Other Construction Codes**

12
13 **Thompson moved** Ordinance 910/Adopting 2003 International Building Code and Other
14 Construction Codes to final action calendar. **Olstad seconded.**

15
16 In response to a question from Kiest, Armanini noted that a staff presentation is scheduled for
17 the June 24, 2004 council meeting.

18
19 **The maker and seconder withdrew their motion.**

20
21 In response to questions from Goss and Herzog, City Attorney Mike Ruark discussed the
22 effective date for the new codes and other issues.

23
24
25 **Resolution 850/Authorizing the Mayor to Sign Letter to Amend On-Call Services**
26 **Agreement with Berryman & Henigar**

27
28 In response to a question from Armanini, Haines said that information would be provided
29 regarding current rates reflected on recent invoices.

30
31 After further discussion, **Armanini moved** to amend Attachment A, as follows:

32
33 “...effective November 1, 2003 June 10, 2004...”

34
35 **Goss seconded.** **The motion to amend carried unanimously.**

36
37 **The motion to approve Resolution 850 as amended carried unanimously.**

38
39
40 **FINAL ACTION CALENDAR**

41 **Ordinance 907 Vetoed—Council Consideration**

42
43 In accordance with Council Rule 18, Mayor *pro tempore* Thompson chaired the meeting for
44 council consideration of the Ordinance 907 veto.

1 Hutchinson said that he exercised his veto because he believed that Ordinance 907 should be
2 set aside. He noted the reaction of the community and said that it makes sense to delay the
3 process in order to get more information. He noted that his discussions with county
4 representatives including County Executive Sims indicate that a memorandum of agreement is
5 the right approach.
6

7 Sterner noted that the primary questions involve strategy and approach. He expressed concern
8 regarding the potential for unintended consequences. He said that he has spoken with Cmbr.
9 Edmonds regarding the county process, and he will vote to sustain the veto of Ordinance 907.

10
11 Olstad agreed with Cmbr. Sterner's remarks and noted he will vote to sustain the veto also.

12
13 Herzog said he has wrestled with this issue and talked with his colleagues and citizens
14 regarding the ordinance. He has concluded that communication between the city and county
15 has not been effective and expressed his interest in an exact definition of pervious materials to
16 be applied to this chapter of the code. He said that Ordinance 907 is a reasonable requirement
17 if we come forth with the definition he has requested, and he will vote to override the veto of
18 Ordinance 907.
19

20 **The motion to override the mayoral veto of Ordinance 907 carried 5-2 (Aye—Kiest,**
21 **Armanini, Thompson, Goss, Herzog; Nay—Olstad, Sterner).**

22
23
24 **Authorization to Hire Two Provisional Police Officers**

25
26 Following a brief discussion, **Armanini moved** to authorize the chief to hire two provisional
27 police officers with the limitation of no more than nine months of employment.
28

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

30
31
32 A five-minute recess was taken at 9:27 p.m.

33
34 The meeting was resumed at 9:43 p.m.

35
36
37 **NEW BUSINESS**
38 **Council Reports**

39
40 Kiest noted a King County Journal article regarding Comcast regulations and requested copies
41 for council.
42

43
44 Armanini requested copies of a Seattle Times article for council regarding the bicycle and
45 pedestrian path in Issaquah being built over wetlands.
46

47
48 Goss requested information regarding trail standards and other requirements.
49
50

1 Olstad noted that copies of stormwater standards were distributed. He reported on the recent
2 WRIA 8 sponsored meeting with lakeside property owners.

3
4
5 Goss noted that councilmembers received a memorandum on the 153rd signalization project and
6 associated changes for SR 522 proposed by WSDOT.

7
8
9 Herzog noted members of the finance committee met and discussed I-864 issues.

10
11
12 Herzog requested that staff prepare a thank you letter to Northshore Utility District for the June 3
13 dinner for councilmembers to sign.

14
15
16 Thompson stated that Cmbr. Goss has expressed her desire to serve on the ad hoc committee
17 on the Burke Gilman Trail. Cmbr. Herzog said that Goss could serve in his place.

18
19
20
21 **New topics for discussion**
22 **Definition of pervious materials**

23
24 **Herzog moved** to direct staff to provide a definition of pervious materials for council
25 consideration and adoption. **Thompson seconded.**

26
27
28 Following discussion, **the motion carried unanimously.**

29
30
31 At 9:59 p.m., Hutchinson noted that the next item on the agenda is an executive session for
32 discussion of labor negotiations and personnel matters for approximately 45 minutes. Those
33 not required to remain for the executive session exited the council chambers at this time.

34
35 A five-minute recess was called for at 10 p.m.

36
37 The meeting was resumed at 10:03 p.m.

38
39
40 **Executive Session**

41
42 The meeting was recessed to executive session at 10:04 p.m. for approximately 45 minutes for
43 discussion of labor negotiations and personnel matters.

44
45 At 10:45 p.m., the executive session was extended for approximately 20 minutes.

46
47 The regular meeting was resumed at 11 p.m.

1 **Set Special Meeting Date**

2

3 The council agreed to schedule a special meeting for Monday, June 21, 2004 at 7:30 p.m. The
4 agenda will include an executive session to discuss personnel matters for approximately one
5 hour at the beginning of the meeting.

6

7

8 **ADJOURNMENT**

9

10 There being no objection, the meeting was adjourned at 11:03 p.m.

11

12

13

14

15 _____
Susan Stine, City Clerk

16

17

18

19

20 _____
David R. Hutchinson, Mayor