

**CITY OF LAKE FOREST PARK
CITY COUNCIL REGULAR MEETING MINUTES
December 16, 2004**

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

Councilmember excused: Dwight Thompson

Staff present: David R. Hutchinson, Mayor; Karen Haines, City Administrator; Michael Ruark, City Attorney; Dennis Peterson, Police Chief; Frank Zenk, Director of Public Services; Sarah Phillips, Government & Community Relations Manager; John Hawley, Finance Director; Neil Jensen, City Engineer; Tema Nesoff, Human Services and Parks Administrator; Susan Stine, City Clerk

Others present: 22 visitors

CALL TO ORDER

Mayor Hutchinson called the regular meeting to order at 7:37 p.m.

FLAG SALUTE

At the request of the mayor, Cmbr. Olstad led the council in the pledge of allegiance.

MAYOR'S REPORT

Hutchinson provided a report on the selection process for the Suburban Cities Association board of directors.

ADOPTION OF AGENDA

Cmbr. Armanini moved to place Second Reading Calendar item 1, Ordinance 920/Adopting 2005 Budget, first on the agenda. **Cmbr. Kiest seconded. The motion carried unanimously.**

There was no objection to Cmbr. Herzog's request to add a report on the redistricting process under New Business/New Topics for Discussion.

There was no objection to the adoption of the agenda as amended.

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2
3 **SECOND READING CALENDAR**
4 **Ordinance 920/Adopting 2005 Budget**

5
6 There was no objection to Cmbr. Olstad's request to allow comments from citizens prior to
7 action on the proposed budget.

8
9 Cmbr. Herzog thanked Cmbr. Armanini for ~~preparing an amendment for council consideration~~
10 moving Ordinance 920 to the top of the agenda, and he said that it might be more effective to
11 have council discuss the amendment prior to citizen comments. Herzog said that citizens may
12 not have a clear understanding of the council's action regarding the community and government
13 affairs position, and the amendment is a compromise to which the council is in agreement. He
14 noted that the council is interested in changing the structure and function of the position and not
15 necessarily the person in the position. (approved by Council 1/13/05)

16 **Herzog moved**

17 1) to amend the proposed 2005 budget as follows: "Funding for the Government and
18 Community Relations Coordinator shall be restored;" and

19 2) to amend the proposed ordinance as follows:

20
21 **Proviso 1a:**

22 Effective February 28, 2005 the staff position of Government and Community Relations
23 Coordinator shall no longer be authorized. The Mayor is directed to provide the council a
24 proposal to allocate the remaining balance of funds dedicated on the Government and
25 Community Relations Coordinator line item by February 1, 2005. The expenditure of these
26 funds shall be subject to council approval. In the event the Mayor proposes a new position
27 to expend such funds, the title, job description, salary range, and qualifications of said
28 position shall be subject to council approval."
29

30 **Armanini seconded.**

31
32 In response to a question from Cmbr. Goss, City Attorney Ruark confirmed that the council has
33 the authority to direct the mayor through the budget process.
34

35 In response to a question from Cmbr. Olstad, Herzog said that Proviso 1b is alternate language
36 proposed by Cmbr. Thompson, which basically extends the timeline by one month. Herzog said
37 that he believes that it is best to resolve this issue quickly. He noted that Proviso 2 is a
38 separate amendment for council consideration.
39

40 Cmbr. Sterner noted that he is not thrilled with the amendment, and he supported a longer
41 timeframe for review. He expressed his concern regarding the lack of process related to the
42 elimination of the government and community relations position.
43

44 **Sterner moved to amend** the motion by substituting Proviso 1b for Proviso 1a as follows:

45
46 **Proviso 1b:**

47 Effective March 31, 2005 the staff position of Government and Community Relations
48 Coordinator shall no longer be authorized. The Mayor is directed to provide the council a

1 proposal to allocate the remaining balance of funds dedicated on the Government and
2 Community Relations Coordinator line item by February 10, 2005. The expenditure of these
3 funds shall be subject to council approval. In the event the Mayor proposes a new position
4 to expend such funds, the title, job description, salary range, and qualifications of said
5 position shall be subject to council approval.”
6

7 **Olstad seconded.**
8

9 Armanini noted that Proviso 1a eliminates the government and community relations position in
10 two and one-half months, and Proviso 1b eliminates the position in three and one-half months.
11 Armanini said that she concurs with Herzog and noted that it is in everyone’s best interest to
12 reach resolution quickly, and she will not support amending the motion with Proviso 1b.
13

14 Hutchinson noted that the meeting calendar for the next several months has a number of
15 important issues for council consideration.
16

17 Herzog said there is merit on both sides; however, he believes it is best to move forward and
18 hopes this can be resolved without another special meeting on the budget.
19

20 Herzog suggested that citizens be allowed to comment prior to the council votes on the motion.
21

22 Goss said that Herzog did not inform her of the proposed motion and proviso language.
23

24 Goss noted that the organics pilot project involved involuntary participation. She noted that
25 citizens deserve more respect, and she voted against the organics program. She also said that
26 some folks feel that this is a community, but she feels that it is a very disjointed one. Goss said
27 that the government and community affairs position was originally filled before it was advertised.
28 She expressed her concern regarding councilmembers who play the hero or white knight, and
29 she noted that she has not had time to consider the proposed provisos, but she is expected to
30 vote on the motion.
31

32 Olstad said that he supported Herzog’s suggestion to hear comments from citizens before
33 council action on the amendment.
34

35 **Herzog moved** to continue discussion of the motion to amend until comments from citizens
36 have been heard. **Sterner seconded. The motion carried unanimously.**
37
38

39 **CITIZEN COMMENTS**
40

41 Sally Renn, 3934 NE 157th Pl., said that she was shocked and highly disappointed by the
42 council action at the December 9, 2004 meeting to eliminate the government and community
43 affairs position. Renn also noted that the council had originally supported the Sustaining a
44 Livable Lake Forest Park project and now has removed it from the proposed budget after the
45 community has invested time and effort into the process.
46

47 Kae Peterson, 16744 32nd Ave. NE, said that she is confused by the council amendment
48 proposed tonight, and she expressed concern that the government and community affairs
49 position is seriously in jeopardy. She noted that that she is not alone in her support for Sarah
50 Phillips and for the position she holds, and she noted that others in the audience also share her
51 sentiment.

1
2 Glen Milner, 3227 NE 198th Pl., said that he agreed with other speakers and was shocked and
3 surprised by how the council has chosen to cut the government and community affairs position.
4 He requested that full funding for the position be restored. He said that it is wrong to eliminate
5 what we are as a city and recommended that cuts be made to equipment and vehicles instead.
6 He said that he has participated in volunteer workdays when the parks are filled with volunteers.
7 He said that if councilmembers have participated in planting days at the parks or attended a
8 concert, they would be aware of how important this position is in the community.
9

10 Teri Howatt, 5123 NE 187th, said that she was shocked at the elimination of the government and
11 community affairs position at the December 9 meeting and shocked at the process the council
12 used to take this action. Howatt said that she and other volunteers work with Sarah Phillips to
13 design and manage the city website. Howatt said that Phillips is her contact for information and
14 new items for the website, and Howatt asked if the council has considered how the work that
15 Sarah does would get done. Howatt said that councilmembers have invited a strong reaction
16 from the community by the way this action was taken.
17

18 Florence Wright, 19207 40th Pl. NE, said that she is the chair of the Parks and Recreation
19 Commission and her city volunteer activities have included several task forces and special
20 projects. She noted the quality of assistance that has been provided on numerous projects by
21 Government and Community Affairs Manager Sarah Phillips. Wright said that the position is of
22 utmost importance and is an indispensable liaison between the city and various groups, and she
23 believes that Sarah Phillips is enormously successful at fulfilling these needs.
24

25 Marjorie Ando, 3920 NE 157th Pl., said that she was really shocked and upset by the council's
26 action to eliminate the government and community affairs position. She said that it is vital that
27 the position be reinstated and said that the city needs the position and also needs Sarah in the
28 position.
29

30 Toni Potter, 19548 47th Ave. NE, said that she knows that it is a citizen's responsibility to be
31 informed about the budget process, but she only learned of this situation tonight or the crowd
32 would have been bigger. She said that she would rather have holes in the roads than have this
33 position cut.
34

35 Carol Milner, 3227 NE 198th Pl., said that Third Place Commons provides a wonderful variety of
36 programs for families without a lot of money. Milner noted that events, such as Picnic in the
37 Park and volunteer days, happen because of Sarah Phillips.
38

39 Margaret Anderson, 17851 40th Ave. NE, questioned why the council would want to divide the
40 community by making cuts to the budget in this fashion, and she asked why the council would
41 take away the position that is the citizens' link to the city.
42
43

44 **CONSENT CALENDAR**

45

46 Armanini noted that the December 9, 2004 regular meeting minutes had been distributed tonight
47 and requested that approval of the minutes be placed on the January 13, 2005 agenda.
48

49 **Herzog moved** to add excusing Cmbr. Thompson's absence from tonight's meeting to the
50 consent calendar. **Olstad seconded. The motion carried unanimously.**
51

1 **Herzog moved** approval of the consent calendar as amended:
2

- 3 1. December 2, 2004 Council Regular Meeting Minutes
- 4 2. December 9, 2004 Study Session Minutes
- 5 3. December 16, 2004 Finance Committee Report covering warrant nos.
6 46895 through 46928 in the amount of \$45,368.09 drawn from the claims
7 clearing fund.
- 8 4. Excuse Cmbr. Thompson's Absence
9

10 **Armanini seconded. The motion carried unanimously.**
11
12

13 **Ordinance 920/Adopting 2005 Budget**

14
15 Olstad said that there is not much difference in the action at the December 9 council meeting
16 and the current amendments except that the proposed provisos buy a little time, which would
17 allow for additional public input and also requires the administration to justify the current or an
18 alternate position.
19

20 Olstad said that he believes that the government and community affairs position is extremely
21 important, and he asked councilmembers to consider how its duties would be addressed if the
22 position were eliminated. He noted the letter from the owner of Third Place Books and
23 expressed his concern regarding potential unintended consequences from this action.
24

25 Olstad also noted that he is very concerned regarding the way that the action to eliminate this
26 position was done, and he finds it very disturbing that there was no public discussion of this
27 matter prior to the December 9 meeting. Olstad expressed his respect for his council
28 colleagues and his desire and hope that there are no hidden agendas related to this action.
29

30 Olstad stated that he has had many opportunities to observe Sarah Phillips in her role as
31 government and community affairs manager, and she does a superb job. Olstad said that
32 regardless of whether Phillips holds the position, he believes that the position is very important
33 to the city.
34
35

36 Sterner said that he strongly agreed with the points made by Cmbr. Olstad. He confessed that
37 when he learned of the proposal to eliminate the government and community affairs position
38 being discussed by his council colleagues, he spoke to the mayor prior to the December 9
39 meeting.
40

41 Sterner said that the council is going at this backwards and noted that a previous council had
42 approved the position. He said that a review of the position and discussion must take place
43 prior to its elimination, and he noted his concern regarding the proposed amendments.
44

45 In response to a question from Sterner, City Attorney Ruark confirmed that if the position is
46 eliminated, a proposal by the mayor to reinstate it would require a budget amendment and such
47 amendments require five votes of the council.
48

49 Sterner said that he has reviewed the position description, and Sarah Phillips does a
50 remarkable job of fulfilling the duties described. He said that he voted on the prevailing side at
51 the December 9 meeting so that he could bring the motion back for reconsideration, and he

1 believes that the position should be reinstated. He expressed his concern that only four votes
2 are needed to eliminate the position, but five votes would be required to reinstate the position
3 because a budget amendment would be required.
4

5
6 Herzog said that he phrased the amendment to keep the salary at the full level while eliminating
7 the position title. Ruark noted that the position and its funding go together, and a budget
8 amendment would be required if the position is eliminated.
9

10 In response to further questions, Ruark discussed impacts of various amendment options.
11

12
13 After further discussion, a 10-minute recess was called for at 8:35 p.m.
14

15 The meeting was resumed at 8:55 p.m.
16

17
18 At 8:56 p.m., **Cmbr. Kiest moved** for a 15-minute recess.
19

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

22
23 The meeting was recessed at 8:57 p.m.
24

25 At 9:15 p.m., the recess was extended for an additional 15 minutes.
26

27 The meeting was resumed at 9:25 p.m.
28

29
30 Herzog said that he had developed substitute language for the proviso with the aid of the city
31 attorney.
32

33 Sterner and Olstad withdrew the motion to amend substituting Proviso 1b for Proviso 1a.
34

35 Herzog and Armanini withdrew the original motion to amend using Proviso 1a.
36

37 **Herzog moved**

38 1) to amend the proposed 2005 budget as follows: "Funding for the Government and
39 Community Affairs Manager shall be restored;" and

40 2) to amend the proposed ordinance as follows:
41

42 **"Proviso 1c:**

43 The Mayor is directed to provide the Council a report with regard to the position of
44 Government and Community Affairs Manager no later than February 10, 2005. The report
45 shall include at a minimum recommendations to the job description, FLSA exempt status
46 and salary.
47

1 If the Council does not act upon the Mayor's recommendations by March 10, 2005,
2 consideration to eliminate the position shall be placed on the agenda as a budget
3 amendment at the March 17, 2005 council meeting."
4

5 Herzog said that after further discussion with City Attorney Ruark, he would like to present a
6 third option for council consideration. He presented Proviso 1c as a compromise solution and
7 noted that five votes would be required to either eliminate the current position or to create a new
8 position. He said that this creates a dynamic to encourage the mayor and administration to
9 work with the council.

10
11 Olstad said that he would support the proviso in the interest of compromise.

12
13 **The motion carried unanimously.**

14
15
16 **Herzog moved** to amend the proposed ordinance as follows:

17
18 **Proviso 2:**

19 The administration shall prepare a report on the issue of FLSA exempt/non-exempt status of
20 staff members. This report shall be presented to the council no later than February 28,
21 2005."
22

23 **Armanini seconded.**

24
25 In response to a question from Olstad, Herzog said that one concern raised in the discussion of
26 the Government and Community Affairs position is the exempt or non-exempt status. He noted
27 that other positions in the leadership team should be assessed also.

28
29 Following further discussion, **the motion carried unanimously.**

30
31
32 **Sterner moved** to amend the proposed budget to re-authorize funding for membership in ESCA
33 (Emergency Services Coordinating Agency). **Olstad seconded.**

34
35 Sterner said that one critical thing that the city must do is to have an emergency mitigation plan
36 in place. He noted that fortunately the city has a cost-effective way to meet these requirements
37 through membership in ESCA.

38
39 Herzog said that one reason why he supported the addition of the engineering technician
40 position is because this position should be able to do the inventory and analysis required for the
41 mitigation plan in-house, and he said that he would vote against the amendment.

42
43 In response to a question from Goss, Sterner said that the agreement with ESCA would provide
44 a specialized product. Sterner noted that city staff would have to become educated regarding
45 the requirements and then create an acceptable plan, and he said that limited staff time could
46 be better used for other projects. He noted that mitigation plans that ESCA has submitted have
47 been given high marks.

48
49 Goss said that if the city can get that expertise for \$18,000, then maybe the council should
50 consider this as a way to get relief from having to hire staff and pay benefits and having to be
51 satisfied with performance that they are not satisfied with.

1
2 In response to a question from Olstad, City Administrator Haines said that the city is required to
3 have an emergency mitigation plan, and other emergency planning requirements must be met.
4 Haines estimated that one-half FTE would be required to accomplish the emergency mitigation
5 plan in-house and would cost more than the \$18,000 required for ESCA membership.
6

7 Armanini said that the council's expectations would go beyond a boilerplate document for the
8 contract with ESCA. Armanini said that assuming that ESCA provided an acceptable and
9 competent plan, the city could dump them after one year.

10
11 Following discussion, Hutchinson said that the council could evaluate its membership in ESCA
12 annually.
13

14 In response to a question from Armanini, Police Chief Peterson said that King County provides
15 excellent information to the city but does not provide the services that ESCA provides to
16 develop the required emergency mitigation plan. Peterson said that the city of Shoreline hired a
17 full-time staff member for emergency services planning. Armanini noted that the council
18 requested staff to keep Congressman Jay Inslee's office informed of the cost of unfunded
19 mandates to the city, and Peterson said that he would make sure that this was done.
20

21 Kiest spoke against the amendment and noted that the city's staffing level is at its highest in city
22 history. He discussed the budget committee process and noted that councilmembers had taken
23 a hard look at departmental budget requests and staffing and have approved changes and
24 additions to the 2005 budget. He expressed concern regarding the city's risk exposure and
25 noted that the staff has not attended key meetings on this topic and has not had time to develop
26 an emergency mitigation plan. Kiest said that he believes that the council has given enough in
27 the way of resources, and the administration must focus attention on meeting the emergency
28 services planning needs.
29

30 Sterner said that sometimes it is most efficient to hire the expertise that you need, and he noted
31 that some cities are doing that. He said that he does not believe that it is cost effective to
32 devote staff time to some tasks such as gaining the expertise needed for development of the
33 emergency mitigation plan, and he noted that organizations such as ESCA exist to address
34 such needs.
35

36 In response to a question from Herzog, Haines said that the ESCA board informed her that as a
37 membership organization, it is not interested in a contract for development of the mitigation plan
38 only. Haines also noted that Homeland Security requirements for cities are ongoing and not
39 limited to the requirement for an emergency mitigation plan.
40

41 In response to a question from Armanini, Sterner said that council approval of the ESCA
42 agreement would be required as a separate process.
43

44 Goss thanked Kiest for his remarks and expressed concern that the city has ignored this need
45 while it has provided funding for items that are frills. She said that the administration does not
46 have time to take care of essential functions but spends time on other things. Goss said that
47 she will not support the motion, but her vote is not an indication that the city should not do the
48 emergency mitigation plan.
49

50 **The motion failed 2-4 (Aye—Sterner, Olstad; Nay—Goss, Armanini, Kiest, Herzog).**
51

1
2 **Armanini moved** to advance Ordinance 920/Adopting 2005 Budget to the final action calendar.
3 **Kiest seconded. The motion carried unanimously.**
4

5
6 **FINAL ACTION CALENDAR**
7 **Ordinance 920/Adopting 2005 Budget**
8

9 **Armanini moved** adoption of Ordinance 920/Adopting 2005 Budget. **Kiest seconded. The**
10 **motion carried unanimously.**
11

12
13 **NEW BUSINESS/New topics for discussion**
14 **King County Redistricting Committee**
15

16 Herzog asked councilmembers to contact him if they wished to sign a letter regarding
17 redistricting proposals. He said that he believes that a decision regarding the process would be
18 made by mid-January.
19

20 Armanini said that a public meeting of the districting committee is scheduled for January 5, 2005
21 at Lake Forest Park City Hall.
22

23
24 **ADJOURNMENT**
25

26 There being no objection, the meeting was adjourned at 10:17 p.m.
27

28
29 _____
30 Susan Stine, City Clerk
31

32
33 _____
34 David R. Hutchinson, Mayor
35