CITY OF LAKE FOREST PARK
CITY COUNCIL MEETING MINUTES
July 28, 2005

Councilmembers present: Dwight Thompson, Mayor *pro tempore;* Alan Kiest, Carolyn Armanini, Roger Olstad, Ed Sterner

Councilmembers excused: Mary Jane Goss, Nate Herzog

Staff present: Karen Haines, City Administrator; Michael Ruark, City Attorney; Dennis Peterson, Police Chief; John Hawley, Finance Director; Stephen Bennett, Building and Planning Director; Susan Stine, City Clerk

Others present: 10 visitors

CALL TO ORDER

Mayor *pro tempore* Dwight Thompson called the meeting to order at 7:30 p.m.

FLAG SALUTE

Cmbr. Sterner led council in the pledge of allegiance.

Thompson noted Mayor Hutchinson is at an Association of Washington Cities conference and noted the absence of Cmbrs. Herzog and Goss at tonight's meeting.

Excuse Cmbrs. Goss and Herzog

Cmbr. Armanini moved to excuse Cmbrs. Goss and Herzog from tonight's meetings. ***Cmbr. Kiest seconded. The motion carried unanimously.***

PUBLIC HEARING
Ordinance 935/Relating to City's Sign Regulations Including Banners within Town Center Zone

Mayor *pro tempore* Thompson opened the public hearing on Ordinance 935/Relating to City's Sign Regulations Including Banners within Town Center Zone at 7:32 p.m.

Teri Howatt, 5123 NE 187th St., noted her support of passage of the sign ordinance for the farmers' market. She thanked council for their continued support of the farmers' market. In response to a question from Cmbr. Armanini, Howatt discussed the success of the farmers' market and noted the various vendors at the market.

There being no further comments, the public hearing was closed at 7:35 p.m.

MAYOR'S REPORT

Thompson noted that a presentation to the council had been proposed on the design guidelines project. He reported that the Stewardship Foundation was awarded two grants for the Keyhole property and thanked Senator Fairley and Representative Kagi for their help in acquiring the $150,000 grant from the State. He said that King Council Conservation Futures funded an additional $50,000 grant. Thompson noted receipt of a memorandum from Mayor Hutchinson regarding the appointment of commission chairs.

Thompson announced that Volunteer Appreciation Day is scheduled for Sunday, August 21, 2005 and that councilmembers are invited to participate. He expressed his appreciation for the work of Engineering Technician Jesse Peterson in tracking sewer accounts.

Thompson noted the memorandum regarding the market comparables for the compensation study, and Armanini requested that this be added to new topics for discussion on the agenda.

Cmbr. Kiest noted that the sign code has been liberalized several times recently, and he asked the administration to scrutinize the temporary banners at the north end of the Towne Centre for code compliance and to provide a report to council.

ADOPTION OF AGENDA

Thompson noted the addition of market comparables for the compensation study to the agenda under new topics for discussion and said that there will be an executive session for discussion of personnel matters and potential litigation.

Cmbr. Olstad moved adoption of the agenda as amended. ***Armanini seconded. The motion carried unanimously.***

CITIZEN COMMENTS

Steve Plusch, 4731 NE 201st Place, called the council's attention to an article in USA Today about the value of trees. He requested that the council adopt the sensitive areas ordinance as quickly as possible.

CONSENT CALENDAR

Armanini requested to pull item 5, July 28, 2005 finance committee report.

Armanini noted that warrant 48079 to Advantage/Thomco for tennis court repairs in the amount of $1,627.02 seems to be in violation of section 14 of the budget ordinance, which states that "…non-contracted expenses for the tennis courts are limited to $1,000. The remaining budgeted amount may only be approved after submission to the council of an acceptable contract for

services, a plan from the administration to measure usage of the facility and a five-year plan including expenses from the administration for operation and maintenance of the tennis courts."

Armanini requested that this warrant be pulled from the warrant list of July 28, 2005 and held for approval at an upcoming meeting following receipt of additional information from the administration.

Armanini moved adoption of the consent calendar as amended as follows:

1. June 9, 2005 Council Regular Meeting Minutes
2. June 23, 2005 Council Study Session Minutes
3. June 23, 2005 Council Regular Meeting Minutes
4. July 14, 2005 Finance Committee Report covering warrant nos. 47993 through 48076 in the amount of $235,869.56 drawn from the Claims clearing fund and warrant nos. 28787 through 28883 in the amount of $216,228.35 drawn from the payroll clearing fund.
5. July 28, 2005 Finance Committee Report covering warrant nos. 48077 through 48152 in the amount of $88,789.31 (less warrant no. 48079 in the amount of $1,627.02) drawn from the Claims clearing fund and warrant nos. 28884 through 28970 in the amount of $163,938.43 drawn from the payroll clearing fund and an automatic withdrawal from the checking account in the amount of $625.28 for monthly bank service fees.
6. Resolution 927/Authorizing Mayor to Sign Agreement with King County for Institutional Network (I-Net) Services
7. Resolution 928/Authorizing Mayor to Sign Interlocal Cooperation Agreement for Community Development Block Grant (CDBG) Program
8. Resolution 929/Authorizing Mayor to Sign Contract with Boys and Girls Clubs for Summer Camp Scholarships at Lake Forest Park Elementary School
9. Resolution 931/Authorizing Mayor to Sign Agreement with Shoreline-Lake Forest Park Senior Center for Health and Recreation Services
10. Authorizing City Staff to Proceed with Hiring Public Works Maintenance Worker

Thompson seconded. The motion carried unanimously.

FIRST READING CALENDAR

Resolution 930/Authorizing Mayor to Expend $12,500 from Transportation Capital Fund from Monies Budgeted for Pedestrian Facility Enhancement Projects for Test Warning Lights on Burke Gilman Trail

Cmbr. Sterner noted that there was discussion at a recent Burk Gilman Trail Citizen Advisory Group meeting regarding the possibility of putting in a light system that would be triggered by vehicles approaching the trail.

Cmbr. Olstad noted he had contacted King County Cmbr. Edmonds' office and received verbal assurance that King County would split the cost with the city and that this would be a joint city/county project.

Cmbr. Armanini noted her concerns on the timing of the project and said that the city should bankroll the entire pilot project to keep it moving forward.

After further discussion, ***Armanini moved*** to amend Resolution 930 as follows:

Page 1, lines 5 and 32: "~~$12,500~~ *up to $25,000* …"

Sterner seconded.

In response to the a question from Cmbr. Kiest, City Administrator Karen Haines noted Mayor Hutchinson had expressed his concerns that this should be fully funded by the County. Discussion followed on further amendments to be considered.

Thompson noted that he was opposed to the amendment and said that the project should not be paid for with city dollars.

Sterner noted that the city would need permission from the county for the project. He noted that the resolution would authorize an expenditure if the county approves the project.

After further discussion, ***the motion carried 4-1 (Aye—Kiest, Armanini, Olstad, Sterner; Nay—Thompson).***

Sterner moved to amend Resolution 930 as follows:

Page 1, line 34: "…The administration is instructed to work in partnership with the county and to seek funding from the county to minimize the city expenditure."

Kiest seconded. The motion carried unanimously.

Thompson moved to amend Resolution 930 as follows:

Page 1, line 34: "…Projects *in the current fiscal year*."

Armanini seconded. The motion carried unanimously.

Armanini moved to advance Resolution 930 to second reading calendar. ***Olstad seconded. The motion carried unanimously.***

SECOND READING CALENDAR
Ordinance 909/Amending LFPMC 18.52.48 Relating to Conditional Use Permit Requirements for Trails

Sterner moved to amend Ordinance 909 as follows:

Page 1, lines 4-8: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK; RELATING TO THE CITY'S CONDITIONAL USE ORDINANCE; AMENDING SECTION 18.54.048 OF THE LAKE FOREST PARK MUNICIPAL CODE AND ADDING A NEW SECTION 18.54.047 TO THE LAKE FOREST PARK MUNICIPALL CODE AUTHORIZING TRAILS IN THE CITY AS CONDITIONAL USES."

Thompson seconded. The motion carried unanimously.

Sterner moved to amend Ordinance 909 as follows:

Page 1, lines 12-13: "…~~governing public and private trails~~ *conditional uses* in the City;"

Armanini seconded. The motion carried unanimously.

Sterner moved to amend Ordinance 909 as follows:

Page 1, line 20: "…governing ~~public and private trails~~ *conditional uses and authorizing trails as conditional uses* as set forth...."

Armanini seconded. The motion carried unanimously.

Sterner moved to amend Ordinance 909 as follows:

Page 1 and 2, lines 42 through Page 2, line 38:

~~3. For any multi-use or multi-purpose trail facility or addition or alteration to a multi-use or multi-purpose trail facility:~~

~~a. The trail facility or the addition or alteration to the trail facility must be designed in a manner that limits or mitigates conflicts between the different types of authorized uses of the trail. Design features to limit or mitigate such conflicts may include, but shall not be limited to, separate lanes for different types of uses, increased land width, appropriate trail markings, and signage and shall be appropriate in light of the actually experienced or anticipated use of the trail facility.~~

~~b. At-grade crossings with a vehicular roadway or driveway shall include reasonable design features or provisions to limit or mitigate conflicts between trail users and vehicular roadway or driveway uses, as determined appropriate based on sound engineering judgment. Design features or other provisions to limit or mitigate such conflicts may include but shall not be limited to, provision for increased sign distance, removal or maintenance of vegetation that impairs sign distance, jogs in the trail near all intersections to warn speeding bicyclists of the approaching intersections, particularly when line of sign is restricted, signage, or sensor-activated warning lights. In particular, and without limiting the general application of the foregoing provision, unless a trail is co-located with a public street regularly used by motorized vehicles, motorized vehicles will be granted the right-of-way at all intersections, public and private. Regulation stops signs will be posted along the trail approaches to these intersections. In addition, if a trail is used on more than 52 days a year by more than 1000 persons (using any mode of use) per day or more than 100 persons in any given hours as determined by any study acceptable to the City, then the owner shall install motion or user~~

~~activated stop lights (that may include trail imbedded flashing lights sometimes used at pedestrian cross walks) as approved by the City at all intersections to provide warning to trail users that a motorized vehicle (and any pedestrian who may choose to take advantage of such signal) is crossing the trail;~~

~~c. A trail not co-located with a public street regularly used by motorized vehicles, shall also provide fending and landscaping to help preserve the privacy of adjacent property used for residential purposes. Unless otherwise agreed to by the affected resident(s), such fending will be not less than six feet high with wood posts and chain-linked fabric or the functional equivalent as may be approved by the City. Vines and/or other greenery as approved by the City will be planted along the fence to allow it to blend into surrounding landscape. In addition, buffer planting and landscaping shall be provided along such trail that will dissuade trespass into neighboring property while allowing an unrestricted line of sight, such as wild roses or other vegetation that can create a bramble buffer.~~

Armanini seconded. The motion carried unanimously.

Sterner moved to amend Ordinance 909 as follows:

Page 3, line 34:

"Section 2. A new section 18.54.047 is added to the Lake Forest Park Municipal Code as follows:

18.54.047 Multi-use or Multi-purpose trails.

A multi-use or multi-purpose trail facility may be allowed as a conditional use in any land use zone of the City. In granting such conditional use, the hearing examiner is instructed to attach appropriate conditions such as, but not limited to, the following: limitation of size, location on property and screening and to only issue conditional use permits conditioned upon compliance with any requirements provided under Chapter 18.54. A conditional use permit for trails shall be subject to the following conditions:

A. *The trail facility or the addition or alteration to the trail facility must be designed in a manner that limits or mitigates conflicts between the different types of authorized uses of the trail. Design features to limit or mitigate such conflicts may include, but shall not be limited to, separate lanes for different types of uses, increased land width, appropriate trail markings, and signage and shall be appropriate in light of the actually experienced or anticipated use of the trail facility.*

B. At-grade crossings with a vehicular roadway or driveway shall include reasonable design features or provisions to limit or mitigate conflicts between trail users and vehicular roadway or driveway uses, as determined appropriate based on sound engineering judgment. Design features or other provisions to limit or mitigate such conflicts may include but shall not be limited to, provision for increased sign distance, removal or maintenance of vegetation that impairs sign distance, jogs in the trail near all intersections to warn speeding bicyclists of the approaching intersections, particularly when line of sign is restricted, signage, or sensor-activated warning

lights. In particular, and without limiting the general application of the foregoing provision, unless a trail is co-located with a public street regularly used by motorized vehicles, motorized vehicles will be granted the right-of-way at all intersections, public and private. Regulation stops signs will be posted along the trail approaches to these intersections. In addition, if a trail is used on more than 52 days a year by more than 1000 persons (using any mode of use) per day or more than 100 persons in any given hours as determined by any study acceptable to the City, then the owner shall install motion or user activated stop lights (that may include trail imbedded flashing lights sometimes used at pedestrian cross walks) as approved by the City at all intersections to provide warning to trail users that a motorized vehicle (and any pedestrian who may choose to take advantage of such signal) is crossing the trail;

C. A trail not co-located with a public street regularly used by motorized vehicles, shall also provide fending and landscaping to help preserve the privacy of adjacent property used for residential purposes. Unless otherwise agreed to by the affected resident(s), such fending will be not less than six feet high with wood posts and chain-linked fabric or the functional equivalent as may be approved by the City. Vines and/or other greenery as approved by the City will be planted along the fence to allow it to blend into surrounding landscape. In addition, buffer planting and landscaping shall be provided along such trail that will dissuade trespass into neighboring property while allowing an unrestricted line of sight, such as wild roses or other vegetation that can create a bramble buffer."

Armanini seconded. The motion carried unanimously.

Sterner moved to amend Ordinance 909 as follows:

Page 3, line 36: "…Section ~~2~~*3*. This ordinance…"

Armanini seconded. The motion carried unanimously.

Following discussion, councilmembers agreed that Ordinance 909 would remain on the second reading calendar for the August 11, 2005 council meeting agenda.

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

Sterner moved to amend Ordinance 928 as follows:

Page 17, line 7: "…noncompliance *providing a short and concise statement of the grounds for revocation.*"

Page 17, line 7: "…which *The*…"

Page 17, lines 14-17, 3: "~~If the operator fails to provide evidence reasonably satisfactory to the administrator, the administrator shall refer the apparent violation or noncompliance to the city council or hearing examiner. The city council or hearing examiner shall provide the operator with reasonable notice and a reasonable opportunity to be heard concerning the matter.~~

3. If the administrator determines that the operator has failed to comply with the master permit, the administrator shall enter a written order of violation and impose sanctions, including revocation of the master permit, a requirement for curative actions, and/or a fine not to exceed $5,000. The decision of the administrator shall be based upon the nature, circumstances, extend and gravity of the violation as reflected by one or more of the following factors:

1. Whether the misconduct was egregious;
2. Whether substantial harm resulted;
3. Whether the violation was intentional
4. Whether there is a history of prior violations of the same or other requirements;
5. Whether there is a history of overall compliance; and
6. Whether the violation was voluntarily disclosed, admitted or cured; provided that no opportunity for cure is allowed for fraud, which shall be deemed incurable."

Thompson seconded.

After a brief explanation of the amendments by Ruark, ***the motion carried unanimously.***

Olstad moved to place Ordinance 928 Regulating Use of City's Rights of Way for Telecommunications Services on the final action calendar.

For the record, Sterner stated this is being done to some degree under duress due to statutory changes.

Thompson seconded. The motion carried unanimously.

A five-minute recess was taken at 8:34 p.m.

The meeting was resumed at 8:49 p.m.

Ordinance 930/Repealing and Adding New Chapter 16.16, "Environmentally Sensitive Areas"

Armanini moved to amend Ordinance 930 as follows:

Page 17, lines 22-25: "Use, preservation, or continuation of landscaping *and landscaped areas* existing as of the effective date of this ordinance or gardens planted and maintained before the effective date of this ordinance; provided that such ~~maintenance~~ *use* does not expand the landscaped areas *into sensitive areas of their buffers* and does not involve the applying of herbicides, pesticides or any other hazardous substance."

Thompson seconded. After a brief explanation of this amendment by Cmbr. Armanini, ***the motion carried unanimously.***

Following a brief discussion of two amendments proposed by Armanini, Olstad suggested that the administration review and make recommendations regarding amending language.

Armanini moved to amend Ordinance 930 as follows:

Page 32, lines 17-20: "Removal of pipes conveying streams shall only occur when the Planning Director determines that the proposal will result in a net improvement of ecological functions and will not significantly increase the threat of *on-site or off-site* erosion, flooding, slope stability or other hazards."

Olstad seconded. The motion to amend carried unanimously.

Armanini noted that she had provided a list of technical corrections and clarifications to Ordinance 930 for council discussion.

Following a brief discussion, Armanini said that she would provide additional information regarding her policy questions for council review and consideration.

Ordinance 932/Adopting the "2005 Lake Forest Park Comprehensive Plan"

Thompson noted that the administration would like to hold Ordinance 932 on second reading for the August 11, 2005 council meeting so that a report on recent actions could be provided.

Ordinance 931/Adopting Regulations, Imposing Excise Tax for Use of Septic Systems When Public Sewer is Available

Armanini moved to amend Ordinance 931 by incorporating the changes proposed by the Finance Committee into the council's working version of the proposed ordinance.

Thompson seconded. Following a brief discussion, ***the motion carried unanimously.***

There being no objection, the council agreed that Ordinance 931 would remain on the second reading calendar for the August 11, 2005 council meeting agenda.

Ordinance 935/Relating to City's Sign Regulations Including Banners within Town Center Zone

Following a brief discussion, Olstad noted that the Planning Commission had made recommendations regarding amendments to the proposed Ordinance 935 at the council's request.

Sterner moved to amend Ordinance 935 as follows:

Page 4, lines 2-3: "…attached to a street *light pole* ~~or traffic control sign~~ or utility pole…."

Thompson seconded.

Following a brief explanation by Planning and Building Director Bennett, ***the motion carried unanimously.***

Kiest moved to amend Ordinance 935 as follows:

Page 8, lines 22-39 (18.52.070.L.):

1. ~~The total number of b~~Banners *may be mounted* on ~~display at any time shall not exceed~~ *a total of twenty-five (25) streetlight poles*;
2. ~~Banners~~ *Two banners may be mounted on each pole and each banner* must not exceed ~~fifteen (15) square feet in area~~ *the dimensions of two feet by four feet;*
3. *All banners must be the same size, thematically consistent, and mounted in identical configurations;*
4. Banners shall be installed with the bottom of the banner a minimum of 10 feet above the ground;
5. A banner permit may remain valid as long as the locations ~~of the banners~~ and the specifications of the banners and ~~its~~ *the* mounting systems do not change*, and so long as the banners are maintained in good condition*;
6. Application requirements for a banner permit include:

   a) Information on the design and construction of the mounting system including any engineering calculations demonstrating the mounting system will support the banner;

   b) Identification of the location of the private light poles on which the banners will be placed; *and*

   c) A schedule that indicates when banners will be installed and changed, which gives preference to farmers' market banners during the farmers' market season.

Thompson seconded.

Following a brief discussion, ***Armanini moved to amend*** as follows:

c) A schedule that indicates when banners will be installed and changed ~~which gives preference to farmers' market banners during the farmers' market season~~ .

Thompson seconded.

Following a brief discussion, ***the motion to amend failed 1-4 (Aye--Armanini; Nay—Olstad, Thompson, Kiest, Sterner).***

Armanini moved to amend as follows:

Page 8, line 23: "…a total of ~~twenty-five (25)~~ *twenty (20)* streetlight poles;…"

Kiest seconded.

Following a brief discussion, ***the motion to amend failed 2-3 (Aye—Armanini, Kiest; Nay—Olstad, Thompson, Sterner).***

The motion to amend carried 4-1 (Aye—Olstad, Thompson, Kiest, Sterner; Nay—Armanini).

Sterner moved to amend Ordinance 935 as follows:

Page 10, lines 21-22:

"Section 2. Sections 18.52.020.R, 18.52.070.K and 18.52.070.L of this ordinance shall be repealed effective midnight, December 31, ~~2005~~ *2006. Section 2 of Ordinance 923 is hereby repealed."*

Thompson seconded. The motion to amend carried unanimously.

Armanini moved to place Ordinance 935 on the final action calendar for the August 25, 2005 council meeting.

Kiest seconded.

Following a brief discussion, ***the motion failed 1-4 (Aye—Armanini; Nay—Olstad, Thompson, Kiest, Sterner).***

Olstad moved to advance Ordinance 935 to the final action calendar on tonight's agenda. ***Thompson seconded. The motion carried 4-1 (Aye—Olstad, Thompson, Kiest, Sterner; Nay—Armanini).***

Resolution 917/Accepting King County Offer for Brightwater Subsurface Utility Easement

Following a brief discussion, ***Sterner moved*** to accept the revised utility easement as proposed. ***Thompson seconded. The motion carried unanimously.***

Sterner moved to adopt Resolution 917/Accepting King County Officer for Brightwater Subsurface Utility Easement. ***Thompson seconded. The motion carried unanimously.***

Resolution 930/Authorizing Mayor to Expend Up to $25,000 from Transportation Capital Fund from Monies Budgeted for Pedestrian Facility Enhancement Projects for Test Warning Lights on Burke Gilman Trail

Sterner moved to adopt Resolution 930/Authorizing Mayor to Expend Up to $25,000 from Transportation Capital Fund from Monies Budgeted for Pedestrian Facility Enhancement Projects for Test Warning Lights on Burke Gilman Trail. ***Armanini seconded.***

Following a brief discussion, ***Thompson moved to amend*** as follows:

"…and the mayor is requested to provide a copy of this resolution to the Burke Gilman Trail Citizen Advisory Group membership and request that the Citizen Advisory Group provide advice to King County regarding implementation of this resolution."

Olstad seconded. Following a brief discussion, ***the motion failed 1-4(Aye—Thompson; Nay—Olstad, Armanini, Kiest, Sterner).***

The motion to adopt carried unanimously.

At 10:28 p.m., Kiest noted the time.

Sterner moved to continue the meeting to 11 p.m. ***Thompson seconded. The motion carried 3-2 (Aye—Olstad, Thompson, Sterner; Nay—Armanini, Kiest).***

FINAL ACTION CALENDAR
Ordinance 928/Regulating Use of City's Rights of Way for Telecommunication Services

Sterner moved adoption of Ordinance 928/Regulation Use of City's Rights of Way for Telecommunication Services. ***Thompson seconded. The motion carried unanimously.***

Ordinance 935/Relating to City's Sign Regulations Including Banners within Town Center Zone

Olstad moved adoption of Ordinance 935/Relating to City's Sign Regulations including Banners within Town Center Zone***. Sterner seconded. The motion carried 4-1 (Kiest, Thompson, Olstad, Sterner; Nay—Armanini).***

NEW BUSINESS/New topics for discussion
Compensation Study—Market Comparables

In response to questions from Armanini, City Administrator Haines discussed the analysis for the selection of cities for the market comparables for the compensation study.

Following discussion, ***Kiest moved*** to delete the cities of Woodinville and Tukwila from the list of comparable cities for the compensation study. ***Armanini seconded. The motion carried unanimously.***

At 10:44 p.m., Thompson noted that the next item on the agenda is an executive session to discussion of potential litigation issues for approximately 15 minutes. Those not required to remain for the executive session exited the meeting at this time.

EXECUTIVE SESSION

At 10:46 p.m., the meeting was recessed to executive session for approximately 15 minutes for discussion of potential litigation.

The meeting was resumed at 10:54 p.m.

Motion to Accept Settlement Agreement

Sterner moved to authorize the mayor to sign a settlement agreement with provisions in accordance with the proposed settlement agreement items with Commander Scott Drown.

Kiest seconded. The motion carried unanimously.

ADJOURNMENT

There being no objection, the meeting was adjourned at 10:56 p.m.

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Susan Stine, City Clerk

_____

David R. Hutchinson, Mayor