

Brier City Council Minutes

June 12, 2001

Mayor ProTem Jordan called the regular Brier City Council Meeting to order at 7:30 PM and the flag salute was given.

Roll Call:

Present: Councilmembers Jordan, Starks, Doolittle, Moller, and Magnuson.
Councilmember Colinas arrived at 7:47 PM.

Absent: Councilmember Warner.

Reports of Committees & City Officials:

Mayor ProTem Jordan opened for a Special Recognition for Lisa Graham as a past Chair of the Park Board, read a letter of appreciation from Mayor Kaske and presented her with a Certificate of Appreciation. The Council and the Park Board presented Lisa Graham with a basket of gifts in appreciation of her service. Lisa Graham thanked everyone for their help in the past.

Councilmember Magnuson informed Council that there are not enough volunteers this year to hold Brierfest this year and Mayor ProTem Jordan will look into it for volunteers.

Public Requests & Oral Communications:

Mayor ProTem Jordan asked if there was anyone from the public who wished to speak.

Ken Collins, 2221 225th Place SW, distributed information to Council regarding the Murphy/Lamb Short Plat and Old Poplar Highlands Subdivision Project.

Robert Thorpe, 5800 Mercer Way, Seattle, stated that he is appearing here on his own time to speak on communication that Council has received, and that he is commenting on the communication from Peggy Dare. Mr. Thorpe stated that there are portions of the letter that are not factually correct and he believes that they are intended to do harm. Mr. Thorpe stated that he finds the letter offensive, slanderous, and meant to do damage. Mr. Thorpe stated that his fee is a pass through fee to the applicant. Mr. Thorpe stated portions of the letter contained misinformation and was incorrect and damaging. Councilmember Colinas arrived at 7:48 PM. Mr. Thorpe stated that he finds the letter offensive and involves an appearance of fairness issue and that he feels it is inappropriate. Mr. Thorpe stated that Mrs. Dare needed to retract her statements, as the letter was inappropriate.

Peggy Dare, 22320 Hickory Way, responded to statements that Mr. Thorpe has taken offense at and stated that the record is clear that the mitigation measures regarding landscaping is where he will gain from and she responded to different points regarding the Old Poplar Way map. Mrs. Dare stated she is sorry for his sensitivity and did not mean anything against his family.

Councilmember Jordan stated that he too found the letter offensive, and it was offensive to people at the City.

Peggy Dare stated that she would like Brier to allow clustering homes in Brier. Councilmember Jordan stated that the City has never questioned the integrity of Mr. Thorpe.

Consent Agenda:

Mayor ProTem Jordan opened for consideration approval of the Consent Agenda. **Councilmember Moller** moved and **Councilmember Doolittle** seconded to approve the Consent Agenda, which included approval of the Brier City Council Minutes of May 29, 2001 Special Meeting; to approve purchase of clamps on forks for backhoe in the amount of \$655.00 plus tax from Rankin-Clamp On; and to approve building repair and painting for Library per bid from Dayne Taylor Painting in the amount of \$9,355.00 plus tax, with payment in full upon completion. Motion carried, with Councilmember Magnuson abstaining.

Unfinished Business:

Mayor ProTem Jordan opened for consideration of preliminary plat approval for Murphy/Lamb Short Plat Application No. 99-01 and for Old Poplar Highlands Subdivision No. 99-03. Councilmember Magnuson stated that, as she has in the past, she is removing herself from this discussion and will not comment on it. Ken Collins requested the City to consider an alternate design on the storm detention system for Old Poplar Highlands and went through the points in the document that he had submitted to Council. Mayor ProTem Jordan responded to Mr. Collins. Mr. Collins stated that he has a problem with Mr. Thorpe using the reference of Brier on his Web site. Mr. Collins stated that his father has written information regarding environmental issues and it is included with the information he distributed to Council. The City Attorney stated that the City is near the end of the process although the Council can always hear what someone has to say and the Council should not individually address anyone regarding this at this point and, unless the Council feels there is something that would require a reopening of the record, they may go forward with the resolutions. Mr. Collins questioned the detention system. Councilmember Colinas stated he had originally proposed a regional detention system.

Peggy Dare commented that the project is going forward without the Department of Ecology and the stream keepers and that there is an environmental impact. Mrs. Dare asked Council to consider State Law stating that the lead agency can withdraw the MDNS for further analysis of the whole sewer impact. Dick Russell, Public Works Superintendent, informed Council that they received a fax from the City Engineer regarding water quality based on the DOE manual and good engineering practices and distributed copies to Council. There was Council discussion with City Attorney, Tom Evans, Dick Russell, Jim Fitzgerald and Steve Anderson. Peggy Dare stated that they have withdrawn their offer for a trail going all the way through. Councilmember Starks stated that he took offense at the comments made in Mrs. Dare's letter regarding the Council. Kirby Johnson asked Council to invite other agencies to participate and to let them know that Council is interested in what they have to say. **Councilmember Colinas** moved and **Councilmember Starks** seconded to approve Resolution No. 459 preliminary plat approval for Murphy/Lamb Short Plat Application No. 99-01 with the changes and to approve Resolution No. 460 for Old Poplar Highlands Subdivision No.

99-03 with the changes, and authorize Mayor's signature for both. A Roll Call vote was taken. Councilmember Doolittle aye; Councilmember Magnuson; abstain; Councilmember Colinas aye; Councilmember Jordan aye; Councilmember Moller; aye; Councilmember Starks aye. Motion carried.

Hearings:

Mayor ProTem Jordan opened the Public Hearing on the consideration to withdraw from Medic 7. Councilmember Colinas introduced City of Lynnwood Councilmember, Ted Hikel, who said it would be a sad day if it were to come to an end. Councilmember Magnuson moved and Councilmember Jordan seconded to close the Public Hearing. Motion carried and Mayor ProTem Jordan closed the Public Hearing. Councilmember Magnuson moved and Councilmember Doolittle seconded to withdraw from Medic 7 effective December 31, 2001. Councilmember Colinas commented to Councilmember Hikel that this would allow for better service and reduced time for the citizens of Brier. There was Council discussion. There was a Roll Call Vote. Councilmember Jordan aye; Councilmember Starks aye; Councilmember Doolittle aye; Councilmember Magnuson aye; Councilmember Colinas aye; and Councilmember Moller nay. Motion carried.

Councilmember Magnuson moved and Councilmember Colinas seconded to approve the Mayor's draft letter of Notice to Withdraw from Medic 7, and serve Written Notice to all the parties to Medic 7 Program, with Brier's withdrawal effective December 31, 2001. There was a Roll Call Vote. Councilmember Jordan aye; Councilmember Starks aye; Councilmember Doolittle aye; Councilmember Magnuson aye; Councilmember Colinas aye; and Councilmember Moller nay. Motion carried.

Mayor ProTem Jordan opened for consideration approval of Settlement Agreement with City of Brier Vs. Contractors Bonding, et al, for corrections in the Plat of Brier Glen III. There was Council discussion. Councilmember Magnuson moved and Councilmember Doolittle seconded to approve the Settlement Agreement with City of Brier Vs. Contractors Bonding, et al, for corrections in the Plat of Brier Glen III. Motion carried.

Consideration of Bids, L.I.D.s & Related Matters:

Mayor ProTem Jordan opened for review of the 35th Avenue West Sidewalk Project quotes and to consider award for design and Engineering Services subject to contract approval. Chuck Price, 18530 156th Avenue NE, Woodinville, represents ECG who submitted a bid and stated it was hard to estimate for the bid and the reason for the bid submitted. Dick Russell will provide information for the Workshop Meeting. Councilmember Magnuson moved and Councilmember Colinas seconded to put discussion regarding this on the Workshop Agenda. There was Council consensus to Workshop the issue.

Auditing of Accounts:

Mayor ProTem Jordan opened for consideration approval of the May 2001 Payroll Warrants. Councilmember Moller moved and Councilmember Magnuson seconded to

approve the May 2001 Payroll Warrants No. 10080 through No. 10130 in the amount of \$87,612.55. Motion carried.

Mayor ProTem Jordan opened for consideration approval of the May 2001 Claim Warrants. **Councilmember Moller** moved and **Councilmember Colinas** seconded to approve the May 2001 Claim Warrants No. 14195 through No. 14279 in the amount of \$266,839.26, with Warrants No. 14196 through No. 14199 and 14211, 14218, 14247 and 14254 being void. Motion carried.

Adjournment:

Councilmember Moller moved and **Councilmember Colinas** seconded to adjourn. Motion carried, and the Brier City Council Meeting of June 12, 2001, adjourned at 9:58 PM.