

CITY OF LYNNWOOD
CITY COUNCIL BUSINESS MEETING MINUTES
February 8, 2010

1
2 10. CALL TO ORDER - The February 8, 2010 Business Meeting of the Lynnwood City Council, held
3 in the Council Chambers of Lynnwood City Hall, was called to order by Council President Hikel at
4 7:00 p.m. The flag salute was led by Councilmember Kerri Lonergan.
5

6 20.

ROLL CALL

Mayor Don Gough (Absent)
Council President Ted Hikel (Chair)
Council Vice President Stephanie Wright
Councilmember Loren Simmonds
Councilmember Jim Smith
Councilmember Mark Smith
Councilmember Kerri Lonergan
Councilmember Kimberly Cole

Others Attending:

Finance Director Moir
Parks & Recreation Director Sordel
Community Development Director Krauss
Assistant Finance Director Haugan
City Attorney Frimodt
Community Devt. Deputy Director Osaki
Assistant Planner Balisky

Council Assistant Beth Morris
Executive Asst. Stephanie Simpson

Community Transit:

Joyce Eleanor, CEO
Todd Morrow
Barbara Earl
Carol Thompson

7
8
9 30. APPROVAL OF MINUTES

- 10
11 A. Work Session 1/19/2010
12 B. Work Session 1/20/2010
13 C. Business Meeting 1/25/2010
14 D. Special Work Session 1/30/2010
15 E. Work Session 2/1/2010
16

17 *Motion made by Councilmember Cole, seconded by Council Vice President Wright to approve the*
18 *minutes as presented. Motion passed unanimously.*
19

20 40. MESSAGES AND PAPERS FROM THE MAYOR - None
21

22 50. COUNCIL COMMENTS AND ANNOUNCEMENTS
23

24 50.1 Councilmember Mark Smith had no comments.

25 50.2 Councilmember Jim Smith had no comments.

26 50.3 Council Vice President Stephanie Wright announced that she has been reappointed by the
27 National League of Cities to the Energy, Environment, and Natural Resources Committee.

28 50.4 Councilmember Loren Simmonds thanked Rhonda Hilyer, President of Agreement Dynamics,
29 Inc. and her Senior Associate Mike Mandella for an excellent job at the Council Retreat on
30 January 30. He is looking forward to the joint meeting of the administration and Council on
31 February 20 where Ms. Hilyer will be facilitating.

32 50.5 Councilmember Kerri Lonergan stated that she was happy to be at the meeting and to see
33 everyone in the audience.

34 50.6 Councilmember Kimberly Cole had no comments.
35

1 60. PRESENTATIONS AND PROCLAMATIONS

2
3 A. Presentation: Ms. Joyce Eleanor, CEO, Community Transit

4
5 Ms. Eleanor said they are very glad to have Ted Hikel back on their board. They appreciate his
6 commitment to transit options and his common sense approach. She commented that
7 Community Transit has attempted to weather this recession and has worked hard to avoid
8 reducing services to customers for as long as possible. Early on they pursued aggressive cost-
9 savings and additional funding in order to protect the riders and maintain as many of the
10 employee positions for as long as possible. However, they now estimate that \$180 million in
11 sales tax funding they had counted on will not be available. She discussed the impacts of the
12 \$5 million budget deficit in 2010 and estimated \$11 million deficit in 2011. She discussed
13 specifics of the proposal for the June 2010 Bus Service and Fare Change which will include a
14 mix of fare increases and service reductions/changes. She also gave an update on the SWIFT
15 Bus Rapid Transit along Highway 99. This has become the fastest growing and the highest
16 ridership route. She summarized that their goal is to keep Community Transit bus service as
17 frequent, friendly and high quality as possible and continue to be good stewards of public
18 funds in the process. They are looking forward to better times when they can restore the
19 service their riders love and begin to grow the transit system again.

20
21 Council President Hikel discussed how helpful Community Transit staff has been to board
22 members as they make difficult decisions.

23
24 Councilmember Lonergan asked Ms. Eleanor when they expect revenues to return to pre-
25 recession levels. Ms. Eleanor said the pre-recession year was 2007; her staff doesn't think they
26 will be back to those levels until 2012 or 2013. In the meantime they are aggressively pursuing
27 other funds.

28
29 Councilmember Simmonds brought up a bill that is being considered in the House. He asked if
30 Community Transit was considering any new taxes as a result of this bill. Ms. Eleanor
31 explained that Community Transit is not eligible for any of the taxes mentioned in the bill
32 except the \$20 vehicle license fee and they are aggressively pursuing that legislation. There
33 was some discussion about this legislation.

34
35 Councilmember Cole asked if they had considered how the early morning cuts might affect
36 Boeing employees. Ms. Eleanor said they had counts of how many Boeing employees are
37 riding each of their different runs. She offered to get this information to the Council. She noted
38 that they have a total of about 650 daily boardings for Boeing which are spread out over four
39 shift starts. It would not be possible for people to make the 5:30 shift riding the bus. They are
40 proposing to put in new service for the 7:30 shift. Councilmember Cole also asked about the
41 reduction of employees. Community Transit staff replied that the proposal would cut 55 coach
42 operators, 9 transportation support, 8 maintenance and 15 administrative personnel. Council
43 President Hikel added that Community Transit staff has been in talks with Boeing people to
44 coordinate the efforts of cutbacks.

45
46 Councilmember Mark Smith referred to Ms. Eleanor's comment that the cessation of service
47 on holidays and Sundays would account for about 50% of the \$5 million deficit they are
48 facing. He asked where the other 50% would be coming from. Ms. Eleanor stated that it would
49 be coming from the strategic cuts such as the early morning and late evening trips.

50
51 Councilmember Mark Smith asked if they were planning for additional cuts in 2011. Ms.
52 Eleanor said they certainly hope not, but it depends what happens with sales tax.

53 Councilmember Mark Smith commented that he rides the bus to work in Seattle every day and

1 the early morning cuts to 401 and 402 are significant for commuters to Seattle. Ms. Eleanor
2 discussed the ratio of costs of service per hour versus the revenue they receive per hour. She
3 noted that trimming the early morning trips would make the whole service more efficient.
4 Councilmember Mark Smith requested that the copies of the slides being shown be provided to
5 Council members. Ms. Eleanor indicated she would provide those to Ms. Morris.
6 Councilmember Mark Smith asked for more information about the cost per rider for the
7 SWIFT bus service. Ms. Thompson indicated they had not calculated that, but thought that
8 they could obtain that. She remarked that the numbers show that the riders on SWIFT are new
9 riders and not just transfers from the local buses.

10
11 Councilmember Jim Smith commented that people on the street are questioning the SWIFT
12 ridership numbers. He requested a breakdown by month of fare revenues from SWIFT for
13 November through February. He pointed out that there was a campaign to increase taxes in the
14 90's with a promise that they would add evening and Sunday service. He questioned whether
15 Community Transit was going back on their word to the community. Ms. Eleanor responded
16 that the weekday ridership is the first thing they build. As they can afford it they add the
17 evening and weekend service. When they are faced with having to make a service cut, the
18 evening and weekend service routes are less productive so it makes sense to cut those.

19
20 70. WRITTEN COMMUNICATIONS AND PETITIONS - None

21
22 80. CITIZENS COMMENTS AND COMMUNICATIONS

23
24 80.1 Bonnie Black, 4821 180th Street SW, #I-204, Shadow Wood Condominiums, Lynnwood, WA
25 98037, spoke in support of proposed code amendments regarding upkeep of property.
26 Cleaning up the residential areas will raise the property values and improve Lynnwood's
27 image.

28 80.2 Alvin Rutledge, 7101 Lake Ballinger Way, Edmonds, WA 98026, discussed information he
29 had distributed regarding services for homeless people that are available throughout the area.

30 80.3 Steven Brown, 19300 76th Avenue West, spoke in support of the proposed Accessory
31 Dwelling Unit Ordinance. He stated that this would allow people to take care of aging family
32 members at their homes. He noted that having a sunset clause in the ordinance might address
33 concerns that there would be adverse impacts in the neighborhood. He thanked Council for
34 doing such a good job.

35 80.4 Karin Everett, 6006 172nd Place SW, Lynnwood, WA, said she was glad that Maple Precinct
36 has joined the City. She commented that city lights have been put in and there is more police
37 oversight. She asked for more information about the proposed code amendment regarding
38 yard maintenance. Council President Hikel stated that staff would give a full explanation of
39 this later in the agenda. Staff offered to provide her with information to review prior to that
40 point in the agenda.

41
42 90. BUSINESS ITEMS AND OTHER MATTERS

43
44 90.1 UNANIMOUS CONSENT AGENDA

45
46 *Councilmember Simmonds moved for unanimous consent of the following items:*

47
48 *A. Contract: Microsoft Enterprise Software Agreement Renewal*
49 *Authorize the Mayor to sign the renewal of the Enterprise Agreement with Microsoft*
50 *Corporation of Redmond, WA.*

51
52 *B. Bid Award: Small Works Project: City Hall and Fire Station No. 14 Women's Restroom*
53 *Remodel*

1 *Authorize the Mayor to execute on behalf of the City a construction contract with Blindheim*
2 *Company in the amount of \$75,555.00, including applicable sales tax, for the remodeling of the*
3 *women's restrooms at City Hall and Fire Station No. 14.*

4
5 *C. Change Orders: 15/196th Street SW Interchange Pedestrian Improvements*
6 *Authorize \$440,000 additional authority to cover fifteen (15) change orders on 196th Street SW*
7 *Interchange Pedestrian Improvements as follows:*

8
9 *1) Grant additional contract spending authority for construction change orders with Tri*
10 *State Inc. in the amount of \$340,000.*

11
12 *2) Grant additional contract spending authority for increased on-call construction*
13 *management services with WH Pacific in the amount of \$40,000.*

14
15 *3) Grant additional contract spending authority for increased daily construction*
16 *management services with WSDOT in the amount of \$60,000.*

17
18 *D. Convention Center Use Day: Volunteer Dinner*
19 *Approve a Convention Center Use Day for Tuesday, April 20, 2010 for the annual Volunteer*
20 *Dinner.*

21
22 *E. Convention Center Use Day: Lynnwood Lights*
23 *Approve a Convention Center Use Day for Tuesday, November 30, 2010 for the annual*
24 *Lynnwood Lights event.*

25
26 *F. Convention Center Use Day: 50th Birthday Bash (and multicultural event)*
27 *Approve a Convention Center Use Day for Wednesday, April 21, 2010 for the Birthday closing*
28 *event.*

29
30 *G. Grant Agreement: Recycling with Department of Ecology*
31 *Authorize the Mayor to enter into an agreement with the Washington State Department of*
32 *Ecology for funding towards the Recycling Coordinator position in the Public Works*
33 *Department for 2010 and 2011.*

34
35 *H. Voucher Approval*
36 *Approve claims and payroll in the amount of \$1,524,254.37 and \$1,115,510.81 respectively,*
37 *and that the lists be made a part of the record of this Council meeting.*

38
39 *The Consent Agenda was approved unanimously.*

40
41 90.2 PUBLIC HEARINGS OR MEETINGS - None

42
43 90.3 UNFINISHED BUSINESS - None

44
45 90.4 OTHER BUSINESS ITEMS

46
47 H. Executive Session, General Stor-Age Case

48
49 City Attorney Frimodt stated the need for an Executive Session to discuss the General
50 Stor-Age land use litigation. He estimated that they would need 20 minutes.

51
52 Council recessed into Executive Session from 7:50 p.m. until 8:10 p.m. at which time the
53 regular meeting resumed.

- 1
2 A. Ordinance, Financial Plan, and Consultant Contract: 40th Ave W Sidewalk between 183rd
3 Street SW and Maple Road.
4

5 *Motion made by Councilmember Simmonds, seconded by Council Vice President Wright,*
6 *to adopt Ordinance No. 2819, "AN ORDINANCE ESTABLISHING PROJECT*
7 *FUNDING FOR PROJECT FUND 312, 40TH AVENUE WEST SIDEWALK PROJECT*
8 *(183RD STREET SOUTHWEST AND MAPLE ROAD); AND PROVIDING FOR*
9 *SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION" Upon a roll*
10 *call vote, the motion passed unanimously (7-0).*
11

12 *Motion made by Councilmember Simmonds, seconded by Councilmember Mark Smith, to*
13 *authorize the Mayor to enter into and execute on behalf of the City a contract with*
14 *Perteet Inc. to develop the design in an amount not to exceed \$110,000 which includes a*
15 *management reserve amount of approximately 10%. Motion passed unanimously.*
16

17 *Motion made by Councilmember Cole, seconded by Council Vice President Wright, to*
18 *adopt Ordinance No. 2820 Version 1, "AN ORDINANCE OF THE CITY OF*
19 *LYNNWOOD, WASHINGTON, ESTABLISHING A MORATORIUM ON THE FILING OF*
20 *DEVELOPMENT APPLICATIONS FOR MINI-WAREHOUSE, MINI-STORAGE, AND*
21 *SELF-SERVICE STORAGE FACILITIES; SETTING MARCH 22, 2010 AS THE DATE*
22 *FOR A PUBLIC HEARING ON THE MORATORIUM, AND PROVIDING FOR*
23 *SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION."*
24

25 Councilmember Cole spoke in support of the proposed ordinance. This allows the City
26 time to review the issue without an influx of applications being approved in the interim.
27

28 Councilmember Jim Smith stated that he would be opposing this ordinance because he
29 doesn't favor changing the rules for businesses. He agrees that he doesn't want to have an
30 onslaught of mini-storage units throughout the city. He felt that the code did not protect
31 the City the way it should but it was not fair to implement this immediately when
32 developers have invested time and money in good faith based on the city's code.
33

34 Council President Hikel commented that this comes about because of a court decision
35 which goes against our hearing examiner and staff decision on what a particular phrase in
36 our code meant. We did not expect mini-storage to be built in B1 zones which can be
37 adjacent to single-family or multi-family residential. This would put a moratorium on
38 building in these zones for six months until the Council has time to review this matter.
39 It's not that the City is changing its mind; it's that the courts gave a different
40 interpretation to what the law is.
41

42 Councilmember Mark Smith also spoke in support of this moratorium.
43

44 *Upon a roll call vote, the motion carried (5-2) with Councilmember Jim Smith and Kerri*
45 *Lonergan voting against the motion.*
46

- 47 B. Resolution: 2011 – 2012 Biennial Budget & Planning Calendar
48

49 *Motion made by Councilmember Simmonds, seconded by Council Vice President Wright,*
50 *to adopt Resolution No. 2010-02, "A RESOLUTION OF THE CITY OF LYNNWOOD,*
51 *WASHINGTON, ADOPTING THE BIENNIAL BUDGET AND PLANNING CALENDAR*
52 *IN ACCORDANCE WITH LMC 2.72.020."*
53

1 Councilmember Mark Smith moved, Councilmember Jim Smith seconded, to amend page
2 90.4B-2 between sections 11 and 12, so that it reads: "City Councilmember Suggestions
3 and Proposals for Inclusion and Comment in the Mayor's November 1 Preliminary
4 Budget, Ordinance and Message are Due October 21".
5

6 Councilmember Mark Smith explained that this would provide the opportunity for
7 Council members to have their budget suggestions included in the Mayor's preliminary
8 budget with a response from the Mayor and the administration.
9

10 Councilmember Jim Smith asked if this would take place after all the public hearings.
11 Councilmember Mark Smith said it would occur after one of the public hearings and
12 before the second public hearing. Council will have another opportunity after all the
13 public hearings.
14

15 Councilmember Simmonds commented that there would still be multiple opportunities to
16 submit amendments. Councilmember Smith concurred. He noted that the purpose of this
17 is to require the Mayor to include and respond to Councilmember suggestions for his
18 preliminary budget that he presents on November 1.
19

20 Council Vice President Wright expressed concern about adequate turnaround time for
21 responses. Councilmember Mark Smith commented that Council's first opportunity is
22 back on June 28 so it is incumbent on Council members to not come up with last minute
23 suggestions for the budget that are going to unfairly burden staff or the administration;
24 however, he thinks that given the budget process last time it is very important that
25 Council has this opportunity to require a response from the Mayor and the administration.
26

27 *Motion made by Council Vice President Wright, seconded by Councilmember Lonergan,*
28 *amend the amendment to use October 22 rather than the October 25 date.*
29

30 Councilmember Wright explained that this would give staff adequate time to prepare the
31 product that Council wants. Councilmember Cole spoke against the amendment to the
32 amendment because the later date would give the Council the weekend to process the
33 information.
34

35 *The amendment to the amendment failed.*
36

37 *Motion made by Council President Hikel to amend the amendment by saying: "City*
38 *Council Member Suggestions and Proposals for **possible** Inclusion . . ." The motion was*
39 *seconded.*
40

41 Council President Hikel expressed belief that the Mayor would be open to changes or
42 comments by the city council members, but to write this in a way that says he *will* include
43 our comments and inclusions in his Preliminary Budget oversteps the bounds of the
44 Council in the separation of power.
45

46 Councilmember Mark Smith disagreed with this statement. He strongly opposed the
47 inclusion of the word *possible* because he wants the administration to respond in writing
48 to council member suggestions and proposals for the budget in the Mayor's Preliminary
49 Budget. Council President Hikel spoke in support of requiring a response from the
50 Mayor, but spoke against saying that the Council comments and proposals must be
51 included in the Preliminary Budget.
52

1 Councilmember Jim Smith echoed Councilmember Mark Smith's comments. He stressed
2 the importance of the Council getting written responses in a timely manner.

3
4 Councilmember Lonergan agreed with Councilmember Mark Smith and Councilmember
5 Jim Smith.

6
7 City Attorney Frimodt expressed concern about the intent of the motion and whether they
8 were trying to direct the Mayor to deliver a proposed budget that incorporates their ideas
9 as opposed to responding to specific issues. This may be overstepping Council's bounds.

10
11 Councilmember Mark Smith said his intention was not to require the Mayor to include
12 Council member budget items in his Preliminary Budget; it is to require the Mayor to
13 respond to Council member budget suggestions in his Budget Message on November 1.

14
15 *With the consent of the second, Council President Hikel withdrew his motion to include
16 the word **possible**.*

17
18 *Councilmember Mark Smith moved, Council Vice President Wright seconded, to amend
19 his amendment to read: "City Council Member Suggestions and Proposals for ~~inclusion~~
20 **consideration** and comment . . ." The amendment to the amendment passed unanimously.*

21
22 *The amendment as amended to the Planning and Budget Calendar Resolution passed
23 unanimously.*

24
25 *Councilmember Mark Smith moved, Council Vice President Wright seconded, an
26 amendment to Resolution 2010-02 that the following be added to Section 12 on 90.4B-2:
27 Mayor's Preliminary Budget, Ordinance, and Message **including response to all Council
28 member suggestions and proposals**.*

29
30 Councilmember Cole expressed hope that the Council would be amenable to extending
31 this turnaround time depending on the complexity of the budget proposal put forward.

32
33 Councilmember Hikel asked City Attorney Frimodt if requiring the Mayor's Preliminary
34 Budget, Ordinance, and Message to include response to all Council member suggestions
35 is an enforceable provision. City Attorney Frimodt said that would be enforceable.

36
37 *Motion carried to approve the amendment.*

38
39 *Councilmember Mark Smith moved, Councilmember Jim Smith seconded, to amend
40 Resolution 2010-02, with the following:*

41
42 *Beginning February 28, 2010 and monthly thereafter no later than the last weekday of
43 every month, the Finance Director of the City of Lynnwood, or such person as the
44 Finance Director may designate, shall submit to the Council in written form a biennial
45 budget update. Such update shall, in a comparative and tabular format, include but need
46 not be exclusive of the following:*

- 47
48
 - 49 1. *A listing of all City of Lynnwood revenue sources and amounts for the
50 following:*
 - 51 a. *The most recently completed biennial budget*
 - 52 b. *The current biennial budget from the beginning of the biennial
53 period to the end of the most recently completed month to include
actual and budgeted amounts*

- 1 c. *Budget notes and explanations as needed to explain any variance in*
2 *actual vs. budget the Finance Director deems significant, and in any*
3 *case any variance of actual vs. budget or more than 10%.*
4 2. *A listing of all revenues and expenditures by Fund for the Following:*
5 a. *The most recently completed biennial budget*
6 b. *The current biennial budget from the beginning of the biennial*
7 *period to the end of the most recently completed month to include*
8 *actual and budgeted amounts*
9 c. *Budget notes and explanations as needed to explain any variance in*
10 *actual vs. budget the Finance Director deems significant, and in any*
11 *case any variance of actual vs. budget of more than 10%.*
12

13 Councilmember Mark Smith stated that this arose out of his frustration with the budget
14 process of 2008. It is also designed to help educate the Council by getting these monthly
15 updates from the Finance Director.

16 Councilmember Cole expressed support of this and noted that the Finance Director has
17 already indicated it is something that he does regularly anyway. She asked if putting this
18 into effect at the end of February would work for staff. They indicated that it would.

19 Councilmember Simmonds asked about the required time period for the update.

20 Councilmember Mark Smith explained that the update would be due on the last weekday
21 of the month, but the time period of the update would be determined by staff.

22 Council President Hikel said he understood the reasons for asking for this, but he would
23 have preferred this being a Work Product Request rather than part of an amendment to
24 the Resolution. He added that most of these figures are already online and are put out in a
25 timely manner by the Finance Department. Councilmember Mark Smith responded that
26 he had numerous Work Product Requests ignored during the budget process by the
27 administration and he will not accept that again. Councilmember Jim Smith commented
28 that this would apply only to this biennium because it is an amendment to this particular
29 resolution. He would like to see a culture where this is natural and where they don't have
30 to do this. Councilmember Hikel said he has found most of this information on the
31 website and in the reports that have been mailed to him. Councilmember Cole said she
32 appreciates getting the information in this format if it is not a burden for staff.

33 *Motion to approve the amendment to the Resolution approved unanimously.*

34 *Councilmember Jim Smith moved to change the January 25 date in Section 3 to February*
35 *8. Without objection this amendment was accepted.*

36 *Motion to adopt Resolution 2010-02 as amended was approved unanimously.*

37 Council recessed from 9:02 until 9:08 p.m.

38 C. Ordinance Amendments Commercial Vehicles in Residential Zones

39 Motion made by Councilmember Cole, seconded by Council Vice President Wright, to
40 adopt Ordinance No. 2821, "AN ORDINANCE OF THE CITY OF LYNNWOOD,
41 WASHINGTON, AMENDING THE LYNNWOOD MUNICIPAL CODE RELATING TO
42 REGULATING PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES."
43

44 Councilmember Cole spoke in favor of approving the ordinance as amended.

1
2 Councilmember Jim Smith referred to emails related to small utility vehicles. He spoke in
3 support of changing the limit from 12,000 to 16,500 as requested.
4

5 *Motion made by Councilmember Jim Smith, seconded by Councilmember Lonergan, to*
6 *amend the ordinance to change on page 90.4C6, line 25 from 12,000 pounds to 16,500*
7 *pounds.*
8

9 Councilmember Mark Smith suggested that the physical dimensions of the vehicle were
10 important to consider as well as the weight. He asked about taking time to consider some
11 of the suggestions offered by a citizen in an email to address concerns.
12

13 Council President Hikel stated that he needed to make his decision on the basis of the
14 information they have studied over the last couple years, not on an email that was just
15 received. He was not willing to postpone this or to raise the weight above 12,000 pounds.
16

17 Councilmember Jim Smith offered a compromise that Council approve the amendment of
18 16,500 pounds with the idea that it will come back for in April, May or June for
19 reconsideration.
20

21 Councilmember Lonergan expressed support for Councilmember Jim Smith's
22 compromise and noted that without such compromise she would not be supporting the
23 ordinance.
24

25 *Upon a roll call vote, the motion to approve the amendment to raise the limit to 16,500*
26 *pounds carried (4-3) with Council members Lonergan, Simmonds, Jim Smith and Wright*
27 *voting in favor and Council members Mark Smith, Hikel and Cole voting against the*
28 *motion.*
29

30 *City Attorney Frimodt noted that the word **vehicle** should be inserted after the word*
31 *motor on page 90.4C8, line 23. There were no objections to this.*
32

33 *Council Vice President Wright moved, Councilmember Cole seconded, to amend the*
34 *ordinance on page 90.4C6, line 31 after the word "prohibited" to verbiage similar to: **It***
35 ***shall be restricted to one commercial vehicle per residential property.** The motion to*
36 *amend was approved unanimously.*
37

38 *Upon a roll call vote, Ordinance 2821, as amended, was approved (6-1) with Council*
39 *President Hikel voting against the motion.*
40

41 Council President Hikel stated that this item would come back to Council for review in
42 April or May.
43

44 D. Code Amendment Yard Maintenance
45

46 *Motion made by Councilmember Cole, seconded by Council Vice President Wright, to*
47 *adopt Ordinance 2822, "AN ORDINANCE OF THE CITY OF LYNNWOOD,*
48 *WASHINGTON, AMENDING THE LYNNWOOD MUNICIPAL CODE RELATING TO*
49 *DEFINING WHEN THE LACK OF YARD AND LAWN MAINTENANCE CONSTITUTES*
50 *A PUBLIC NUISANCE UNDER CHAPTER 10.08 LMC."*
51

1 *Councilmember Cole moved, Council Vice President Wright seconded, an amendment on*
2 *page 90.4D5, line 8, from a height of twelve (12") inches to a height of eight (8")*
3 *inches.*

4
5 Councilmember Cole commented that the uncut wetlands she measured were barely 12".
6 She felt that 8" more accurately reflected the intent of this ordinance.
7

8 Councilmember Jim Smith expressed concern about government intrusion of this sort. He
9 noted that code enforcement personnel is already stretched thin and doesn't have time to
10 be monitoring people's grass. He also expressed concern about where this could lead to.
11 He stated that there is a nuisance ordinance on the books already that takes care of a lot of
12 the problems. Regarding the assertion that vegetation left uncut would be a pest
13 harborage, etc., he noted that there are more mice, rats, etc. in the public parks than they
14 have in some of the worst-kept lawns in Lynnwood.
15

16 Councilmember Lonergan said she shared Councilmember Jim Smith's concerns about
17 government interfering with people's private property rights. At the same time many
18 people in Lynnwood do not respect the fact that their neighbors do not want their yards
19 unkempt. This in turn reduces people's property values and is a blight to the
20 neighborhood. She noticed this in many neighborhoods when she was doorbelling. This
21 was also the number-one issue for many people she talked to.
22

23 *The amendment to change the height from 12" to 8" carried.*

24
25 Public Comment:

26
27 Karin Everett, 6006 172nd Place SW, spoke in support of statements in the ordinance
28 related to fire hazards; however she expressed concern about the other stated reasons for
29 these restrictions and the vague way in which they are written. She commented that
30 nobody will really be out measuring grass and they should not be creating laws that
31 everybody is going to break. She also remarked that this is not a good way to welcome
32 newly annexed areas. Finally, she noted that in her own yard she has a three-foot gully
33 which she is unable to mow that runs along 60th Street. She recommended dealing with
34 issues that are in fact actual public nuisances or fire hazards.
35

36 *Councilmember Mark Smith moved to extend until the end of this item.* There was considerable discussion
37 about limiting the agenda in order to end meetings at 10:00. Others expressed interest in completing the
38 agenda items. *Motion to extend to the end of this item carried.*
39

40 *Motion made by Councilmember Hikel to extend the meeting for 15 minutes until 10:15 p.m. Motion*
41 *carried.*
42

43 Alvin Rutledge, 7101 Lake Ballinger Way, Edmonds, WA 98026, brought up the issue
44 that some people that are not able to do their yard work. He thought that the City should
45 provide volunteers to help with this. Another issue is when there is a death in the family
46 and the family lives out of town and does not sell the home. He thinks the city should
47 send out a notification to see if the City could be of any assistance to them.
48

49 Councilmember Jim Smith pointed out that a lot of the properties in Lynnwood are rental
50 properties, but this ordinance would impact the owner in a way that is similar to victims
51 of graffiti having to pick up the slack. He remarked that this will outlaw natural habitat
52 areas. He does not think it is appropriate and like many ordinances it will only be used
53 when we feel like it.

1
2 Councilmember Cole commented that there are specific areas that have been carved out
3 for natural habitation and wetlands. To create one on your lawn is already illegal under
4 federal guidelines.
5

6 Councilmember Simmonds expressed frustration that this Ordinance has gotten tagged as
7 the “Grass Ordinance” even though it refers to only one or two lines in the whole
8 ordinance. What they are really trying to do is get property owners to take responsibility
9 for the quality of life and the appearance of their neighborhood. He pointed out that this
10 is simply a tool for code enforcement personnel to deal with the “egregious lack of yard
11 maintenance.”
12

13 *Upon a roll call vote, the motion to approve Ordinance 2822 carried (6-1) with*
14 *Councilmember Jim Smith voting against the motion.*
15

16 E. ADU Hearing Amendments
17

18 *Motion made by Councilmember Hikel for unanimous approval to allow three emails that*
19 *came in the night of the hearing to be made a part of the record since there was a email*
20 *glitch in the city’s system and they were delayed. Without objection it was approved to*
21 *include those emails in the record.*
22

23 F. Ordinance: Accessory Dwelling Unit Code Amendment (Title 21)
24

25 *Motion made by Council Vice President Wright, seconded by Councilmember Cole, to*
26 *adopt Ordinance No. 2823, Version 3, “AN ORDINANCE OF THE CITY OF*
27 *LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE*
28 *SECTIONS 21.02.011 AND 21.42.110.G PERTAINING TO ACCESSORY DWELLING*
29 *UNITS, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND*
30 *SUMMARY PUBLICATION.”*
31

32 *Motion made by Council Vice President Wright, seconded by Councilmember Cole, to extend the meeting*
33 *to complete this item, item G, and item 100-New Business.*
34

35 *Motion made by Councilmember Lonergan, seconded by Councilmember Mark Smith, to amend the*
36 *motion to adjourn the meeting at 10:30 regardless of where they are in the agenda. The motion to amend*
37 *carried.*
38

39 *The main motion to extend the meeting carried.*
40

41 Clarifying questions were asked.
42

43 *Upon a roll call vote, Ordinance 2823 was approved (6-1) with Councilmember*
44 *Simmonds voting against the motion.*
45

46 G. Ordinance: Permit Timelines
47

48 *Motion made by Councilmember Mark Smith, seconded by Councilmember Cole, to*
49 *adopt Ordinance No. 2824, “AN ORDINANCE OF THE CITY OF LYNNWOOD,*
50 *WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 19.50,*
51 *21.24, 21.25, 21.26 AND SECTION 21.42.110.G PERTAINING TO THE PROCESSING,*
52 *ISSUANCE, VALIDITY, EXTENSION AND EXPIRATION OF PERMITS, AND*

1 *PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY*
2 *PUBLICATION.”*

3
4 *Councilmember Simmonds submitted a friendly amendment on page 90.4G26, on behalf*
5 *of staff, that the date on line 29 be changed from March 30, 2010 to June 1, 2010.*
6 *Councilmember Mark Smith seconded the amendment. Seeing no objections the*
7 *amendment was approved.*

8
9 Councilmember Cole restated a concern about a lack of a sunset clause and noted that she
10 would be unable to support this without that clause. There was some discussion about
11 this.

12
13 Councilmember Jim Smith spoke in support of a sunset clause since the argument is that
14 the current economic conditions warrant this exception.

15
16 *Motion made by Councilmember Jim Smith, seconded by Councilmember Cole, that legal*
17 *counsel draft a sunset clause that would expire the change and bring back the current*
18 *ordinance as it is be set up for a timeframe for two years.*

19
20 *Motion made by Council President Hikel, seconded by Council Vice President Wright, to extend the*
21 *meeting to the finish of item G and to item 100. Motion carried.*

22
23 Councilmember Lonergan commented that it was her understanding that the changes they
24 were recommending were not a result of the economic climate, but that staff thinks we
25 need to have these changes going forward permanently. Director Krauss affirmed that
26 was correct.

27
28 *The amendment to insert a sunset clause at the end of two years failed.*

29
30 *Upon a roll call vote, Ordinance No. 2824 carried (6-1) with Councilmember Cole voting*
31 *against the motion.*

32
33 H. Recess to Work Session – Standby Agenda: Contents of Time Capsule - Pulled

34
35 100. NEW BUSINESS

36
37 *Motion made by Council President Hikel, seconded by Councilmember Simmonds, to establish a*
38 *Special Business Meeting on February 16 in order to approve the agenda and to set the meeting*
39 *date. Motion failed.*

40
41 *A Scheduling Motion was made by Councilmember Mark Smith, seconded by Councilmember Jim*
42 *Smith, to schedule a staff/council retreat on Saturday February 20 with the agenda being to discuss*
43 *“Goals, Priorities, and Issues for 2010 and beyond.”*

- 44
45 • City Attorney Frimodt confirmed that this was sufficiently broad enough that staff could
46 come forward with just about any piece of city business to talk about.
47 • Councilmember Mark Smith stressed that the intent is not in any way to put restrictions on
48 what staff and the Mayor may or may not want to bring forward on the 20th. It is simply to
49 move this item forward and get it scheduled.
50 • Council President Hikel commented that Ms. Hilyer expressed a desire to talk to staff about
51 the agenda before it is set. He noted that he would be voting against this motion.

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- Councilmember Jim Smith pointed out that Ms. Hilyer still has the ability and the authority to go talk to staff to see what they what they want to talk about. It was his opinion that this agenda says that they are going to have a collaborative effort.
- Council Vice President Wright commented that Ms. Hilyer was scheduled to meet with the staff tomorrow and she hoped that it would still occur.
- Councilmember Cole spoke in support of the motion, noting that at least they would have met their regulatory compliance to make the public aware of what they will be doing on that day.

Motion passed.

110. STAFF REPORTS - None

120. ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

Don Gough, Mayor

John Moir
Finance Director