

**CITY OF LAKE FOREST PARK  
CITY COUNCIL SPECIAL MEETING MINUTES  
November 3, 2005**

**Councilmembers present:** Dwight Thompson, Mayor *pro tempore* (8:46 p.m.); Alan Kiest, Carolyn Armanini (6:18 p.m.), Mary Jane Goss, Roger Olstad, Ed Sterner

**Councilmember excused:** Nate Herzog

**Staff present:** David R. Hutchinson, Mayor; Karen Haines, City Administrator; Dennis Peterson, Police Chief; Sarah Phillips, Community and Government Affairs Program Manager; John Hawley, Finance Director; Stephen Bennett, Building and Planning Director; Susan Stine, City Clerk; Linda Portnoy, Municipal Court Presiding Judge; Jane Poppe, Court Administrator

**Others present:** Seven visitors

**CALL TO ORDER**

Mayor Hutchinson called the council special meeting to order at 6:06 p.m.

**ADOPTION OF AGENDA**

**Cmbr. Olstad moved** adoption of the agenda as proposed. **Cmbr. Kiest seconded. The motion carried unanimously.**

**AGENDA ITEMS/DISCUSSION**

**BUDGET WORKSHOP**

**--Municipal Court**

Following an introduction by Hutchinson, Presiding Judge Linda Portnoy and Court Administrator Jane Poppe provided highlights of 2005 accomplishments and discussed the 2006 work plan for the municipal court.

In response to a question from Kiest regarding state legislation, Portnoy noted that she had suggested the increase in fees related to actual jail costs and was pleased to see that change adopted. Portnoy also discussed a day detention program that has been initiated by Seattle. She discussed projects regarding security procedures for court personnel.

Cmbr. Armanini arrived at the meeting at 6:18 p.m.

1 In response to comments from Cmbr. Sterner, Portnoy noted that the court consistently looks for  
2 new treatment and sentencing options and noted that Mayor Hutchinson has testified before the  
3 legislative committee regarding challenges to municipal court operations.

4  
5 **--Finance Department**

6  
7 Finance Director John Hawley reviewed the department's 2005 accomplishments and discussed  
8 2006 plans and projects.

9  
10 In response to questions from Cmbr. Goss, Hawley discussed issues related to information  
11 services and computer network security and maintenance.

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14 **--Planning and Building Department**

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16 Planning and Building Director Stephen Bennett reviewed significant projects underway in the  
17 Planning Department and reviewed the proposed workplan and budget for the department.

18  
19 In response to questions from Goss, Bennett discussed building department revenue. He noted  
20 that he is looking forward to assessing departmental needs following completion of the current  
21 projects such as the comprehensive plan update and the new sensitive areas ordinance.

22  
23 In response to a question from Olstad, Bennett discussed grant requirements for the shoreline  
24 management plan project.

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27 **--Public Safety/Detention/Vehicle and Equipment Replacement**

28  
29 Police Chief Dennis Peterson reviewed the police department's 2005 accomplishments  
30 including the educational programs presented at Third Place Commons. He discussed the  
31 impact of fuel costs and the replacement schedule for departmental vehicles. Discussion  
32 followed regarding the plan for departmental reorganization, overtime expenditures, and the  
33 emergency management plan update.

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36 **Motion to Excuse Cmbr. Herzog**

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38 **Armanini moved** to excuse Cmbr. Nate Herzog from tonight's meeting. **Kiest seconded. The**  
39 **motion carried unanimously.**

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42 **Ordinance 930/Adopting Sensitive Areas Ordinance**  
43 **Ordinance 932/Adopting Comprehensive Plan Update**

44  
45 Armanini noted that Cmbr. Herzog has requested that Ordinance 930, the proposed sensitive  
46 areas ordinance, be held to a future meeting; however, Armanini said that Cmbr. Herzog had  
47 forgotten that Cmbr. Kiest would be absent from the November 10 and 17 council meetings.  
48

1 **Armanini moved** to remove Ordinance 930 from the November 3, 2005 council meeting  
2 agenda final action calendar and to place it on the November 10 final action calendar. **Goss**  
3 **seconded.**  
4

5 Following discussion regarding the need to keep citizens informed regarding the council process  
6 and the council's intent to adopt Ordinance 930 and Ordinance 932 sequentially, the council  
7 agreed that no courtesy extensions would be granted beyond December 1.  
8

9 **Armanini moved to amend the motion** and to place Ordinance 930 on the December 1, 2005  
10 council agenda final action calendar and to grant no further extensions. **Goss seconded.**  
11

12 Olstad recommended that Ordinance 932 be placed on the same schedule. **The maker and**  
13 **seconder accepted this as a friendly amendment.**  
14

15 **The motion to amend carried unanimously.**  
16

17 **The motion to remove Ordinance 930 and Ordinance 932 from the November 3, 2005 final**  
18 **action calendar and to place them on the December 1, 2005 final action calendar and to**  
19 **grant no further extensions carried unanimously.**  
20

21  
22 At 8:23 p.m., a five-minute recess was called for.  
23

24 The meeting was resumed at 8:33 p.m.  
25

26  
27 Sterner noted that he would exit the meeting at 9 p.m.  
28  
29

30 **FIRST READING CALENDAR**  
31 **Resolution 938/Establish 2006 Drainage Fee**  
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33 Following a brief introduction regarding the proposed 2006 drainage fee resolution, Armanini  
34 expressed her concern that the city had no capital improvement plan to show how the funds  
35 would be spent.  
36

37 At 8:46 p.m., Cmbr. Thompson arrived at the meeting.  
38

39 Kiest said that he agreed with Armanini and recommended that the drainage fee remain the  
40 same in 2006.  
41

42 Goss said drainage issues have been lingering and noted that the administration must prepare  
43 a plan.  
44

45 Olstad expressed his concern regarding the city streams being used as storm water  
46 conveyances and noted the need to move ahead on drainage projects.  
47

48 In response to a question from Thompson, Haines discussed the city's need for a formal capital  
49 improvement plan.  
50

1 Following discussion, Hutchinson suggested that the proposed resolution would be discussed  
2 when the director of public services was present.

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4  
5 **SECOND READING CALENDAR**

6 **Ordinance 930/Repealing and Adding New Chapter 16.16, “Environmentally Sensitive  
7 Areas”**

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9 Hutchinson noted that several citizens would like to comment on the proposed sensitive areas  
10 ordinance.

11  
12 Julian Andersen, 3377 NE 178<sup>th</sup> St., expressed his interest in adoption of the proposed  
13 Ordinance 930 and noted the public support for its adoption.

14  
15 Steve Plusch, 4731 NE 201<sup>st</sup> Pl., thanked the council for its careful consideration of the  
16 proposed sensitive areas ordinance and encouraged adoption of the ordinance on December 1  
17 to protect the city’s fragile streams and wetlands.

18  
19  
20 **Sterner moved to amend** Ordinance 930 as follows:

21  
22 Page 1, lines 16 and 17: “ WHEREAS, on \_\_\_\_\_, \_\_\_\_\_ 2005, the City of Lake Forest Park  
23 adopted a revised comprehensive plan as required by the Growth Management Act; and”

24  
25 **Kiest seconded. The motion carried unanimously.**

26  
27  
28 **Sterner moved to amend** Ordinance 930 as follows:

29  
30 Page 3, line 7: “...life cycles of anadromous salmon, er-steelhead, or other species of fish...”

31  
32 **Armanini seconded. The motion carried unanimously.**

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35 **Sterner moved to amend** Ordinance 930 as follows:

36  
37 Page 4, lines 31-45:

- 38 H. ~~“Fish-bearing waters” means lakes and streams which are used in the life cycles~~  
39 ~~of anadromous salmon or steelhead and nonanadromous trout, as well as other~~  
40 ~~species of fish, based on data including that compiled by the Washington State~~  
41 ~~Department of Fisheries and other agencies.~~  
42 I. ~~“Floodplain hazard area: an area that may be expected to flood at least once in a~~  
43 ~~100-year period, according to the U.S. Department of Housing and Urban~~  
44 ~~Development.~~  
45 J. ~~“Geologically hazardous area” means an area that, because of their susceptibility~~  
46 ~~to erosion, sliding, earthquake or other geological events, are not suited to siting~~  
47 ~~commercial, residential or industrial development consistent with public health or~~  
48 ~~safety concerns.”~~

49  
50 **Olstad seconded. The motion carried unanimously.**

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**Sterner moved to amend** Ordinance 930 as follows:

Page 6, lines 36 and 37:

T. ~~“Recommended development practices” means guidelines for development in or near sensitive areas as may be adopted by the city from time to time.”~~

**Goss seconded.**

Following discussion, **the maker and seconder withdrew the motion**, and the city attorney was requested to review and recommend options regarding this language.

At 9 p.m., Sterner exited the meeting.

**Armanini moved to amend** Ordinance 930 as follows:

Page 6, line 40:

U. “Restorations” or “restoration” means the actions or action taken....”

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

**Armanini moved to amend** Ordinance 930 as follows:

Page 7, lines 16 and 18:

Y. “Sensitive areas setback” means the area...unless otherwise specified in this Chapter.”

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

**Armanini moved to amend** Ordinance 930 as follows:

Page 9, lines 37 and 38:

~~Fish and w~~Wildlife habitat conservation areas include:....”

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

**Armanini moved to amend** Ordinance 930 as follows:

Page 12, line 10:

“...species or other non-native plants as may be approved by the City....”

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

1 **Armanini moved to amend** Ordinance 930 as follows:

2

3 Page 12, line 21: "...yard zoning setbacks required..."

4 Page 12, line 24: "...recorded on final ~~mylars~~ documents."

5 Page 12, line 26: "...setbacks for the zoning front, rear, and side yard setbacks...;"

6 Page 12, line 28: "2. Front and rear zoning setbacks...;"

7 Page 12, line 29: "3. Side zoning setbacks are no less than...;"

8 Page 12, line 32: "...the use of aggregate zoning setbacks will not:"

9

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

11

12

13 **Armanini moved to amend** Ordinance 930 as follows:

14

15 Page 13, line 29: "L. The use of pesticides, herbicides, fertilizers and ...."

16

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

18

19

20 **Armanini moved to amend** Ordinance 930 as follows:

21

22 Page 14, lines 3-5: "...native vegetation or non-native plants as may be approved by the City as  
23 part of an approved enhancement plan. The use of pesticides, herbicides, fertilizers and  
24 hazardous substances in landslide erosion-hazard areas...."

25

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

27

28

29 **Armanini moved to amend** Ordinance 930 as follows:

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31 Page 15, line 1: "...and structures shall ~~be~~ have a set back a minimum setback of...."

32

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

34

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36 **Armanini moved to amend** Ordinance 930 as follows:

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38 Page 17, line 3: "...with native plants or other non-native plants as may be approved by the City  
39 and shall...."

40 Page 17, line 12-13: "...trees and shrubs or other non-native plants as may be approved by the  
41 City."

42 Page 17, lines 23-24: "...native plants or other non-native plants as may be approved by the  
43 City subject to a ...."

44

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

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1 **Thompson moved to amend** Ordinance 930 as follows:

2  
3 Page 17, line 35: "...shall be ~~have a set-back~~ minimum setback of at least..."

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

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7  
8 **Armanini moved to amend** Ordinance 930 as follows:

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10 Page 18, line 30: "...use of pesticides, fertilizers, or herbicides...;"

11  
12 **Kiest seconded. The motion carried unanimously.**

13  
14  
15 **Armanini moved to amend** Ordinance 930 as follows:

16  
17 Page 22, line 27: "...use of herbicides, fertilizers, and..."

18 Page 22, line 37: "...structures shall be ~~have a set-back of~~ at least 15 feet..."

19  
20 **Kiest seconded. The motion carried unanimously.**

21  
22  
23 **Armanini moved to amend** Ordinance 930 as follows:

24  
25 Page 23, line 22: "...native vegetation or other non-native plants as may be approved by the

26 City."

27  
28 **Olstad seconded. The motion carried unanimously.**

29  
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31 **Armanini moved to amend** Ordinance 930 as follows:

32  
33 Page 24, line 26: "1. Wildlife Habitat Conservation Area Buffers."

34 Page 24, line 29: "...to protect wildlife priority habitat..."

35 Page 24, line 34: "a. A wildlife priority habitat..."

36 Page 24, line 37: "...adjacent to a wildlife priority..."

37 Page 24, line 46: "...adjacent to a wildlife priority habitat..."

38  
39 **Thompson seconded.**

40  
41 Following discussion, **the motion carried 4-1 (Aye—Olstad, Armanini, Kiest, Thompson;**

42 **Nay—Goss).**

43  
44  
45 **Kiest moved to amend** Ordinance 930 as follows:

46  
47 Page 25, lines 19-21: "A. ~~To prevent uses that may be incompatible with ground water~~

48 ~~protection, development in critical aquifer recharge areas shall be limited to those uses allowed~~

49 ~~under single family residential zoning.~~ **A. To prevent uses that may be incompatible with**

1 ground water protection, development in wellhead protection areas shall be limited to those  
2 uses allowed under single family residential zoning.”

3  
4 **Armanini seconded. The motion to amend carried unanimously.**

5  
6  
7 **Armanini moved to amend** Ordinance 930 as follows and to re-order the definitions  
8 accordingly:

9  
10 Page 4, lines 9-12: ~~“D. “Critical aquifer recharge areas” means those areas with a recharging~~  
11 ~~effect on aquifers used for potable water and includes areas where an aquifer which is an~~  
12 ~~essential source of drinking water is vulnerable to contamination that would create a significant~~  
13 ~~hazard to public health.”~~

14  
15 **Olstad seconded. The motion carried unanimously.**

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18 Armanini requested that a definition of “wellhead protection area” be prepared for council  
19 consideration.

20  
21  
22 **Kiest moved to amend** Ordinance 930 as follows:

23  
24 Page 25, lines 43-44: “Except as provided in sections D, E and F, a A first offense shall be a  
25 civil infractions....”

26  
27 Page 26, line 1: “B. Except as provided in sections D, E and F, a A-second offense....”  
28 Page 26, line 8: “...gross misdemeanor (even if a first or second offense) if the Planning  
29 Director....”

30 Page 26, lines 14-15: “...gross misdemeanor (even if a first or second offense).”  
31 Page 26, line 18: “...gross misdemeanor (even if a first or second offense).”

32  
33 **Thompson seconded.**

34  
35 Following discussion, **Thompson moved to table.**

36  
37 **Armanini seconded. The motion to table carried unanimously.**

38  
39  
40 **Ordinance 932/Adopting 2005 Lake Forest Park Comprehensive Plan**

41  
42 Following discussion, council agreed that proposed amendments would be considered at the  
43 November 10, 2005 council meeting.

44  
45  
46 **Ordinance 937/Amending LFPMC 16.20 Flood Damage Prevention**

47  
48 Following discussion, **Thompson moved to advance** Ordinance 937/Amending LFPMC 16.20  
49 Flood Damage Prevention to the final action calendar. **Olstad seconded. The motion carried**  
50 **unanimously.**

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**FINAL ACTION CALENDAR**  
**Ordinance 937/Amending LFPMC 16.20 Flood Damage Prevention**

**Thompson moved adoption** of Ordinance 937/Amending LFPMC 16.20 Flood Damage Prevention. **Kiest seconded. The motion carried unanimously.**

**NEW BUSINESS**  
**Reports—Council**  
**Council Committee on Burke Gilman Trail—Consultant Costs**

Armanini reported that the council committee on the Burke Gilman Trail had reviewed the proposed costs from the consultant regarding the project to review documents related to the Burke Gilman Trail improvements. Armanini noted that the contract with the consultant would be presented to the council for approval at its November 10, 2005 meeting. She thanked City Administrator Haines and City Engineer Jensen for their participation in the discussions in the consultant selection process and the review of the proposed costs.

**ADJOURNMENT**

There being no objection, the meeting was adjourned at 9:39 p.m.

\_\_\_\_\_  
Susan Stine, City Clerk

\_\_\_\_\_  
David R. Hutchinson, Mayor