

Brier City Council Minutes

April 24, 2001

Mayor Kaske called the regular meeting of the Brier City Council to order at 7:34 PM, and the flag salute was given.

Roll Call:

Present: Councilmembers, Colinas, Warner, Starks, Jordan, Magnuson, and Doolittle.

Absent: Councilmember Moller

Reports of Committees & City Officials:

Mayor Kaske asked if there were any reports. Mayor Kaske reported that there would be an open meeting on Thursday evening at 6:00 PM at Canyon Park Jr. High for King County to take input and comments on sites for a new sewer treatment plant. There was discussion with Kathy Dittmar and Kirby Johnson regarding the criteria for the sites and taking public input.

Public Requests & Oral Communications:

Mayor Kaske asked if there was anyone from the public who wished to speak. John Fiskens, 22424 Old Poplar Way, stated he would like to talk about improvements to Old Poplar Way later on the agenda. Mr. Fiskens informed Council that the driveway of the property north of him needs to have the ditch cleaned out. Kirby Johnson, 22016 Vine Road, stated that he participated in the SEPA appeal and stated it was a frustrating experience and doesn't feel he has had a chance to express his concerns and is disappointed in the results. Tom Evans, City Attorney, responded it will be handled further on the agenda and is now a Council decision on accepting the findings unless there is a clear error of law or unsupported finding.

Consent Agenda:

Mayor Kaske opened for consideration approval of the Consent Agenda. **Councilmember Jordan** moved and **Councilmember Starks** seconded to approve the Consent Agenda which included approval of the Brier City Council Minutes of April 10, 2001; and to approve the Interlocal Agreement for North - South traffic circulation between Brier, Kenmore, Bothell and Snohomish County and authorize Mayor's signature. Motion carried with Councilmember Magnuson abstaining. John Fiskens, 22424 Old Poplar Way asked for a brief overview of the Interlocal Agreement for North - South traffic circulation and Mayor Kaske gave a brief overview to the public and there was public discussion with the Mayor regarding Locust Way.

New Business, Petitions, Communications, Application Appeals

Mayor Kaske opened for consideration the adoption of the Hearing Examiner's Findings of Fact, Principles of Law, Analysis of Law and Conclusions of Law and the recommendations dated April 16, 2001, for the SEPA Appeal by Jim Dare and Margaret

Hoth Dare. Councilmember Colinas asked for a fifteen minutes recess to read the Findings of Fact. Jim Fitzgerald stated that he, Steve Anderson, and Joe Murphy were present and representing the applicant. Peggy Dare was not present and Attorney Evans established there was no representation present in the audience for her and advised Council that Peggy Dare or the applicant would be the only one to address Council on the SEPA decision itself. Mayor Kaske declared a fifteen-minute recess at 7:57 PM. The meeting resumed at 8:13 PM. There was Council discussion with the City Attorney. **Councilmember Colinas** moved and **Councilmember Jordan** seconded to adopt the Hearing Examiner's Findings of Fact, Principles of Law, Analysis of Law, Conclusions of Law and recommendations dated April 16, 2001, for the SEPA Appeal by Jim Dare and Margaret Hoth Dare, regarding MDNS issued for the Plat of Old Poplar Highlands Subdivision Application No. 99-03, and the Lamb/Murphy Short Subdivision Application No. 99-01. Mayor Kaske asked the proponent if they wished to address the Council. Jim Fitzgerald stated the decision was clear, concise, and that he did not disagree with it regarding the SEPA decision and stated they were available for any questions. There was continued Council discussion with the City Attorney and Steve Anderson. A vote was taken with Councilmembers Magnuson and Starks abstaining and Warner voting no due to the water quality issue. Councilmember Starks requested to change his vote. The Mayor called for a Roll Call Vote. **Councilmember Warner**-No; **Councilmember Doolittle**-Yes; **Councilmember Magnuson**-Abstain; **Councilmember Colinas**-Yes; **Councilmember Jordan**-Yes; **Councilmember Starks**-No. Motion carried.

Mayor Kaske opened for consideration to adopt a standard for improvements along Old Way, as a guide to current and future plans for development. Councilmember Warner explained the information given to Council and explained that he had received input from John Fisken and Kathy Dittmar. There was Council discussion. John Fisken explained that curb and gutter with a path outside does not look too bad and showed pictures of examples of different properties to Council. Councilmember Magnuson left the meeting at 8:44 PM. Kathy Dittmar expressed her concern for safety along Old Poplar Way, stated that the proposal for a path on both sides would be great, stated that they are considering developing their property, expressed concern over water quality, discussed the speed limit, and proposed speed bumps on Old Poplar Way. Councilmember Warner discussed eighteen feet asphalt. **Councilmember Warner** moved and **Councilmember Doolittle** seconded to adopt the concept of Option 5 of Councilmember Warner's submission, subject to the City Engineering Firm's review as to feasibility, for a standard for improvements along Old Poplar Way. Motion carried.

Mayor Kaske opened for consideration the Lamb/Murphy Short Plat Application No. 99-01 and Old Poplar Highlands Subdivision Application No. 99-03. There was Council discussion with the City Attorney regarding public input and appearance of fairness issues. There was Council consensus to have public input. Mayor Kaske asked if there was any challenge to appearance of fairness to disqualify a member of Council. Mr. Fisken stated that he did not know if those in attendance at the Planning Commission were aware of the meeting tonight. Mr. Fitzgerald asked some questions regarding appearance of fairness by Councilmembers Warner and Starks. Mr. Fitzgerald stated that they raise one challenge against Councilmember Warner. Councilmember Colinas

suggested an Executive Session. Mayor Kaske declared an Executive Session at 9:53 PM to last until 10:15 PM. The meeting resumed at 10:17 PM. Tom Evans asked Councilmember Warner questions regarding the questions asked by Mr. Fitzgerald and Councilmember Warner responded that he had reached no decisions, stated that he could be fair, and that he would wait until the end to reach any decisions on the project. There were no other challenges and Councilmember Warner stated that he was not going to remove himself but disclosed that he had walked the property. Mr. Fitzgerald stated that they objected to Councilmember Warner's participation and asked that the tape concerning Councilmember Warner be made part of the record. Mayor Kaske responded that it was part of the Planning Commission record. Mr. Anderson explained where the property in question was located and explained the proposed project and regional stormwater detention pond. There was Council discussion with Steve Anderson. At 10:33 PM, **Councilmember Colinas** moved and **Councilmember Warner** seconded to extend the Council meeting to 10:45 PM. Motion carried. Council discussion with Steve Anderson continued. Kathy Dittmar stated that there was a program on PBS regarding detention ponds and stated she is concerned that water quality coming out the other end would be purified to be put back into Swamp Creek. There was continued Council discussion with Steve Anderson. A lady in the audience asked a question regarding ground water and a liner in the pond and Steve Anderson responded. **Councilmember Colinas** moved and **Councilmember Jordan** seconded to continue consideration of Short Plat Application No. 99-01 for Lamb/Murphy and Subdivision Application No. 99-03 Old Poplar Highlands to the next regular meeting of May 8th. Motion carried.

Adjournment:

Councilmember Colinas moved and **Councilmember Jordan** seconded to adjourn. Motion carried, and the Brier City Council Meeting of April 24, 2001 adjourned at 10:58 PM.