



## **CITY COUNCIL MINUTES REGULAR MEETING OCTOBER 6, 2014**

### **STUDY SESSION**

Mayor Bruce Bassett called the Study Session to order at 6:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Mike Cero, Tana Senn, Benson Wong, Deputy Mayor Dan Grausz and Mayor Bruce Bassett were present. Councilmember Jane Brahm was absent.

### **AB 5008 Emergency Management Update & Boil-Water Advisory Update**

Emergency Manager Jennifer Franklin provided a recap of the year for Emergency Management, noting that Mercer Island is one of the first cities to sign on to the Regional Coordination Framework for Disasters and Planned Events. She also spoke about the success of the annual volunteer appreciation party, creating an emergency management team that could activate the EOC, and about the need for a dedicated space for the EOC.

City Manager Noel Treat introduced the Boil-Water Advisory update stating that the discussion will address the sampling and work in the field and what next steps will be taken to lift the advisory.

Maintenance Director Glenn Boettcher provided a visual tour of the sampling results by day. He stated that the City has worked extensively with the Washington State Department of Health to develop an action plan. WA State Department of Public Health Assistant Regional Manager Derek Pell spoke about the process for trying to determine a source of water contamination and described Mercer Island's water system specifically. Maintenance Director Boettcher stated that the high-risk locations for backflow prevention have been notified that they need to have their systems tested immediately. Mr. Pell stated that the Department of Health does require utilities to have an active cross-connection control program and that Cities have policies in place to ensure that the program is implementable. There was discussion about the efforts to try and pinpoint a cause and about disinfecting the system by adding chlorine.

City Manager Treat spoke about hiring an outside expert, a firm that could come in quickly, analyze the situation, and review, but not hold up, lifting the advisory. Maintenance Director Boettcher stated that this would cost \$10,000-\$15,000 and that the firm the City is considering going with fills a unique niche in the water business and has been recommended by the Department of Health.

The Study Session adjourned at 7:20 pm.

### **CALL TO ORDER & ROLL CALL**

Mayor Bruce Bassett called the meeting to order at 7:30 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Mike Cero, Tana Senn, Benson Wong, Deputy Mayor Dan Grausz and Mayor Bruce Bassett were present. Councilmember Jane Brahm was absent.

### **APPEARANCES**

Cornelia Schneider, 8541 East Mercer Way, thanked the Council for working hard during the water advisory. She believes the Mercer Island Library remodel project is un-green and spoke about the original architect's work and ethics. She feels that, with the remodel, much of the artistic and thoughtful interior design will become garbage. She believes the City should solarize the library. She wants to respect architectural history, make

necessary changes, and show the region and the country how to be more energy independent. She asked the Council to please treat this as an opportunity to preserve what is good and to consider our planet.

Tim Steege, 4600 Forest Ave SE, is a heavy user of the Mercer Island Library. He thinks the librarians and environment are great and noted that even the librarians are not enthusiastic about the remodel. He thinks it is a waste of a great deal of money which could be spent elsewhere.

Lynne Elfendahl, 6160 94<sup>th</sup> Avenue SE, voiced her public opposition to a transportation benefit district and \$20 car tab fee. She does not believe it is honest or fair for Cities to have to make up the shortfall for the state's transportation budget. She stated that the Mercer Island Council was not elected to have the authority to raise state transportation fees at will. She objects to the TBD and asked Council to be responsible.

Marcy Malen, has a background in politics and media and appreciates the tenuous situation regarding the water issue. She stated, however, that public relations have not been good and that every piece of information should be available to every resident. She personally feels that the overdevelopment of the Island has taxed the school system, the quality of life, and the infrastructure. She noted that streets have not been tended to. She asked at what locations the contaminated results were collected, how old the water system is on Mercer Island and when it should be overhauled, and that a safe water supply should take precedent over any other projects. She also asked how often samples are taken and what is the rotation. She noted that there are only three sampling stations on the south end of the Island. She expects answers to these questions.

Lisa Lee, 79<sup>th</sup> Ave SE and SE 40<sup>th</sup> Street, introduced two girls who are avid fans of the library. She would like to keep the low shelves, the couches in the children's reading area, a computer table where kids and parents can both look at the screen. She questioned why money would be spent to fix something that's not broken and would rather see the money used for something like solar panels.

Bart Dawson, 8812 SE 77<sup>th</sup> Place, spoke about the successes and failures in negotiating with KCLS regarding the remodel project. He stated that, after two meetings between the Library Board and KCLS, there are still open unresolved design issues. He has been told that there is still hope that KCLS will agree to additional favorable changes but noted that little time remains before building permits are granted. He no longer believes that the existing negotiation process with KCLS will save the library. He stated that hope needs some help and asked Council, by resolution or letter, to stand up for Mercer Island again. He believes a strengthened Library Board could represent Mercer Island if they communicate with the rest of the Island, gather real data about Island preferences for design, and decide to speak with a united voice.

Tami Szerlip, 7804 SE 40<sup>th</sup> Street, stated that Mercer Island has a very special library community and it is the only library in KCLS that was locally planned and designed. She noted that KCLS is planning on going forward with the library remodel despite protests and reasonable alternatives. She also noted that Council attempts to patch the process have been of little benefit and asked what it will take to get the Council to take action.

Maryann Borst, 87<sup>th</sup> Ave SE & SE 42<sup>nd</sup> Street, continued Bart Dawson's statement and noted that a resolution or letter from Council will strengthen Mercer Islands' negotiating position. Speaking on her own behalf, she believes that the current library layout, functionality, and aesthetics work for the patrons. She uses the internet at the library, which is how she saw the email regarding the boil-water advisory. She noted that if the library was under construction she may not have been able to receive this timely alert. She urged the Council to press for preventive maintenance of the library while maintaining its present layout and charm.

Marcia Dawson, 8812 SE 77<sup>th</sup> Place, asked if the Mercer Island Library could be designated as a landmark building just as was done for the Magnolia Library. The Magnolia Library building was updated, but the original design was preserved. She noted that if the Mercer Island Library could be designated a landmark building, then its original design and detail, spaces, and skylight could be preserved. She also noted that necessary updates, such as mechanical and electrical systems, could be accomplished with minimal interruptions. She stated that, to accomplish this, KCLS needs to permit their architects to discuss the design with Mercer Island citizens. She is hopeful that new leadership at KCLS will arrive in time to preserve the Mercer Island Library.

Bob Still, 4011 93<sup>rd</sup> Ave SE, asked the Council what they see in the existing library building that is such a liability to the services and attributes it provides to the community. He asked why the Council objects to sharing its views with the City. He stated that a time will come when major renovation or replacement will be necessary but now is not that time. He would like to get the essentials done that were decided by the 2004 bond issue

and asked what the official status is of the \$260,000.

Thinh Vu, 8120 SE 77<sup>th</sup> Place, hopes that the Council can be the voice to represent the community and not remodel the library. He stated that there is nothing wrong with the library as it is now and money should not be spent on a remodel, but should be used instead to do something good for the community.

Meg Lippert, 4052 94<sup>th</sup> Ave SE, stated that the concerned citizens' one primary goal is to hold KCLS accountable to what the citizens voted for in 2004; necessary updates and more books and materials. She noted that concerned citizens value reducing wasteful spending of taxpayer funds, preserving treasured features of the library, and shortening the library closure time to the absolute minimum. She spoke about the updates that KCLS made to their website with regard to the outstanding issues. She also spoke about wasting taxpayer funds on changes that Mercer Island citizens did not approve. She stated that KCLS should save money, save closure time, and save the treasured and functional elements of the library. She asked the Council to represent Mercer Island by sending a letter to KCLS requesting respect for the building and adherence to a budget that preserves funds for more important uses.

Jocelyn Alt, spoke about the library remodel plans. She is a small business owner and has found that taxes have a new significance for her. She is distressed by the library plans because they seem like a significant waste of taxpayer money. She noted that Mercer Island residents voted for and desired a much less expensive update and that it makes sense to remain within those wishes and that budget, and save the money to spend on something else.

Cy Baumgartner, spoke for Dr. Eric Swenson, stating that approval of the KCLS plan will wreak havoc on a building that does not need remodeling. He noted that nearly 2,000 Mercer Island residents only want renovations and changes as voted on in 2004 and that it is irresponsible for the Council not to demand a hold on the remodel until the issues can be resolved with greater public input. He stated that if the council fails to challenge KCLS it will abdicate its claims to represent Mercer Island residents. He also stated that KCLS will tear down the library and replace it with a metal and glass structure just because they have the funds to do it. He is counting on the City Council to put a halt to KCLS' nonsense.

Lenore Defliese, 8207 SE 48<sup>th</sup> Street, believes the library needs to be remodeled and that KCLS has bent over backwards to accommodate the demands of the City. She doesn't think the current configuration will work well for children in the future. She noted that the physical books are decreasing as e-book use grows and the need is to look at what generations will be using in the future as libraries turn into much more than just a book repository. She feels that KCLS has worked very hard to accommodate some of the requests of the island and doesn't think the Council should interfere with another government entities decisions on the interior of a building. She feels that she represents a section of the populous that is not as vocal.

Sandi Lindstrom, 6910 96<sup>th</sup> Ave SE, read a letter from her husband, stating that it seems like there are half-truths in the statements made by the people who stand outside the library trying to explain why the library should remain as it is. He believes the project should be about the younger generations wants and needs in a library such as e-books, computers, and group meetings, and that the library should meet the needs of the library patrons in the future. Speaking on her own behalf, she urged all the people who say that the library meets their needs to go there between 3-5 pm, because during this time there are not enough tables, computers, and outlets to plug-in devices to serve all of the students that are there. She stated that the library should meet future generations' needs more than it should meet her needs.

Al Tyrill, 7525 86<sup>th</sup> Ave SE, addressed ageism, stating that the reason older folks work on campaigns is because they have the time. He would not accept that opposition to the library remodel is just a case of the over 60 year olds wanting to avoid change.

Al Lippert, 4052 94<sup>th</sup> Ave SE, spoke about the postcards sent to Council. He read a quote from Jorge Luis Borges, "I have always imagined that paradise will be a kind of library." He asked Council to please keep the Mercer Island Library from becoming another glass and plastic cookie cutter KCLS duplicate.

Ira Appelman, 4436 Ferncroft Road, spoke about the improper installation of the fire station roof and was shocked that the Council was not opposed to the patching of the roof. He does not think the patching should happen since it is the reason given by staff as to why the current station needed to be torn down. He is disappointed that no Councilmember opposed the improperly installed roof. He thinks Council needs to find out why the manufacturer's representative decided that the roof was not installed properly before anything is accepted

from another contractor. He asked Council to step up and protect the library and believes the remodel issue has nothing to do with children.

Jerry Gropp, is a retired architect who knew the library architects well. He also spoke about the boil-water advisory. He believes that the tearing down of older homes to build large "spec" homes could be causing the water issues.

## MINUTES

### Regular Meeting Minutes of September 15, 2014.

It was moved by Bertlin; seconded by Senn to:

**Adopt the Regular Meeting Minutes of September 15, 2014 as written.**

Passed 5-0

FOR: 5 (Bassett, Bertlin, Grausz, Senn, Wong)

ABSENT: 1 (Brahm)

ABSTAIN: 1 (Cero)

## CONSENT CALENDAR

**Payables: \$297,147.78 (09/11/14), \$540,315.41 (09/18/14), & \$771,028.25 (09/25/14)**

**Recommendation:** Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

**Payroll: \$729,627.36 (09/19/14) & \$733,823.73 (10/03/14)**

**Recommendation:** Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

It was moved by Senn; seconded by Bertlin to:

**Approve the Consent Calendar and the recommendations contained therein.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Cero, Grausz, Senn, Wong)

ABSENT: 1 (Brahm)

## REGULAR BUSINESS

### AB 5010 Fire Station 92 Project Update

Project Manager Amy DeDominicis provided an update to the Council regarding the issues with the fire station roof. She spoke about working with the roof specialist and inspector to determine where water may have gotten underneath the membrane layer and if patching the roof is the best way to mitigate the issue without compromising the roof or the building. She suggested that the contractor should complete the roofing process and, if there are still deficiencies that are not corrected, then go down the path of having the contractor replace the roof.

The Council discussed whether the roof should be replaced now which would delay the project or wait and replace after it is completed. Ms. DeDominicis noted that she would be providing the roof report to the manufacturer to get their opinion on what should be done. City Manager Noel Treat stated that staff has not made a decision on this yet and that some legal analysis is needed. He noted that the risks and options will then be weighed to determine the right course of action.

City Attorney Katie Knight noted that the City has a contract for the project and staff needs to work through the contract when making decisions about the project.

The Council requested an Executive Session at the next Council Meeting to discuss potential litigation related to the fire station project.

## **AB 5009 Public Hearing: Establishment of a Transportation Benefit District (First Reading)**

Mayor Bruce Bassett stated that the Council would be holding a public hearing to hear testimony from any person affected by the formation of a transportation benefit district (TBD) on Mercer Island. The Mayor opened the public hearing at 8:57 pm.

Ira Appelman, 4436 Ferncroft Road, spoke against the TBD, stating that the TBD creates a new taxing district that is independent of the amount it is going to tax as the taxing amount can go up later. He is concerned that the tax rate could grow over time. He believes it can be used as replacement funds for roads, roads are already taken care of by REET and REET can be used for other things. He is concerned about the broad definition for use, which could lead to uses other than roads.

Assistant City Attorney read an email comment into the record from a citizen named Dorothy regarding including cyclists in the transportation benefit district. She would like to see bike owners licensed and tabbed as they are also using the transportation infrastructure.

The Mayor closed the public hearing at 9:02 pm.

Assistant City Attorney Christina Schuck presented an ordinance for a first reading regarding establishing a transportation benefit district (TBD) on Mercer Island. She spoke about the purpose of and how to establish a TBD. She noted that the City Council acts independently as the governing body and votes on an ordinance to authorize a vehicle license fee. She explained that without voter approval, the TBD can impose up to a \$20 vehicle fee and with voter approval, the TBD could impose a higher vehicle fee.

Finance Director Chip Corder responded to Councilmember Wong's question about the need for a TBD. He noted that with the project changes in CIP approved by Council, the Street Fund will go negative in 2018 and the need for additional funding has only gotten greater.

Deputy Mayor Grausz requested that the provision in the ordinance regarding issuing general obligation bonds be modified to prevent bonds from being issued. The Council concurred.

Following discussion, the Council set Ordinance No. 14C-11 establishing a transportation benefit district, to October 20, 2014 for second reading and adoption.

## **AB 5011 2015-2016 Preliminary Budget Presentation & Distribution**

City Manager Noel Treat thanked the Finance Department staff for their work on preparing the 2015-2016 Preliminary Budget. He spoke about the state of the City and the challenges in the upcoming budget process.

Finance Director Corder provided an overview of the budget process and highlighted what is new in the budget document. He explained the new format of the budget message and spoke about the highlights in general government funds, utility funds, and the capital improvement program. He provided an overview of the General Fund revenues and expenditures and reviewed a few of the proposed service packages. He noted General Fund budget policy issues (annual funding of LEOFF I long-term care costs, General Fund subsidy of MICEC operations, structural imbalance in General Fund, and using banked capacity) and provided summaries of the Criminal Justice Fund, Beautification Fund, Youth and Family Services Fund, Utilities Funds, and the Capital Improvement Program.

## **OTHER BUSINESS**

### **Councilmember Absences**

Councilmember Brahm's absence was excused.

### **Planning Schedule**

City Manager Treat noted that on October 16 there will be a Joint Meeting with the School Board, on October 20 there will be an Executive Session which will start at 5 pm, and on October 27 there will be a special meeting of the TBD Board which will start at 7 pm.

Councilmember Cero asked to add a review of the water situation.



### Board Appointments

It was moved by Senn; seconded by Bertlin to:

**Affirm the appointment of Erin Vivion to position 10 expiring May 2018 on the Arts Council.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Cero, Grausz, Senn, Wong)

ABSENT: 1 (Brahm)

### Councilmember Reports

Councilmember Cero noted that he watched the video from the September 15 meeting. He missed being able to say thank you to former Fire Chief Chris Tubbs and wished him good luck in his new job.

Councilmember Senn noted an article in Governing Magazine about how cities prepare for the worst.

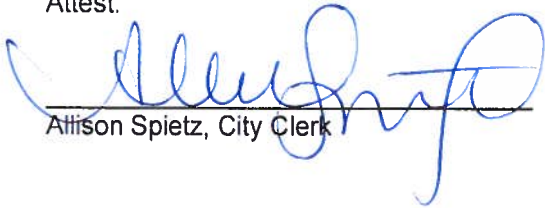
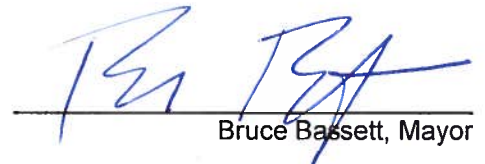
Mayor Bassett attended the Country Village Day Care opening. He also attended the transportation transit riders meeting last week with a total of 90 people in attendance. He spoke about the Safe Energy Leadership Alliance which is now focused not only on coal transport but also on crude oil. He noted that the group has crafted a letter to submit to the Secretary of Transportation. He also thanked IT staff for putting the data and maps together for the water situation.

Councilmember Senn gave a huge thank you to all the staff who worked overtime hours to solve the water issue.

### ADJOURNMENT

The Regular Meeting adjourned at 10:13 pm.

Attest:

  
Allison Spietz, City Clerk  
Bruce Bassett, Mayor