

**CITY OF LAKE FOREST PARK
CITY COUNCIL MEETING MINUTES
June 23, 2005**

Councilmembers present: Dwight Thompson, Mayor *pro tempore*; Alan Kiest, Carolyn Armanini, Mary Jane Goss, Nate Herzog, Roger Olstad, Ed Sterner

Staff present: David R. Hutchinson, Mayor; Karen Haines, City Administrator; Michael Ruark, City Attorney; Dennis Peterson, Police Chief; Sarah Phillips, Community and Government Affairs Program Manager; Stephen Bennett, Building and Planning Director; Susan Stine, City Clerk

Others present: 15 visitors

CALL TO ORDER

Mayor Hutchinson called the city council regular meeting to order at 8:01 p.m.

FLAG SALUTE

Cmbr. Sterner led council in the pledge of allegiance.

MAYOR'S REPORT

Mayor Hutchinson reported on his attendance at the Association of Washington Cities conference in Kennewick and noted that he will serve on the board for another term.

Cmbr. Kiest noted the recent retirement of Jan Stout of United Way and expressed his appreciation for Mayor Hutchinson's comments in her honor at her retirement reception.

ADOPTION OF AGENDA

Cmbr. Thompson moved adoption of the agenda as proposed. **Cmbr. Goss seconded.**

Hutchinson requested that the June 9, 2005 council regular meeting minutes be removed from the consent calendar.

The motion carried unanimously.

1 **CITIZEN COMMENTS**

2
3 Karen True, 17171 Bothell Way NE #309, noted the success of the farmer's market and new
4 ideas and events that are being discussed. In response to a question from Thompson, True
5 said that she would provide information regarding the support for the market.
6

7
8 Teri Howatt, 5123 NE 187th St., thanked the city for its support of the farmer's market. She
9 thanked the council for its consideration of an amendment to the sign code to allow banners
10 within the Towne Centre.
11

12
13 Jan Rood, 15562 Lakeshore Blvd. NE, discussed issues related to the Burke Gilman Trail. She
14 said that the city seems to support the interests of the cyclists more than its own residents.
15

16
17 Julian Andersen, 3377 NE 178th St., encouraged the council to complete its work on the
18 sensitive areas ordinance. He also spoke on the importance of Water Resources Inventory
19 Area (WRIA 8) plan regarding Chinook salmon.
20

21
22 Mike Lantz, 18225 47th Pl. NE, commended Detective Tony Matthews on his diligent work on an
23 incident regarding credit card theft. Also, he said that he recently purchased a property at
24 Ballinger Way and 35th Avenue Northeast and discussed his interest in rezoning the property.
25 He said that he was informed that a rezone process could be completed in four to six weeks, but
26 he has since learned that six to 10 months is more likely.
27

28
29 Neil Harman, 3530 NE 165th St., expressed his concern regarding the proposed ordinance
30 placing an excise tax on septic systems and requested that more information be provided
31 regarding the proposed tax.
32

33
34 **CONSENT CALENDAR**

35
36 **Cmbr. Armanini moved** to approve the consent calendar as follows:
37

- 38 1. June 9, 2005 Council Study Session Minutes
39 2. June 23, 2005 Finance Committee Report covering warrant nos. 47903 through 47992
40 drawn from the claims clearing fund in the amount of \$220,619.35 and warrant nos. 28702
41 through 28786 drawn from the payroll clearing fund in the amount of \$165,297.07 and an
42 automatic withdrawal from the checking account in the amount of \$599.69 for monthly bank
43 service fee.
44 3. Authorize Administration to Proceed with Hiring for Public Works Position
45 4. Resolution 925/Authorizing Mayor to Sign Amendment to Agreement with Collins Consulting
46 for Inflow and Infiltration Reduction Project Construction Inspection Services
47

48 **Cmbr. Olstad seconded. The motion carried unanimously.**
49

1 **FIRST READING CALENDAR**

2 **Resolution 926/Ratifying Water Resources Inventory Area (WRIA) 8 Chinook Salmon**
3 **Conservation Plan**

4
5 Cmbr. Olstad introduced Jane Lamensdorf-Bucher, Watershed Coordinator for the Lake
6 Washington Cedar Sammamish Watershed, also known as Water Resources Inventory Area
7 (WRIA) 8. She discussed the plans and goals for WRIA 8 and noted that their plan sets
8 priorities for limited resources.

9
10 **Olstad moved** to advance Resolution 926/Ratifying Water Resources Inventory Area (WRIA) 8
11 Chinook Salmon Conservation Plan to second reading calendar tonight. **Cmbr. Kiest**
12 **seconded. The motion carried unanimously.**

13
14
15 **Ordinance 935/Relating to the City's Sign Regulations Including Provisions for Banners**
16 **within the Town Center Zone**

17
18 Armanini expressed her surprise that Seattle City Light would not allow banners on its poles in
19 the city and why this was not investigated prior to the council's previous deliberations on sign
20 code amendments.

21
22 City Administrator Karen Haines said that Seattle City Light's denial of the request is based on
23 the use of combination poles in the city. Haines noted that poles in the Lake City area are for
24 street lights only, and banners are permitted on such poles. Haines said that the proposal for
25 banners on the light poles within the Town Center has been approved by the center's
26 management.

27
28 **Thompson moved** to advance Ordinance 935/Relating to the City's Sign Regulations Including
29 Provisions for Banners within the Town Center Zone to second reading calendar tonight.

30
31 **Olstad seconded. The motion carried unanimously.**

32
33
34 **SECOND READING CALENDAR**

35 **Resolution 926/Ratifying Water Resources Inventory Area (WRIA) 8 Chinook Salmon**
36 **Conservation Plan**

37
38 **Olstad moved** to approve Resolution 926/Ratifying Water Resources Inventory Area (WRIA) 8
39 Chinook Salmon Conservation Plan. **Thompson seconded. The motion carried**
40 **unanimously.**

41
42
43 **Ordinance 909/Amending LFPMC 18.52.48 Relating to Conditional Use Permit**
44 **Requirements for Trails**

45
46 **Armanini moved** that Ordinance 909/Amending LFPMC 18.52.48 Relating to Conditional Use
47 Permit Requirements for Trails remain on the second reading calendar for the July 14, 2005
48 regular council meeting. **Cmbr. Goss seconded. The motion carried unanimously.**

1 **Ordinance 928/Regulating Use of City's Rights of Way for Telecommunication Services**

2
3 Thompson distributed an amendment sheet for proposed Ordinance 928, which was prepared
4 by the city attorney.

5
6 **Thompson moved** proposed amendment 1 to Ordinance 928 as follows:

7
8 "5.26.040 Master permit required – Exceptions.

9
10 A. Master Permit Requirement. Except as otherwise provided herein, an operator of a
11 telecommunications facility or a private communications system owner proposing to use the
12 public right-of-way must obtain from the city council a master permit before constructing a
13 telecommunications facility or providing telecommunications services or constructing a private
14 communications system. A separate master permit shall be obtained for each use whenever a
15 particular master permitted communications facility may be used for multiple purposes, unless
16 applicable federal or state law prohibits the city from requiring such additional master permit. A
17 master permit shall only become effective after the grantee signs an acceptance of the master
18 permit."

19
20 **Olstad seconded.** Following discussion, **the motion carried unanimously.**

21
22
23 **Thompson moved** proposed amendment 2 to Ordinance 928 that subsection A of 5.26.060 be
24 deleted and replaced with a new subsection A as set forth below:

25
26 "A. Every operator of a telecommunications facility shall compensate the city for its
27 actual cost that are related to receiving and approving a master permit or right-of-
28 way permit, to inspecting plans and construction pursuant thereto, or to the
29 preparation of a detailed statement pursuant to Chapter 43.21C RCW.

- 30
31 1. Costs shall be billed to the operator on a time and material basis in the
32 manner and at the rates provided in a resolution adopted by the City
33 Council.
34
35 2. Fees must be paid within 30 days of receipt of the city's billing.
36
37 3. On request of an operator, the city will submit proof of any charges or
38 expenses incurred. For any project or time frame, an operator can also
39 request a written estimate from the administrator, in advance of costs
40 planned to be expended by the city, and the operator may object to any
41 costs by filing written protest with the administrator. The administrator
42 shall decide the protest within five business days, and the decision shall
43 be the final decision of the city."

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

46
47
48 **Kiest moved** proposed amendment 3 to Ordinance 928 that a new subsection B be added to
49 5.26.060 as set forth below:

- 1 B. Every operator of a telecommunications facility shall compensate the city for its
2 actual incremental costs necessarily incurred on city public works projects
3 because of the presence of telecommunications facilities in the right-of-way.
4
5 1. Fees must be paid within 30 days of receipt of the city's billing.
6
7 2. On request of an operator, the city will submit proof of such incremental
8 costs.
9
10 3. Before commencing work, the city shall notify the operator of its proposed
11 project, and the incremental costs the city estimates will be incurred. The
12 operator may object to any costs by filing written protest with the
13 administrator. The administrator shall decide the protest within five
14 business days, and the decision shall be the final decision of the city.
15

16 **Thompson seconded. The motion carried unanimously.**

17
18
19 **Thompson moved** proposed amendment 4 to Ordinance 928 that subsection D 5 of section
20 5.26.090 be deleted and moved to subsection A of 5.26.090 as set forth below:
21

22 **5.26.090 Enforcement and remedies.**

- 23
24 A. Administrator's Responsibilities. The administrator is responsible for enforcing and
25 administering this title, and the administrator is authorized to give any notice required
26 by law or under any master permit, including by way of example and not limitation, a
27 notice required under 47 U.S.C. Section 546. The administrator is also authorized to
28 seek information from any communications system operator, and to take all other
29 actions necessary or appropriate to the administration of this title or any master
30 permit. Master permits may be denied or issued only by the city council. General
31 administration of the master permit for the city is through the office of the
32 administrator. However, the administrator may delegate this authority and
33 responsibility to other agents of the city. All questions of application, interpretation,
34 conflict or ambiguity arising out of or in connection with a master permit may be
35 determined through communications with the administrator, except where otherwise
36 specifically stated.
37

38 **Kiest seconded. The motion carried unanimously.**

39
40
41 **Thompson moved** proposed amendment 5 to Ordinance 928 that a new subsection D 5 be
42 added to 5.26.090 as follows:
43

44 "5. Appeals

- 45
46 A. The operator may appeal any decision of the administrator to the hearing
47 examiner by filing a written notice of appeal with the city clerk within 10 days of
48 the date of issuance of the administrator's decision. The notice of appeal must
49 include a copy of the administrator's decision and a complete record originally
50 submitted to the administrator by the operator. The city clerk shall forward the

1 appeal and the record to the hearing examiner who shall set the matter for
2 hearing as provided in the adopted rules for hearing examiner appeals.”

3
4 **Olstad seconded.** Following discussion, **the motion carried unanimously.**

5
6
7 **Kiest moved** proposed amendment 6 to Ordinance 928 that subsection D 6 (which provided for
8 an appeal) be deleted and the remaining subsections of subsection D be renumbered
9 accordingly.

10
11 **Cmbr. Sterner seconded. The motion carried unanimously.**

12
13 Following a brief discussion with City Attorney Ruark, **Armanini moved** that Ordinance 928
14 remain on second reading for the July 14, 2005 council meeting.

15
16 **Kiest seconded. The motion carried unanimously.**

17
18
19 Cmbr. Armanini exited the meeting at 9:15 p.m.

20
21 Cmbr. Herzog exited the meeting at 9:18 p.m.

22
23
24 **Ordinance 930/Repealing and Adding New Chapter 16.16, “Environmentally Sensitive
25 Areas”**

26 **Ordinance 932/Adopting the “2005 Lake Forest Park Comprehensive Plan”**

27 **Ordinance 931/Adopting Regulations, Imposing Excise Tax for Use of Septic Systems**

28
29 Following a discussion of stream buffers and stream health, **Thompson moved** that Ordinance
30 930/Repealing and Adding New Chapter 16.16, “Environmentally Sensitive Areas”, Ordinance
31 932/Adopting the “2005 Lake Forest Park Comprehensive Plan” and Ordinance 931/Adopting
32 Regulations, Imposing Excise Tax for Use of Septic Systems remain on second reading for the
33 July 14, 2005 regular council meeting.

34
35 **Olstad seconded. The motion carried unanimously.**

36
37
38
39 **Ordinance 935/Relating to the City’s Sign Regulations Including Provisions for Banners
40 within the Town Center Zone**

41
42 Following a discussion of issues related to the proposed ordinance and the public hearing on
43 the proposed ordinance, **Thompson moved** to amend Ordinance 935 as follows:

44
45 Page 10, line 1 of section 2: “...Sections 18.52.020.R, 18.52.070.K and ~~18.52.080.A.2~~
46 18.52.070. L”

47
48 **Kiest seconded. The motion carried unanimously.**

1
2 **Thompson moved** to amend Ordinance 935 as follows:

3
4 Page 8: "L. ...may be used ~~year-round~~ twenty (20) days before the season of operation to
5 highlight ~~seasonal events such as~~ the farmer's market, ~~holiday seasons or other special events~~
6 within the Towne Centre..."

7
8 **Kiest seconded.**

9
10 Following discussion, **the motion failed 2-3 Aye---Thompson, Kiest; Nay---Goss, Olstad,**
11 **Sterner).**

12
13
14 **Thompson moved** to amend Ordinance 935 as follows:

15
16 Page 8

17 L. " Streetlight Banners may be permitted upon the private light poles within the Towne
18 Centre property town center zone. Such streetlight banners ...within the Towne
19 Center property town center zone.... "

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

22
23
24 **Kiest moved** to amend Ordinance 935 as follows:

25
26 Page 8, L.

27 1. The total number of banners on display at any time shall not exceed ~~25~~ 21."

28
29 **Goss seconded. The motion did not carry 2-3 (Aye---Goss, Kiest; Nay---Olstad,**
30 **Thompson, Sterner).**

31
32
33 **Thompson moved** to schedule Ordinance 935 for public hearing on July 14, 2005 and to hold
34 Ordinance 935 on second reading for July 14, 2005. **Kiest seconded. The motion carried**
35 **unanimously.**

36
37
38 **Excuse Cmbr. Kiest**

39
40 **Thompson moved** to excuse Cmbr. Kiest from the July 14, 2005 council meetings. **Olstad**
41 **seconded. The motion carried unanimously.**

42
43
44 **NEW BUSINESS**
45 **Reports---Council**

46
47 Sterner noted he and City Clerk Susan Stine attended a seminar on public records and open
48 meetings.

1 He also reported on a recent meeting of the Burke Gilman Trail citizen advisory group at which
2 lighting placed in the roadway was discussed. He indicated his interest in learning more about
3 this option and may recommend testing it on the Burke Gilman Trail.

4
5 Sandy Koppenol, 16027 36th Avenue NE, stated she was at the meeting also and would be
6 interested in testing the lighting.

7
8
9 Olstad stated he had a copy of a DVD regarding shared strategies for creating a future for
10 people and salmon, which he would make available to his colleagues interested in viewing it.

11
12
13 At 10:42 p.m., Hutchinson noted that the next item on the agenda is an executive session for
14 discussion of potential litigation for approximately 15 minutes. Those not required to remain for
15 the executive session exited the council chambers at this time.

16
17
18 A three-minute recess was called for at 10:43 p.m.

19
20 The meeting was resumed at 10:46 p.m.

21
22
23 **EXECUTIVE SESSION**

24
25 The meeting was recessed to executive session at 10:47 p.m. for approximately 15 minutes for
26 discussion of potential litigation.

27
28 At 11 p.m., the executive session was extended for an additional 15 minutes for continued
29 discussion of potential litigation.

30
31
32 The regular meeting was resumed at 11:10 p.m.

33
34
35 **ADJOURNMENT**

36
37 There being no objection, the meeting was adjourned at 11:11 p.m.

38
39
40
41 _____
42 Susan Stine, City Clerk

43
44
45
46 _____
47 David R. Hutchinson, Mayor