



City Hall
2901 228th STREET S.W.
BRIER, WASHINGTON 98036

PHONE: 425-775-5440
FAX: 425-672-9025

Virtual Participation Link

The Brier City Council Meeting scheduled for Tuesday, August 25, 2020 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click the link below or enter the meeting ID into the Zoom app or call into the meeting at the phone number listed below.

Per the Governor's Emergency Proclamation 20-28, the City of Brier is prohibited from holding an in-person meeting at this time.

All meetings will be held virtually and telephonically until Snohomish County is released by the Governor's Safe Start – Washington Phased Reopening plan.

The link to the Virtual meeting or phone number to listen to the Council Meeting is: <https://zoom.us/j/96324210895>

Or join by phone: 253-215-8782
877-853-5257 (Toll Free)
Webinar ID: 963 2421 0895

BRIER CITY COUNCIL AGENDA

AUGUST 25, 2020
7:00 PM

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. PUBLIC REQUESTS & ORAL COMMUNICATIONS
5. REPORTS OF COMMITTEES & CITY OFFICIALS

6. APPROVAL OF MINUTES
 - A. APPROVE BRIER CITY COUNCIL MINUTES OF AUGUST 18, 2020.
7. HEARINGS
 - A. PUBLIC HEARING ON ORDINANCE 465.A AMENDING CHAPTER 18.40.040(D)(1) OF THE BRIER MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARDS.
8. NEW BUSINESS, PETITIONS, COMMUNICATIONS, APPLICATION APPEALS
9. CONSIDERATION OF BIDS, L.I.D.S & RELATED MATTERS
10. ORDINANCES, RESOLUTIONS & ORDERS
 - A. CONSIDERATION OF ORDINANCE 465.A AMENDING CHAPTER 18.40.040(D)(1) OF THE BRIER MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION AND FLOOD HAZARDS.
11. MISCELLANEOUS BUSINESS BY CALL OF COUNCILMEMBERS & CITY OFFICIALS
12. AUDITING OF ACCOUNTS
 - A. APPROVE AUGUST 2020 CLAIM CHECKS NO. 41888 THROUGH NO. 41913 AND EFT TRANSACTION IN THE AMOUNT OF \$150,155.07.
13. ADJOURNMENT

In accordance with the requirements of title II of the American's with Disabilities Act of 1990, should you need special accommodations please contact Paula Swisher, City Clerk-Treasurer at 425-775-5440 with one weeks notice.

Brier City Council Minutes

August 18, 2020

Mayor Kaemingk called the regular Brier City Council Meeting to order at 7:03 PM and the flag salute was given.

Roll Call:

Present: Mayor Kaemingk, Councilmembers Gallagher, Joplin, Krienke, Nick, Steele, and Thorpe.

Staff: Clerk-Treasurer Swisher.

Public Requests & Oral Communications: None.

Reports of Committees & City Officials:

Councilmember Krienke attended the August 11th Police negotiation meeting.

Approval of Minutes:

Mayor Kaemingk opened for consideration approval of the Brier City Council Minutes of August 11, 2020. **Motion:** Approve the Brier City Council Minutes of August 11, 2020. **Moved by** Councilmember Nick, **Seconded by** Councilmember Gallagher. Motion Carried.

New Business, Petitions, Communications, Application Appeals:

Mayor Kaemingk opened for consideration to approve the Roadway Striping quote from Snohomish County Public Works in the amount of \$15,885.65. **Motion:** Approve the Roadway Striping quote from Snohomish County Public Works in the amount of \$15,885.65. **Moved by** Councilmember Nick, **Seconded by** Councilmember Thorpe. Motion Carried.

Mayor Kaemingk opened the Council vacancy interviews.

Valerie Rosman was called in to be interviewed by the Council.

David Marley was called in to be interviewed by the Council.

Nicholas Tastad was called in to be interviewed by the Council.

Executive Session Pursuant to RCW 42.30.110(h) to evaluate the qualifications of a candidate for appointment to elective office:

Motion: Move to executive session pursuant to RCW 42.30.110(h) to evaluate the qualifications of a candidate for appointment to elective office for no longer than 30 minutes at 8:25 PM.

Moved by Councilmember Gallagher, **Seconded by** Councilmember Thorpe. Council returned from executive session at 8:56 PM.

Motion: Apoint David Marley to fill the vacant Council position #5. **Moved by** Councilmember Krienke, **Seconded by** Councilmember Thorpe. Motion Carried.

Miscellaneous Business by Call of Councilmembers & City Officials: None.

Adjournment

Mayor Kaemingk declared the meeting adjourned at 9:01 PM.

Date

Mayor Dale Kaemingk

Paula Swisher

Submitted by

City Clerk

Date Submitted: August 25, 2020



City Hall
2901 228th STREET S.W.
BRIER, WASHINGTON 98036

PHONE: 425-775-5440
FAX: 425-672-9025

STAFF REPORT
City Council – CA20-01

Topic: CA20-01 Flood Hazard Code Amendments

Staff Contact(s): Jennifer Flathman, City Planner
Eric Beverly, Building Official

SUMMARY

The purpose of this agenda item is to hold a public hearing on Ordinance 465.A making amendments to the Brier Municipal Code (BMC) 18.40.040(D)(1).

ACTION

Conduct the public hearing on the ordinance. Consider a motion to adopt the ordinance.

BACKGROUND

This code amendment updates BMC to address required updates to flood hazards regulations from the Federal Emergency Management Agency (FEMA) and the Washington Department of Ecology (DOE). Ordinance 465, amending BMC Chapter 15.28 and 18.40 was adopted on June 23, 2020 following public hearings at Planning Commission and City Council. FEMA requested an additional change to BMC 18.40.040(D)(1) which requires a public hearing; a recommendation from Planning Commission; and approval by the City Council. The changes have been incorporated into Exhibit A of draft ordinance 465.A (Attachment 1).

COMPLIANCE WITH CITY OF BRIER COMPREHENSIVE PLAN

City of Brier Comprehensive Plan Goals and Policies

The proposal complies with the City of Brier's Comprehensive Plan, which encourages routine review of development regulations under Implementation Policy I-1. The proposal also complies with Goal E-1 "to preserve and protect environmentally sensitive areas to support important ecological functions and to avoid potential hazards to life and property".

ENVIRONMENTAL REVIEW

A State Environmental Policy Act (SEPA) Determination was required for the amendments adopted through Ordinance 465. A Determination of Non-Significance was prepared and distributed for comment on May 22, 2020. No comments or appeals were received. The proposed amendment to 18.40.040 D(1) further minimizes the environmental impact and does not require additional environmental review.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations was transmitted to the Washington State Department of Commerce on July 09, 2020, for distribution to state agencies. Expedited review was requested. No comments were received as of the writing of this report.

PREVIOUS CITY COUNCIL AND PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on the proposed amendments on August 19, 2020. The public hearing was noticed in the Everett Herald and on City posting sites. One comment was received from Roger Shively, who also attended the public hearing. The comment related to the FEMA maps which had previously been adopted through Ordinance 465.

PLANNING COMMISSION RECOMMENDATION

Motion: Recommend approval of the Flood Hazard Code Amendments, file No. CA 20-01, Ordinance 465.A as written. Moved by Commissioner Rosman, Seconded by Commissioner Hanson. Motion carried.

STAFF RECOMMENDED CITY COUNCIL MOTION

Adopt Ordinance 465.A relating to Flood Damage Prevention and Flood Hazards.

ATTACHMENTS

1. Proposed Ordinance 465.A Amending Chapter 18.40.040(D)(1) BMC.

ORDINANCE NO. 465.A

**AN ORDINANCE OF THE CITY OF BRIER,
WASHINGTON, AMENDING CHAPTER
18.40.040(D)(1) OF THE BRIER MUNICIPAL CODE
RELATING TO FLOOD DAMAGE PREVENTION
AND FLOOD HAZARDS, PROVIDING FOR AN
EFFECTIVE DATE, SEVERABILITY, AND
SUMMARY PUBLICATION.**

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances relating its municipal affairs, including regulation of real property and public ways; and

WHEREAS, the Federal Emergency Management Agency (FEMA) requires the City to adopt floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations; and

WHEREAS, the City received comments and recommendations from the Washington Department of Ecology (DOE) on the development regulations set forth in the Brier Municipal Code (BMC) related to flood hazards and compliance with the FEMA requirements; and

WHEREAS, the City revised its regulations based on the recommendation from DOE on its development regulations set forth in the BMC related to flood hazards; and

WHEREAS, on May 20, 2020 the City notified the Washington State Department of Commerce (Commerce) of its intent to adopt the proposed regulations relating to flood hazards and received no comments; and

WHEREAS, the City's acting SEPA Responsible Official, reviewed the amendments proposed herein and determined that the amendments do not have a probable significant adverse impact on the environment, issued a Determination of Nonsignificance under WAC 197-11-340(2) on May 22, 2020, and received no comments or appeals; and

WHEREAS, the City adopted Ordinance 465 on June 23, 2020 amending BMC to address flood hazards as recommended by DOE; and

WHEREAS, FEMA required additional amendments to 18.40.040(D)(1) BMC;
and

WHEREAS, the City revised the regulations based on FEMA's requirements; and

WHEREAS, the amendments requested by FEMA reduced the impacts to the floodplain considered in the SEPA analysis and do not required additional environmental review; and

WHEREAS on July 09, 2020 the City notified Commerce of its intent to adopt the proposed regulations relating to flood hazards and received no comments; and

WHEREAS, the opportunity for public comment was satisfied by a duly noticed public hearing before the Planning Commission on August 19, 2020; and

WHEREAS, the City Council finds that the amendments contained in this Ordinance are (1) consistent with the comprehensive plan; (2) substantially related to the public health, safety and welfare; and (3) are not contrary to the best interests of the citizens and property owners of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRIER, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Chapter 18.40.040(D)(1) of the Brier Municipal code is amended to read as set forth in “Exhibit A, Amendments to 18.40.040(D)(1) BMC”, attached hereto and incorporated herein by reference.

Section 2. General Repealer. All code provisions listed and stated in Exhibit A as amended, adopted, or replaced by this Ordinance, shall supersede all previously adopted ordinances of the City in conflict with this Ordinance, and all such previously adopted ordinances are hereby repealed.

Section 3. Savings. The enactment of this Ordinance (1) does not affect any pending or existing litigation or the ability to cite an individual for an infraction or crime committed prior to the amendment or repeal of the existing ordinances, even though charges or other proceedings may not have been filed with any court or other hearing body, and (2) does not operate as an abatement or bar to any action or proceeding pending under or by virtue of the City’s current regulations.

Section 4. Severability. This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Section 5 Effective Date. This Ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force on XX, X, 2020 required by law.

APPROVED BY THE CITY COUNCIL this ____ day of _____, _____.

MAYOR DALE KAEMINGK

ATTEST / AUTHENTICATED:

Paula Swisher, City Clerk / Treasurer

INTRODUCED: 08/18/2020

PASSED: xx/xx/2020

PUBLISHED: xx/xx/2020

EFFECTIVE DATE: xx/xx/2020

Amendments to Chapter 18.40.040 BMC redline

Article IV. Prohibited Uses and Activities

18.40.040 Uses and activities prohibited from frequently flooded areas.

A. Critical Facilities. Critical facilities are prohibited from frequently flooded areas unless no feasible alternative site is available.

B. Wells Used for Potable Water. Water wells are prohibited from the floodway.

C. On-Site Sewage Disposal Systems. On-site sewage disposal systems are prohibited from the floodway, the channel migration zone, and the ten-year floodplain elevation.

D. Construction in Floodways.

1. New Construction Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within frequently flooded areas unless certified by a registered professional engineer with experience in hydrology and the preparation of hydrogeologic assessments. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

~~Small projects that are solely to protect or create fish habitat and designed by a qualified professional may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the city by a qualified professional in the field of hydraulics.~~

2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within frequently flooded areas, except for:

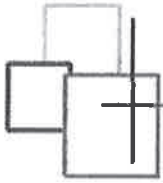
a. Repairs, reconstruction, or improvements to a structure that do not increase the ground floor area.

b. Repairs, reconstruction or improvements to a structure, for which the cost does not exceed fifty percent of the market value of the structure either:

i. Before the repair or reconstruction is started; or

ii. If the structure has been damaged, and is being restored, before the damage occurred.

Improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the city code enforcement official and that are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the fifty percent. (Ord. 389 § 1 (Exh. A) (part), 2011)



A/P Check Register

Fiscal : 2020
 Period : 2020 - August
 Council Date : 2020 - August - Aug Council date 8/25

Number	Vendor Name	Account Description	Amount
41888	WA State Dept of Licensing / Firearms Section	State/agency	\$18.00
41889	Kaemingk, Dale	Computer Imprvmt (GIS etc)	\$17.49
		Prof Serv - IT	\$34.98
		Prof Serv Software/Repair/maintenance (admin.)	\$17.49
		Repair/maint Computr,Off.equip	\$17.49
		Small Tools & Equipment	\$17.49
		Check Total:	\$104.94
41890	WA State Dept of Licensing / Firearms Section	State/agency	\$18.00
41891	WA State Dept of Licensing / Firearms Section	State/agency	\$18.00
41892	Airgas USA, LLC	Machinery/equip Misc	\$4.56
		Small Tools & Equipment	\$2.28
		Small Tools/minor Equipment	\$2.28
		Check Total:	\$9.12
41893	Alderwood Water District	Public Util.alderwood Wtr Dist	\$47,870.26
41894	Alston, Paulette	Park Use Fees	\$80.00
41895	AUS West Lockbox (Aramark)	Office & Operating Supplies	\$3.42
		Office And Operating Supplies	\$3.42
		Operating Supplies	\$3.42
		Repair/maint	\$25.30
		Uniforms	\$8.86
		Check Total:	\$44.42
41896	Cedar Plaza True Value	Repair/maint.scheduled Repairs	\$35.71
41897	First Call Communications	Phone System	\$4,414.47
41898	Guardian Security	Repair/maint	\$264.96
41899	Kemp West, Inc.	Tree Fund -expenses removal, purchase, trimming	\$3,588.00
41900	King County Finance	Public Utility-King Cnty/metro	\$82,228.62
41901	Law Firm of Gregory G. Schrag, LLC	Prof. Service-Traffic Defender	\$2,700.00
41902	Le May Mobile Shredding	Office & Operating Supplies	\$35.52
41903	NMC Franchising, LLC	Prof Serv - Janitorial	\$1,562.50
41904	Pacific Golf & Turf	Machinery/equip Misc	\$395.89
41905	Pacific Office Automation	Repair/maint Computr,Off.equip	\$65.27
41906	Snohomish Co Public Works Solid Waste	Dump Fees	\$67.00
41907	Snohomish Co PUD #1	Public Utility Serv.-St.lights	\$3,765.10
41908	Sound Publishing, Inc.	Advertising	\$44.80
41909	Sprint	Communication	\$47.56
		Communications	\$524.80
		Check Total:	\$572.36
41910	Stoneway Electric	Repair/maint	\$114.12
41911	The Home Depot Pro	Office Supplies	\$109.83
		Prof Serv - Janitorial	\$123.27
		Check Total:	\$233.10

Number	Vendor Name	Account Description	Amount
41912	WA State Patrol / Budget and Fiscal Services	Professional Services	\$217.00
41913	West Coast Armory North	Misc.training Registrations	\$60.72
July 2020 Excise Tax return	WA State Dept of Revenue	Excise Tax-Sewer	\$1,128.93
		Excise Tax-Storm	\$482.67
		Operating Supplies	\$15.59
		Check Total:	\$1,627.19
	Grand Total		\$150,155.07
	Total Accounts Payable for Checks #41888 Through #July 2020 Excise Tax return		