CITY COUNCIL MEETING AGENDA

May 24, 2010

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor
For the purpose of holding an Executive Session to discuss real estate
6:15 p.m.
and
COUNCIL MEETING, 1st Floor
7:00 p.m.
Burien City Hall
400 SW 152nd Street
Burien, Washington 98166

PAGE NO.

1. CALL TO ORDER **2. PLEDGE OF ALLEGIANCE** **3. ROLL CALL**

4. AGENDA CONFIRMATION

5. PUBLIC COMMENT Individual will please limit their comments to three minutes, and groups to five minutes.

6. CORRESPONDENCE FOR THE RECORD

a. Email Dated May 6, 2010, from Andy Ryan Regarding May 4 State SMP and RCW to City Council. 5.

b. Letter Received May 6, 2010, from Mrs. Charlotte E. Mahlik Regarding Proposed Shoreline Master Program Update. 13.

c. Letter Received May 14, 2010, from Gordon Stuart Peek Regarding Proposed Shoreline Master Program Update. 15.

d. Letter Received May 6, 2010, from Boyd and Susan Watkins Regarding Proposed Shoreline Master Program Update. 17.
The attached Letter (in this same form) was Also Received by the City from the Following 5 Individuals: Jeffery Hoff, Mary Sitterly, Gordon and Debra Buchan, Jack & Barbara Saxwold, Randy & Debra Olson. Copies of their Letters are Available from the City Clerk's Office, (206) 248-5517, upon Request.

e. Email Dated May 6, 2010, from Clark Mounsey Regarding Deputy Mayor Clark's Comment at May 3rd's Council Meeting. 19.

f. Email Dated May 7, 2010, from Jamie Griswold, Online Content Producer, MyNorthwest.com, Regarding New Burien Community Page. 21.

7. CONSENT AGENDA (cont'd.)	c. Motion to Adopt Ordinance No. 537, Regarding the Reconciliation of Ordinance No. 348 and RCW 26.60's Qualifying Criterion for Domestic Partnerships.	
	d. Motion to Adopt Resolution No. 311, Authorizing Applications for LWCF and WWRP Grants for Seahurst Park.	117.
8. BUSINESS AGENDA	a. Presentation on the Impacts of South Park Bridge Closure to Burien Metro Routes by Jack Lattemann, DOT/Transit/SD Transportation Planner.	
	b. Update on Town Square Phase 1 Status by Paul Keller, Managing Partner, Urban Partners.	
	c. Review of Council Proposed Agenda Schedule.	121.
	d. Presentation on Emergency Preparedness.	
9. COUNCIL REPORTS		
10. ADJOURNMENT		

Susan Coles

From: Ryan, Andrew F [andrew.f.ryan@boeing.com]
Sent: Thursday, May 06, 2010 11:30 AM
To: Susan Coles
Subject: May 4 State SMP and RCW to City Council.doc
Attachments: May 4 State SMP and RCW to City Council.doc

Good morning Susan. Another letter to submit to the City Council and please cc Mr Martin and/or anyone else as appropriate. Should I be sending this to someone other than yourself (ie - city clerk)

Thank you as always

Andy Ryan

CFPR: 05/24/10

Andrew Ryan
16525 Maplewild Ave SW
Burien, WA 98166
206-248-1822

6 April 2010

The Burien Planning Commission
Burien City Council
c/o Susan Coles, Community Development Department Assistant
The City of Burien
400 SW 152nd Street
Burien, WA 98166

At the May 3 Burien City Council meeting, City staff provided an overview of the state SMP guidelines and a recommended plan forward. Critical information regarding the protection of private property goals of the SMA/SMP were omitted from the staff presentation.

The intent of this letter is to provide some information regarding the private property element from the Washington State SMP and RCW 90.58 (entitled Shoreline Management Act of 1971) to supplement the staff presentation and to address what appears to be an ongoing pattern of data bias in the staff provided information.

Attached below are excerpts from the Shoreline Master Programs (SMP)/Guidelines/Wa State Dept of Ecology Website.
http://www.ecy.wa.gov/programs/sea/SMA/guidelines/index.html

The first set of references appears to be the source material for the initial slide provided by staff at the May 3 council meeting.

WAC 173-26-181 Special Policy Goals of the Act and Guidelines for Shorelines of State-Wide Significance.

In accordance with RCW 90.58.020, the "department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the state-wide interest over local interest;
(2) Preserve the natural character of the shoreline;
(3) Result in long term over short term benefit;
(4) Protect the resources and ecology of the shoreline;
(5) Increase public access to publicly owned areas of the shorelines;
(6) Increase recreational opportunities for the public in the shoreline;

CFTR: 05/24/10

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary."

Summary listing of additional references regarding the Public aspect of the State SMP are listed below. The full text is provided iat the end of this letter

(b) The utilization of shorelines and the waters they encompass for public access and recreation. **(RCW 90.58.020 & RCW 90.58.100:**

(c) Protection and restoration of the ecological functions of shoreline natural resources. **(RCW 90.58.020)**

Points that were provided in the staff briefing emphasized the Public aspect of the plan but omitted any reference to the Private aspect of the program. These references are provided below: (emphasis is mine)

(h) **Recognizing and protecting private property rights.**

RCW 90.58.020:

"The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership;...and, therefore coordinated planning is necessary...while, at the same time, **recognizing and protecting private rights consistent with the public interest**."

(i) **Preferential accommodation of single family uses.**

RCW 90.58.020:

"Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures...."

RCW 90.58.100:

Washington State Shoreline Master Program Guidelines, Chapter 173-26 WAC 9 of 100
"(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. **The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion.** The standards shall provide a preference for permit issuance fore measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."

What I find disturbing about the private aspect missing from the May 3 presentation is that there is the increasing appearance of intentional omissions of data that are clearly relevant to the SMP issues in city staff presentations and responses to questions asked by either City Council, the Planning Commission, and /or comments made in public forums, or releases.

The staff's presentation to the Council gave the impression that the intent of the SMP is strictly public and environmentally orientated and completely **ignored the State's private protection guidelines.**

Examples of what I consider to be other omissions of pertinent data are provided as follows:

1) Commissioner Clingan asked staff at one of the Planning Commission meetings for a clarification on the impact of not allowing appurtenant structures waterwards of the primary structure. The response provided by staff indicated that this regulation only applied to construction, which alleviated Comm. Clingan's concern that the new language would negatively impact existing property owners. The language, provided below, clearly includes "**OR EXTERIOR ALTERATIONS**". There is a **huge** difference in implication to property owners between new construction vs exterior alterations. Exterior alteration could include exterior painting, re-roofing, siding replacement, or other normal maintenance functions. Proposed BMC 20.30.095 would appear to force existing property owners to make a choice between primary structure exterior maintenance (or to be legally permitted) or removal of their waterward appurtenant structures. The staff response failed to address this rather large nuance.

Here is what the regulation really says: (emphasis is mine again)

20.30.095 Residential Development

Single family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. **Residential development shall mean the construction *or exterior alteration* of one or more buildings, structures or portions** thereof which are designed for and used to provide a place of abode for human beings including one and two family detached dwellings, multi-family residences, townhouses and condominiums, together with appurtenances and accessory structures.

Item g. below is a subset of 20.30.095 above

g. **Accessory structures and Appurtenances.** Accessory structures and appurtenances must be proportional in size and purpose to the residence and compatible with onsite and adjacent structures, uses and natural features. **Accessory structures and appurtenances that are not water-dependent are not permitted waterward of the principal residence unless clearly water-dependent** (buoys, docks and floats) and used for recreational or personal use. Except for fences less than 6 feet high, accessory and appurtenant structures shall not be located within shoreline buffers or riparian buffer setbacks to assure that buffer integrity is maintained.

It should be noted, the language stating that "Accessory structures and appurtenances that are not water-dependent are not permitted waterward of the principal residence" **was added subsequent** to the SAC recommendation by the Planning Commission. This was not a SAC or State requirement.

2) Staff has gone on record a number of times declaring that redefining existing properties does not make properties unbuildable. An example, from a City of Burien FAQ sheet, is provided below: (the question is bolded, the staff response is the "A." item)

11. Are there limits on repairing houses, fences, bulkheads, docks or other structures?
A: Provisions in state law allow for the repair and maintenance of existing, lawfully constructed structures. State shoreline guidelines allow for the repair and maintenance of existing structures, **subject to any building requirements imposed separately by local jurisdictions**
(FAQ Rev. date 3/10/2010) R:\PL\DAVID\Shorelines\PublicOutReach\SHORELINE MASTER PROGRAM FAQ FINAL.do

This is another example of a truthful, but partial response. The requirements being imposed by the local jurisdiction are the issue driving this whole problem and the above response downplays any significance of that. It is the local jurisdiction changes that are being imposed that apply the limits on repairing our properties (ref 20.30.095 above).

Another example from the same FAQ

14. Can I replace or repair my existing bulkhead?
A: Yes. Existing bulkheads may be replaced with a similar structure if the new structure does not extend toward the water. Repair is also allowed if the proposed repair is comparable to the original condition including factors such as its size, shape, configuration, location and external appearance.

The actual regulation s says:
20.30.070 Bulkheads and Other Shoreline Stabilization Structures
An existing shoreline stabilization structure may be replaced with a similar structure if the following apply:

i. The existing structure can no longer adequately serve its purpose of stabilizing the shoreline to protect the *primary structure*

Source:Planning Commission Draft IV-19 3/30/2010

This is another example of a partial, and potentially misleading, response from staff. Per the regulation, bulkheads can only be repaired to protect primary structure, not appurtenances or property.

3) Public "Open House" meetings
Staff stated that public meetings were held, along w/ breakout teams, etc. Again, a true statement, however the nature of those meetings were significantly different than the output from the SAC and Planning Commission.

Items like "you're house will be reclassified non-conforming, you have to re-vegetate your property if you want to rebuild/remodel/etc, or you can only rebuild your bulkhead to protect primary residence, not appurtenances. Things that were presented were items like :recommended buoy configurations, preferred native plants for our locations, and classification of the beach areas into different reaches. As one of my neighbors so aptly stated to me after the Gregory Heights open house, " I just came to make sure the City isn't trying to f@#! us over, looks like it will be OK." In the end those meetings resulted in the shoreline property owners dropping their guard with the assumption that the SMP revision was just an administrative process w/ no real impact. How wrong could we have been?

I have attended the majority of the public open house meetings, the planning committee meetings, and City Council meetings related to the SMP, and these are just a few examples of incomplete or misleading responses that I have observed. I believe the actual, or appearance this kind of activity, whether intentional or not, will drive more of a wedge between property owners and the City on this important SMP issue. I am not aware of any of the property owners that are against protecting the environment, and am hoping we can get to some honest roundtable discussions to address workable solutions to the issues before us. The devil is truly in the details here, and we cannot afford to gloss over relevant points that have significant implications.

Sincerely,

Andrew Ryan

Additional Reference Material
Full text of additional references regarding the Public aspect of the State SMP are listed below.

(b) **The utilization of shorelines and the waters they encompass for public access and recreation.**

RCW 90.58.020:

"[T]he public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.

"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority for…development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state."

RCW 90.58.100:

"(2) The master programs shall include, when appropriate, the following:

(b) A public access element making provisions for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;…"

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same."

(c) **Protection and restoration of the ecological functions of shoreline natural resources.**

RCW 90.58.020:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization protection, restoration, and preservation."

"This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life…"

"To this end uses shall be preferred which are consistent with the control of pollution and prevention of damage to the natural environment."

"Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area...."

To: Burien City Council

400 SW 152nd St
Suite 300
Burien, WA 98166

Subject: proposed Shoreline Master Program update

I am sending this to insist that the City Council facilitate public comment for at least 180 days, conduct at least three public hearings on, and support changes to the current Shoreline Master Program update.

I strongly disagree with the non-conforming designation that has been placed on my home and wish to avoid the significant problems caused by this designation regarding increases in restrictions and costs for renovations and repair, the loss of property value, and difficulty of sale.

I insist that you leave existing structures in their current designation of "conforming" and that you do not introduce any new setbacks or buffer zones.

Signed
(Mrs) Charlotte E. Mahlik
William Mahlik

To rush this without full hearings because 2 Planning Council members are leaving is not good government. You are well paid through our high taxes. Do it right!

RECEIVED
MAY 14 2018
CITY OF BURIEN

To: Burien City Council

400 SW 152nd St
Suite 300
Burien, WA 98166

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I insist that you leave existing structures in their current designation of "conforming" and that you do not introduce any new setbacks or buffer zones.

Signed

~~Fanny Peck~~ Gordon Stuart Peck, Ph. D.

The property at 16959 Maplewild SW has been owned and maintained by my family for more than 100 years, and it is outrageous that somebody in Burien will now attempt to revise the terms of the original purchase contract which I still have.

Moreover, I, the present owner, am 85 years old and remember when Burien consisted of a feed store and little else. I do not recall the people of Three Tree Point ever urging Burien to take over the area of the Point, and, it is my conviction that the real reason Burien wanted to include the area was because it consisted of some of the most valuable territory to be exploited by Burien as a cash cow for taxing purposes. Certainly any positive benefits of being a part of Burien have never materialized at the Point.

To: Burien City Council

400 SW 152nd St
Suite 300
Burien, WA 98166

Subject: proposed Shoreline Master Program update

WE

I am sending this to insist that the City Council facilitate comment for at least 180 days, conduct at least three public hearings on, and support changes to the current Shoreline Master Program update.

I strongly disagree with the non-conforming designation that has been placed on my home and wish to avoid the significant problems caused by this designation regarding increases in restrictions and costs for renovations and repair, the loss of property value, and difficulty of sale.

I insist that you leave existing structures in their current designation of "conforming" and that you do not introduce any new setbacks or buffer zones.

Signed

Boyd & Susan Watkins

Lisa Clausen

From: Public Council Inbox
Sent: Thursday, May 06, 2010 2:26 PM
To: 'Clark Mounsey'
Subject: RE: Deputy Mayor Clark's Comment at May 3rd's Council Meeting.

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

From: Clark Mounsey [mailto:clark@preferredpackagingllc.com]
Sent: Thursday, May 06, 2010 11:59 AM
To: Public Council Inbox
Subject: Deputy Mayor Clark's Comment at May 3rd's Council Meeting.

Dear Burien City Council Members,

I would like to thank all of you for what I thought was a good discussion on how to proceed in understanding the proposed Shoreline Management Plan. Deputy Mayor Clark made an interesting comment that she felt that the property owners group may look at the City Council as the enemy. When one "sees fire in another's eyes" it sure would be only natural for Deputy Clark to feel that way. However I really think that is no longer the case, especially after Monday night. The frustrations from dealing with the Planning Commission built a great deal of mistrust towards the City. Many homeowners have judged an entire entity (the City) based on dealing with a few of their representatives. (the Commission). Concluding, Deputy Clark also noted we all live in the same city, so it is in all of our interest to work together. Amen. Again thanks.

Best regards,

Clark Mounsey
3721 SW 171st St.
Burien, WA
206-940-6520
clark@preferredpackagingllc.com

CFTR: 05/24/10

Lisa Clausen

From: Jamie Griswold [jgriswold@bonneville.com]
Sent: Friday, May 07, 2010 3:16 PM
To: Jamie Griswold
Subject: new Burien community page

Hi there,

We wanted to let you know about the new Burien community page http://local.mynorthwest.com/burien on MyNorthwest.com. It's part of a larger network of 120 western Washington communities: http://local.mynorthwest.com/

The page features community news, traffic alerts in your neighborhood, weather results and alerts, school closure alerts, a twitter feed with all your neighborhood's twitter mentions, and a twitter alert system that will let you know if there is a dramatic increase in mentions of your community on twitter.

There's also a community events calendar. You can submit any events in your community to the event calendar here: http://local.mynorthwest.com/thesubmit.php?c=burien

Take a look, let us know what you think. If you have any questions feel free to contact me.

Thanks,

Jamie

Jamie Griswold
Online Content Producer | MyNorthwest.com
MyNorthwest.com Seattle's #1 radio website
NewsTalk 97.3 KIRO FM |770 KTTH | 710 ESPN Seattle
206.726.6852
jgriswold@bonneville.com

CFTR: 05/27/10

Lisa Clausen

From: Public Council Inbox
Sent: Monday, May 10, 2010 9:34 AM
To: 'tamlinator@yahoo.com'
Subject: RE: T Marx/ South Park Bridge

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

From: elizabeth@artinstallation.com [mailto:elizabeth@artinstallation.com]
Sent: Saturday, May 08, 2010 11:57 AM
To: Bill Bryant; Gael Tarleton; John Creighton; Rob Holland; Tom Albro; Sally Bagshaw; Tim Burgess; Sally Clark; Richard Conlin; Jean Godden; Bruce Harrell; Nick Licata; Mike O'Brien; Tom Rasmussen; Mike McGinn; Dave Kaplan; Melissa Musser; Matt Pina; Carmen Scott; Bob Sheckler; Dan Sherman; Scott Thomasson; Public Council Inbox; Tukwilla City Council; Jim Haggerton; Dow Constantine; Julia Patterson; Jan Drago; Margarita Prentice; Bob Hasegawa; Zach Hudgins
Subject: T Marx/ South Park Bridge

please respond directly to Tamlin Marx at tamlinator@yahoo.com

-

I regularly use the South Park bridge. I live in Georgetown and rehearse in S park. I also have to pick up a close friend early in the mornings on a weekly basis. The closing of the bridge is going to really mess up my schedule. The first south bridge is bad already at rush hour. This will negatively impact everyone that uses that bridge everyday.
Sincerely,
Tamlin Marx

Sent from my iPhone

CFR: 05/11/10

Lisa Clausen

From: Public Council Inbox
Sent: Monday, May 10, 2010 9:34 AM
To: 'teddy2halle@yahoo.com'
Subject: RE: M C Halvorsen/ South Park Bridge

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

From: elizabeth@artinstallation.com [mailto:elizabeth@artinstallation.com]
Sent: Saturday, May 08, 2010 12:03 PM
To: Bill Bryant; Gael Tarleton; John Creighton; Rob Holland; Tom Albro; Sally Bagshaw; Tim Burgess; Sally Clark; Richard Conlin; Jean Godden; Bruce Harrell; Nick Licata; Mike O'Brien; Tom Rasmussen; Mike McGinn; Dave Kaplan; Melissa Musser; Matt Pina; Carmen Scott; Bob Sheckler; Dan Sherman; Scott Thomasson; Public Council Inbox; Tukwilla City Council; Jim Haggerton; Dow Constantine; Julia Patterson; Jan Drago; Margarita Prentice; Bob Hasegawa; Zach Hudgins
Subject: M C Halvorsen/ South Park Bridge

please reply directly to M C Halvorsen at teddy2halle@yahoo.com

finding of funding for the South Park Bridge:

To Whom It May Concern:

It is essential that funding be found for the building of a South Park Bridge not only for the residents but also for the businesses and the interstate traffic consisting of trucks delivering cargo to the shipping companies and to the Port of Seattle for shipping not only to Alaska but to tthe Far East. The bridge allows quick response by fire or police which would be otherwise cut off causing a probable increase in crime and increased fires. The closure of the South Park Bridge will place an additional strain on the First Avenue South Bridge possibly to the point of gridlock on First Avenue South.

M. C. Halvorsen

CFR: 05/24/10

Lisa Clausen

From: Public Council Inbox
Sent: Monday, May 10, 2010 9:35 AM
To: 'phnasko@yahoo.com'
Subject: RE: P Hnasko/South Park Bridge

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

From: elizabeth@artinstallation.com [mailto:elizabeth@artinstallation.com]
Sent: Saturday, May 08, 2010 12:35 PM
To: Bill Bryant; Gael Tarleton; John Creighton; Rob Holland; Tom Albro; Sally Bagshaw; Tim Burgess; Sally Clark; Richard Conlin; Jean Godden; Bruce Harrell; Nick Licata; Mike O'Brien; Tom Rasmussen; Mike McGinn; Dave Kaplan; Melissa Musser; Matt Pina; Carmen Scott; Bob Sheckler; Dan Sherman; Scott Thomasson; Public Council Inbox; Tukwilla City Council; Jim Haggerton; Dow Constantine; Julia Patterson; Jan Drago; Margarita Prentice; Bob Hasegawa; Zach Hudgins
Subject: P Hnasko/South Park Bridge

please reply directly to Patty Hnasko at phnasko@yahoo.com

Dear Officials,

I concur with Alan. We need this bridge. Please make this a ***highest*** priority.

Patty Hnasko
8814 12th ave south
seattle, wa 98108

From: Alan Puckett <apuckett2005@yahoo.com>
To: "elizabeth@artinstallation.com"
Sent: Fri, April 30, 2010 1:28:38 PM
Subject: [yoursouthpark] South Park bridge crisis

Dear Seattle, King County, and other public officials:

I'm writing to express my concern as a tax-paying Seattle, King County, and Washington State voter regarding the crisis posed by the impending closure of the South Park bridge in Seattle. I ask you to give this matter your urgent attention.

While the burden of our mutual failure to identify and implement a plan for replacement of this critical piece of transportation infrastructure before now will fall disproportionately on those of us who reside in the immediate area, the impending closure of the bridge poses a true emergency situation for all who live, work, do business

OFTR: 05/24/10

in or travel through this part of King County. Public safety, other transportation infrastructure, and businesses which have managed to stay open through the recession are all significantly threatened.

Please let me know what you are doing now to address the need to fund a replacement bridge, and how you plan to step those efforts up in response to the urgent nature of this situation.

Thank you for your attention to this important matter.

Sincerely,

Alan Puckett
730 S Concord St
Seattle, WA 98108

Lisa Clausen

From: Public Council Inbox
Sent: Monday, May 10, 2010 9:37 AM
To: 'Cyndi Upthegrove'
Subject: RE: Shoreline Master Plan matrix

Thank you for writing to the Burien City Council. Your message will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
City Manager's Office

From: Cyndi Upthegrove [mailto:cyndiu@comcast.net]
Sent: Sunday, May 09, 2010 8:53 PM
To: Public Council Inbox
Subject: Shoreline Master Plan matrix

Dear Council Members,

As you all know, I have followed the SMP development from its beginning and with a personal interest. It has come to my attention that new items have been added to the SMP matrix since it left the Planning Commission. Some of these items are significant.

As a newly appointed member of the Planning Commission, I am aware that the Commission acts only in an advisory capacity. However it seems at though items of significance should have been presented and discussed at the Planning Commission level.

Who added these items?
And why do we bother having a Planning Commission if it is bypassed and left out of the public discussion?

I look forward to your response.

Sincerely,

John Upthegrove
1808 SW 156th St
Burien, WA 98166

CFTR: 05/24/10

May 10, 2010

Dear Madam Mayor, City Council Members and City Staff,

I moved to Burien in August 2008 after being a resident of West Seattle for the previous 11 years. What attracted me to Burien was the small town atmosphere and the possibility to live on Puget Sound. For years, I had ridden my bicycle through the Three Tree Point neighborhood and thought if I was ever in a position to purchase a home there, then I would make it happen. Since moving to Burien, I have been part of a community, both in my neighborhood and the town. My fiancé moved in this past summer, The restaurants and stores are where we shop. There is little need to head up to Seattle or even over to Southcenter.

But lately I've observed things around the town that concern me. I was one of those in the dark about the SMP, though I can claim some ignorance by not being here when the process started. Until January this year, I did not know that the city had a website and actually did not think it necessary to care. All that has since changed. Now from what I have heard, our home is considered a nonconforming structure. A home that has been there since the early 1900's and remodeled in the 80's. To us, this does not make sense. A concern is that we have a huge hill behind us and a street in front of us. In the event of a catastrophe, for example a fire or hillslide, we might not be able to rebuild without meeting the requirements set forth in the proposed document. Should there really be restrictions on rebuilding a home that has been in its remodeled state for over 25 years? Having setbacks to the degree in the documents makes no sense to me. Burien's SMP should be easy. There are no marina or business interests to consider, only residential and parks. No problems, right? Except the residents of the shoreline have a lot of concern about the direction the city seems to be taking in it's program.

As I see it the city council has two options with the SMP. As the mayor stated last week, you are the decision makers. The first would be to get the SMP to the state on time and have it approved. I can only see this happening with the cooperation of the residents of the shoreline. Does the city really want to divide itself from its citizens? I know that I don't want to see that happen. The other option would be to wait and join up with other cities and see what the state really wants and will approve. It truly is your choice.

You have the opportunity to be the city that can be a model of how to work with its citizens on its Shoreline Master Program or can be one of what not to do. Please listen to your residents and allow our input. You have the template for a plan, let the residents of Lake Burien and the Burien Marine Homeowners Association assist in the final documents. We have spent a lot of time reviewing what is proposed and can make the final documents something of which the city of Burien can be proud.

On a final note, since moving to SW 172nd, I have listened to stories on how over the years both the county and the city have had ideas claiming the property on the street right of way. The final version of the SMP can be the time to set this issue to rest. Wording in the final document could ease the mind of all the residents of SW 172nd St once and for

CPTR: 05/24/10

all. With no net loss as the main idea behind the revised SMP, there will likely never be a time when changing the roadway from its current dimensions, outside of occasional resurfacing, ever be an option. Please consider allowing our neighborhood to remain the unique community that it is.

Sean Wittmer
Julie Allen
3328 SW 172nd St.

The Burien Marine Homeowners Association
PO Box 300
Seahurst, WA 98062

May 10, 2010

Members of the City Council,

We listened with great care on April 5 as you spent nearly an hour working to establish a process for refining the draft of the Shoreline Master Program (SMP) update. The complexity of the conversation reflected the challenge of this undertaking. Although there was some diversity of opinion, and a number of details were left unanswered, we believe we heard two important goals:

1) A proposal for two meetings to help educate the community on the Shoreline Management Act (SMA), the SMP update guidelines, Burien's SMP update draft, and the conditions of our shoreline. An introductory meeting would occur on May 3 and a subsequent meeting, which would include a number of domain experts, would occur some time later.
2) There was a strong desire for meaningful dialog with Shoreline residents but you recognized the need to define an effective structure.

We were disappointed that it was not possible to hold the introductory meeting last week but we were pleased that much of the continued conversation about the review process was consistent with what we had heard on April 5. However we still did not hear specific recommendations for the meetings or how the shoreline property owners could make a meaningful contribution.

We offer the outline of a proposal to address this. We would like to see a series of three meetings; one in the spirit of the introductory meeting that was requested on April 5, a forum dedicated to the topics of buffers, structures, and non-conformance, and a second forum on bulkheads, public access, and any other concerns. The introductory meeting would be organized by City Staff.

The forums are to be collaboration by three major stakeholders; City Staff, the Marine Shoreline homeowners, and the Lake Burien homeowners. The shoreline groups would consist of a principal, a small number of additional residents, and a small number of domain experts as appropriate.

The forums will begin with a series of three 20 minute presentations, and then three 10 minute follow ups. Any number of people can speak from each group at the discretion of the group's principal representative.

Next will be a significant moderated Q/A period. Questions must be provided in advance so that the moderator can review and organize them according to the popularity of the topic. Logically a question is fielded by the principal representative of the group but he/she may choose to delegate the question to anyone within their group. The moderator will use their discretion to manage the order in which groups respond to particular questions.

Finally there might be a small period set aside for "free form" questions from the audience but questions must be asked one at a time and each group should be given the opportunity to respond.

Although additional detail is required, we believe this proposal to be responsive to the goals you outlined on April 5 and we hope it receives favorable consideration.

Repectfully,

Michael D. Noakes

Michael D. Noakes
President of Burien Marine Homeowners Association.

CFTR: 05/24/10

Lisa Clausen

Subject: FW: Local Government Legislative Finance Update

From: Hunter, Rep. Ross [Hunter.Ross@leg.wa.gov]
Sent: Monday, May 10, 2010 1:24 PM
To: Joan McGilton
Subject: Local Government Legislative Finance Update

Joan McGilton
City of Burien
Dear Joan;
One of my key goals over the last few years has been to help our local governments deal with their financial issues. My painful run for King County Executive last summer really helped me understand how difficult our financial system is for cities and counties and to try to find some ways to help.
In the last two years the Legislature has passed several bills relating to local government finance. They've had a variety of sponsors, but all are really the work of the entire Finance committee.
In addition, the final revenue package we passed in 2010 will have positive impacts for cities and counties, mostly through the sales tax base extensions for candy/gum and bottled water.
The rest of this note is a collection of details about specific bills and the flexibility they give you. Some of the text is lifted directly from bill reports, though I've tried to explain intent as well as the actual effect. I focus mostly on financial issues as that's the main area of responsibility I have on local government issues. I'm happy to help with other issues as well.
At the end I ask a set of questions about where you'd like us to go in the future. Maintaining the ability of our local governments to provide the services their citizens need is and should be one of the key responsibilities of the Legislature. Please help me understand how we should move forward.
Town Hall Meetings
If you have specific questions about this legislative session or about other legislative issues Rep. Eddy, Sen. Tom and I will host a public town hall meeting.
Tuesday, May 18, 2010 at 6 p.m. - Town Hall Senator Rodney Tom and State Reps. Ross Hunter and Deb Eddy will recap the recent legislative session. Town Hall will be at Bellevue City Hall (450 110th Ave NE).
Tax Flexibility
Reps. Larry Springer and Sharon Nelson should get a lot of credit for moving HB 3179 through the system this year, and for helping with the 2009 effort as well.
Our goal was to provide flexibility within existing tax sources and fix a collection of problems.
Public Safety 0.3% Sales Tax
A county public safety sales and use tax was authorized in 2003. Subject to voter approval, counties may impose a tax of up to 0.3 percent. At least one-third of the tax receipts must be devoted to criminal justice purposes, fire protection purposes, or both. A levying county retains 60 percent of the receipts and the remaining 40 percent is distributed to cities within the county on a per capita basis. The use of tax receipts must be stated in the ballot proposition that goes before the voters. Until calendar 2010, tax receipts could not supplant (replace) existing funds being used for the purpose of the sales and use tax as provided in the ballot proposition. In 2009 this non-supplant restriction was amended, allowing counties to partially supplant existing funds until January 1, 2015. The sales and use tax has been implemented in five counties: Kittitas, Walla Walla, Spokane, Whatcom, and Yakima.

CTR:05/24/10

After this bill, cities (in addition to counties) may seek voter approval to impose the public safety sales and use tax at a rate not to exceed 0.1 percent. If a county imposes the public safety sales and use tax prior to a city within the county, the city tax rate may not exceed an amount that would cause the total tax rate for the county and city to exceed 0.3 percent. If a city imposes the tax prior to the county in which the city is located, the county must provide a credit against its tax for the city tax. Fifteen percent of the tax proceeds received by a city imposing the public safety sales and use tax must be distributed to the county.

In addition, the non-supplant restrictions for the public safety sales and use tax are completely eliminated. It was crazy to require counties to create new public safety jobs at a time when their current resources couldn't pay for the existing positions.

Fixing the Mental Health Sales Tax

A county mental health/chemical dependency sales and use tax of 0.1 percent was authorized in 2005. The proceeds of the tax must be devoted to county mental health treatment, chemical dependency, and therapeutic court programs and services. Until calendar 2010, tax receipts could not supplant (replace) existing funds being used for these programs and services. In 2009 this non-supplant restriction was amended, allowing counties to partially supplant existing funds until January 1, 2015. The sales and use tax has been imposed in 13 counties: Clallam, Clark, Island, Jefferson, King, Okanogan, San Juan, Skagit, Snohomish, Spokane, Thurston, Wahkiakum, and Whatcom.

Some legislators were concerned that Pierce County had gotten out of the mental health delivery business and wanted to give Tacoma the option of applying the tax (and providing the service) if Pierce County didn't want to do it.

Beginning January 1, 2011, a city with a population in excess of 30,000 and located in a county with a population over 800,000 (Tacoma) is authorized to imposed the mental health/chemical dependency sales and use tax if the county has not imposed the tax. Once a city has imposed the tax, the county is required to provide a credit against its tax for any city tax.

Criminal Justice Sales Tax

Counties may impose a local sales and use tax of 0.1 percent for criminal justice programs. This tax may be levied only by counties; however, the receipts are shared with cities: 10 percent goes to the county and the remaining 90 percent is apportioned to the county and all cities within the county on the basis of population. The initial imposition of the tax is subject to potential referendum by the voters. There are 32 counties levying the tax.

In 2010 the non-supplant restrictions for the criminal justice sales and use tax are completely eliminated.

Brokered Natural Gas

Washington imposes a separate and distinct use tax on the use of natural gas or manufactured gas. This tax is referred to as the brokered natural gas (BNG) use tax. Cities may impose a local version of the BNG use tax. The purpose of BNG use taxes is to eliminate differential tax treatment for natural gas purchased from gas companies, which is subject to state and local utility taxes, and gas purchased directly from producers by large, commercial users, which is not subject to utility taxes. The BNG use tax rates are identical to state and local utility tax rates.

On May 20, 2008, Division II of the Washington Court of Appeals rendered a decision addressing the location where natural gas is first used for the purposes of imposing BNG use taxes. They allowed these large commercial customers to pretend that they used the gas where it entered the state outside Sumas instead of where it was burned. This allowed them to avoid paying all local BNG use taxes.

After HB 3179 the brokered natural gas use tax is imposed at the location where the gas is burned by the taxpayer or stored in a facility of the taxpayer for later consumption. This restores the condition that prevailed for many, many years.

Local Gambling Tax

In HB 3179 the permitted uses of local gambling taxes are expanded to include any public safety purpose, instead of just gambling-related enforcement. This should be helpful to Kirkland when it annexes Kingsgate.

Annexation Support

One of the key financial issues for King County is working out the final annexations of areas in the planned annexation areas (PAAs) inside the urban growth boundary. These areas have typically gotten short-shrift from the county in terms of infrastructure investment. They are also urban areas, and the county tax base is not adequate to provide urban levels of service – it's designed to manage more rural areas which are less expensive to serve.

A few years ago we created a tax credit for cities to use to pay the additional costs incurred in annexing these areas and in the past two years we've fiddled with it, most notably allowing Seattle and Burien to work out how they are going to annex North Highline. I hope this moves forward one way or another – the area deserves being managed by a city government that is closer to them than King County is.

In particular, SB 5321 extended the credit to 2015 and added Seattle as an eligible jurisdiction.

I want to urge the cities with potential annexations to take advantage of this credit now. I am not sure we will be able to extend it in the future. The Governor's office and other key legislators have concerns about spending money on local issues when the state has such pressing financial needs.

Problems

The dramatic decline in state revenues and concomitant increase in service responsibilities put huge pressure on the state budget and we "transferred funds" from several accounts. The Public Works Trust Fund won't be healthy for years as a result.

There are lots of budget problems, and there will be for the next several years.

Over the next few years we all need to work out some way to pay for:

- Stormwater issues. The legislature took a run at it this year, but I don't believe the appetite for an additional tax vote was there. It probably won't be in a bad budget year – this will most likely need to run in a better fiscal environment.

- Public Health. This is largely a responsibility of counties, but the state has not provided an adequate funding source. We are going to have to figure this out. I'm concerned that if we use local funding places like King County will be able to do it but Grant County won't.

- Transit. We are overly dependent on sales taxes to fund our transit infrastructure and as a result we are hurting badly right now. This will need to get worked out next year. I believe a strong package can be put together and we will need support from all our local elected officials to make it work.

The Future

We fund local government with a dizzying array of local tax options and budget items. We never, ever pull these together in a coherent way and ask if this is the right set of tools. Our discussions this year about a street utility tax are an example of this. Without some clarity about what the entire set of tools are we will have difficulty moving forward.

The Finance committee will be taking up a few issues of interest to local governments over the next year and I'd value your feedback about the questions we should ask and possible ideas.

- Local infrastructure funding. It seems clear that there is value in some kind of public works trust fund, plus it would be good if cities had a way to use tax-increment financing tools.

- Clarifying the financial tools for local government. Is the current collection of funding options adequate? Could we do something more flexible? Do we need additional tools?

- Transit funding. This is largely the responsibility of the Transportation committee, but Rep. Clibborn and I will work together to make sure that the tools we provide fit into the overall portfolio of tools.

- Centralized collection of B&O taxes. There are 11 cities in King County that assess a B&O tax in addition to the one the state imposes. I expect this number to grow over the years. As more and more cities have done this it has become painful for businesses to comply. I'm interested in finding a way to centralize collection of this tax while preserving the independence of the cities.

Contact Info
Representative Ross Hunter
Chairman, Finance Committee
District Office
1611-116th Ave NE Suite 206
Bellevue, WA 98004

Email: hunter.ross@leg.wa.gov<mailto:hunter.ross@leg.wa.gov>
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Read my blog at www.rosshunter.com<http://www.rosshunter.com>

217 S. 187th St.
Burien, WA
98148
5-12-2010

Dear Mayor Mc Gilton,
City Council Members and
City Manager, Mike Martin,

Thank you all for the confidence you have shown for me by your appointment of me to the Arts Council.

I look forward to my service to the City.

Sincerely,
Ted Ottinger

RECEIVED
MAY 13 2008
CITY OF BURIEN

Dear City Council members,

Tired of being called SEATTLE?

My family and I have lived in Tukwila for 17 years. I have a lot of pride about this city and enjoy it. The point of this letter is to help with an economic promotion of our fair city and to make things right.
All of us have experienced, filling in a form online or ordering something over the phone and the response is "Seattle". "So, 98168 ...you live in Seattle." " No. I live in Tukwila" "But for 98168 (98188) my computer says you live in Seattle!" "Fine ...Seattle. but I live in Tukwila." So for years, we just tell people we live in Seattle. This is because all 981..'s is for the Seattle postal district. If we were a 980..something, like Kent or Redmond, the computer would say Tukwila!
In 1971, according to a Tukwila history expert, we were given the option for our own 98068 zip code for our city, but a prominent company then (GE...which was where Lowe's is now) said no way...nobody knows who Tukwila is!

All of these zip codes are not in use at this time: 98067, 98088, 98098, and 98066. 98068 are being used for a small segment in Snoqualmie Pass P.O. Boxes, they could easily be given up or we could use 98067, which is not being used. SeaTac could have its own 98088, Burien could have its own 98066 and Des Moines could have its own 98098.

Also, half the businesses here in Tukwila use the return address city as "Seattle" not Tukwila.
My thoughts are to somehow give these businesses incentives to use Tukwila.

The more we get the name "TUKWILA" out there...the more people will want to move their business here or move into our cities many vacant houses or apartments.

thank you!
Tired of being called SEATTLE;

Randall Stephens
14462 – 56th AV S.
Tukwila, WA 98067

Lisa Clausen

From: Public Council Inbox
Sent: Friday, May 14, 2010 4:36 PM
To: 'Deniece Bleha'
Subject: RE: Letter and attachments to City of Burien City Council

Thank you for your message to the Burien City Council. It will be included in the Correspondence for the Record for an upcoming City Council meeting.

L. Clausen
City Manager's Office

From: Deniece Bleha [mailto:bleha@ekwlaw.com]
Sent: Friday, May 14, 2010 4:07 PM
To: Public Council Inbox
Cc: Peter Eglick; Jane Kiker
Subject: Letter and attachments to City of Burien City Council

Greetings:
Please let me know if you have any difficulty opening any of the attachments.

EKW LAW

Deniece Bleha
Legal Assistant
Eglick Kiker Whited
1000 Second Avenue, Suite 3130
Seattle, WA 98104
206.441.1069 ext. 5

CFTR: 05/24/10

Peter J. Eglick
eglick@ekwlaw.com

May 14, 2010

Via Email (council@burienwa.gov)

City Council
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

Re: Lake Burien Public Access Should Be Permanently Taken Off the SMP Table In Light of the Attached Expert Reports and the Scientific Record

Dear Councilmembers:

This office represents the Lake Burien Shore Club ("Club") with respect to the City of Burien's proposed SMP Amendments and their potential effects on Lake Burien. For almost a century, the property owners surrounding Lake Burien have been careful stewards of its shores and water quality, protecting against commercial development and overloading of its carrying capacity.

The Club acknowledges the changes that have been made to earlier SMP drafts which targeted Lake Burien as an ill-advised immediate priority for public access. However, the matter is not yet resolved. Current proposals before you do not acknowledge what is clear in the record: Lake Burien is not an appropriate candidate for public access. This should be acknowledged now.

The Shore Club's comments to the Planning Commission pointed out that the record before the City lacked the science necessary to evaluate suitability of Lake Burien for public access. To remedy that gap, the Shore Club, at its own expense, commissioned expert reports by wetlands scientist Sarah Cooke and limnologist Rob Zisette. These reports, together with the scientists' resumes, are attached to this letter for Councilmembers' convenience. These reports confirm that, largely as a result of the Shore Club's sound stewardship practices, Lake Burien's water quality and habitat functions are currently very good. However, the reports suggest that increase in human access would upset this delicate balance, leading to degradation – a "net loss" in Shoreline Management Act ("SMA") terms – of these ecological functions.

Mr. Zisette's report recognizes that the excellent condition of Lake Burien's aquatic community and its superior water quality (e.g., the absence of toxic blue green algae blooms) is

uncommon when compared with other lakes located within fully developed basins in King County. At the same time, Mr. Zisette notes that the lake is very susceptible to changes in trophic state as well as incursion by invasive non-native plants. His report concludes that opening the lake to public access could seriously harm its ecological health through the introduction of invasive, non-native plants and animal species (resulting in diminution in valuable wildlife habitat), as well as through the potential for water quality degradation from toxic algae blooms. Wetlands scientist Dr. Sarah Cooke similarly reports that the introduction of public access to Lake Burien is contraindicated by available scientific knowledge respecting the lake's critical wetland areas and wildlife habitat.

There is no cognizable scientific analysis in the SMP record contradicting these scientists' conclusions. They are also supported by common sense. That is why, eighty years ago, in Turtle v. Fitchett, 156 Wash. 328, 287 Pac. 7 (1930), the Washington Supreme Court upheld objections to public use on Lake Burien's shoreline, citing testimony of the King County Health Officer that the lake was too small to support it.

It is a misimpression that the Shoreline Management Act requires public access across-the-board. The SMA encourages public access to shorelines, but only where appropriate. Bob Fritzen, the State Department of Ecology representative who has been working with Burien on its SMP amendments, explained to the Planning Commission at its March 9, 2010 meeting that each public access provision in the Ecology's SMP guidelines is accompanied by a list of qualifiers. Factors limiting the appropriateness of public access include compatibility with existing uses and protection of the shoreline environment, as well as maintaining public safety and respecting private property rights. See, e.g., WAC 173-26-221(4). As Mr. Fritzen cautioned the Planning Commission:

> Public access can be visual, it can be physical, and it may be inappropriate in some situations. The other thing to keep in mind is public access and protection of the environment are not always compatible so you have to bring that into consideration when you're doing your planning for public access.

Clearly, where activities encompassed by public access would likely harm the water body's ecological functions in addition to interfering with pre-existing private residential uses and jeopardizing public safety, it is appropriate for a city to decide that public access is off the table. That should be the City Council's decision here. The Council should therefore modify the SMP language so that it does not reflect a deferral of Lake Burien public access to yet another public process that is expensive and burdensome for the City and stakeholders alike. Instead, the Council should state in plain terms in the SMP that, for the reasons stated and based on the record, public access to Lake Burien would not be appropriate.

The Shore Club and its counsel appreciate the time the Council has and will spend on this matter. We would be happy to answer Council questions and provide assistance as needed as the Council proceeds through the SMP process.

Respectfully,

EGLICK KIKER WHITED PLLC

Peter J. Eglick
Attorney for Lake Burien Shore Club

cc: Client

Attachments

COOKE SCIENTIFIC
4231 NE 110TH ST, SEATTLE, WA 98125
PHONE: (206) 695-2267 FAX: 206-368-5430
COOKESS@COMCAST.NET WWW.COOKESCIENTIFIC.COM

March 23, 2010

Attn: Don Warren, President & Lake Steward
Lake Burien Shore Club
Burien, WA

RE: Review of the City of Burien's Draft Shoreline Master Plan (SMP) as it applies to Public Access for Lake Burien

Dear Mr. Warren:

The Lake Burien Shore Club is concerned that the Draft Shoreline Master Program (SMP) adopts a policy of public access for Lake Burien without an investigation into the impacts it might have on the Lake ecosystem and water quality. The Shore Club asked me, in my capacity as a professional wetlands scientist, to review the portions of the Draft SMP amendments pertaining to Lake Burien, and to determine what data, if any, exists to support the City's proposed public access policies. As detailed below, my review and analysis of the existing data and my own field investigation lead me to the conclusion that there is insufficient information to support adoption of these policies and that such adoption would likely be inconsistent with the level of protection required to maintain the sensitive lake, it's adjacent wetlands, streams, and associated wildlife, in sound ecological health.

Findings Summary

It is apparent that the Burien Shoreline Master Program Update relies on the following reports generated by City's Consultants:

- Shoreline Inventory (Grette Associates 2008)
- Shoreline Analysis and Characterization (Grette Associates 2008)
- Cumulative impacts Analysis (Grette Associates 2009)
- Shoreline Restoration Plan (Grette Associates 2009)

These documents do not reflect analysis of existing data and conditions with respect to Lake Burien as is required under the Shoreline Management Act (SMA) and outlined in the Shoreline Management Plan Guidelines adopted by the Department of Ecology (WAC 173-26-201, Comprehensive Process to Prepare or Amend Shoreline Master Programs, Section 3C and D).

The City is proposing public physical access to the Lake without studying the impacts to the Lake functions that could result, and therefore, without addressing measures necessary to mitigate such impacts. The Draft SMP is therefore, not in

compliance with the Shoreline Management Act (SMA) (RCW 890.58), and SMP Guidelines (WAC 173-26, Part III). The SMA and SMP Guidelines require current scientific-based or a "Best Available Science" (BAS) -based characterization of shoreline ecological functions, adoption of a no-net-loss policy with respect to these ecological functions, recognition of potential consequences from proposed management actions, and adoption of appropriate mitigation measures.

Focusing primarily on the Lake's wetland functions. I have reviewed all the documents and web-based resources listed in the reference section at the end of this document in addition to undertaking the personal communications listed there. I also conducted reconnaissance field research at the Lake and its wetlands on March 3, 2010. Most of the wetlands information I have reviewed (and gathered) is notably not referenced in the City's or its consultant's characterization and resultant analysis. The Lake's aquatic resources, and potential impacts to them from the proposed public access, were finally addressed in a report by limnologist Rob Zisette of Herrera Environmental Consultants, which was submitted to the Planning Commission by the Shore Club on March 17, 2010. This report concluded that providing public access to Lake Burien could have adverse and unintended impacts on its ecological well-being in terms of the introduction of invasive, non-native plant and animal species, and the potential for water quality degradation.

Analysis

1. **Proposed SMP Policies are not based on current and best available science.** In reading the four reports listed above which formed the basis for the Draft SMP Update, it is apparent that very little attempt was made to find the available data for the Lake, let alone do additional studies required by the SMA and SMP guidelines. Rather, the City's consultant team stated that they only needed to comply with the characterization of the Lake found in the City's Municipal Code and Comprehensive Plan. In my own discussions with Department of Ecology scientists, (Pers. Comm. With Eric Stockdale, March 2010), it has been made clear that an SMP developed without analysis of current lake conditions and functions (e.g., water quality, hydrology, and wildlife habitat) would be unlikely to survive Ecology's mandatory SMP review process.

   There is little evidence that Grette staff reviewed existing Lake data or coordinated their recommendations with any other scientists with expertise of the Lake. The SMP guidelines specifically identify this collaboration as being essential to the characterization and impact assessment for developing the SMP. King County has an on-line a report that covers ten years of study data and analysis of the Lake. There is only one apparent reference to other studies in the Grette reports and this is regarding phosphorus concentrations in the Lake. This data likely comes from the King County Lake Report, although it is not listed in the bibliography. The Coastal Atlas (Wa. DOE Web resource 2010) similarly is not referenced and it shows the quality of Lake Burien to be excellent, in stark

contrast to all other lakes in the urban corridor. The Lake shore is completely surrounded by private property and no residents report seeing Grette staff on their properties to collect data.

As part of the impact analysis, it is important to know what wildlife currently exists on the lake. No wildlife censuses were done as part of the lake characterization and there was no attempt to collect existing data from King County and/or local residents regarding the Lake's resident birds, migratory birds, mammals, fish, amphibians, reptiles or insects. The residents and a local fish expert, Richard Streater, have identified trout, bass, sunfish and perch, yet the City in their Municipal Code, Comprehensive Plan, and Draft SMP state there are no fish in the Lake. As discussed below, shore residents regularly observe eagles, hawks, and heron preying on fish in the Lake. The Lake Steward has not been contacted by anyone from the City's consultant team, despite the fact that he has a significant amount of data after years of monitoring the Lake.

2. **Lake Reconnaissance and other data discoveries.** In addition to reviewing and analyzing existing data respecting Lake Burien, I visited the Lake on March 3, 2010; met with shore residents and circumnavigated the shoreline in a boat. I took photographs, recorded vegetation types, shoreline characteristics, water visibility, the presence of invasive plant species: aquatic, wetland, and upland plant and animal taxa. I ran the wetland data through the Wetland Rating form for Western Washington (Hruby 2004) and I took notes on birds and fish and reptiles. A neighbor showed me photos of the painted turtles that lay eggs on her beach, and there are reports that red slider turtles may also be present. There are bullfrogs and Cascade frogs, and crayfish in the Lake. None of this information is included in Grett's Shoreline Inventory or Shoreline Analysis and Characterization. One wonders how Grette developed the Impact Analysis without being aware of the wildlife and water quality of the Lake.

   For more than 60 years, shore residents have tracked wildlife use of the lake and environs and recently have been taking bird census data, some using Audubon Guidelines. Priority species, including bald eagles, osprey, and blue heron use this lake for perching and feeding. These species are observed regularly. Although not documented in the City's record, the residents give first hand reports of this. I saw both blue heron and bald eagles the day I visited. Lake residents have identified over 80 different species of birds. Long-term residents report bird sightings have increased since the development of the third runway and filling of many of the wetlands at SeaTac. An animal inventory was compiled by the residents and included bats, mice, rats, voles, shrews, raccoons, weasels, opossums, squirrels (grey), and a historic sighting of otter in the 90's.

   There are existing patches of undisturbed wetlands scattered around the Lake, especially in the northeast corner in front of the Ruth Dykeman Center. This area has a large aquatic plant community dominated by hardstem bulrush (a native plant), with an associated riparian corridor that leads to the outlet and Burien Creek which has both upland and wetland components. The other lakeshore vegetation patches are both herb and shrub dominated, ranging from 1/5 to ½ of

the lakeshore frontage of a particular lot. The herbaceous patches are dominated by softrush and yellow-flag iris, but native rushes, grasses and sedges can also be found. There are scattered sandy beaches around the Lake and resident reports indicate that turtles nest on most.

The Lake water quality is remarkably good, according to the Department of Ecology Coastal Atlas and King County Lake Monitoring Data, as well as the analysis recently prepared by Rob Zisette at Herrera Environmental Consultants. The only motors allowed in the Lake are electric. The lake residents do not move their boats from Lake Burien to outside lakes and back. This means that there are few to no opportunities for invasive weeds to be introduced into the Lake. Mr. Zisette's limnology report addresses the ecosystem effects of introduction of invasive species, plant and animal.

The Lake residences are on sewer so there is no septic effluent leaching into the Lake, a common occurrence in other lakes throughout the County. There were no algal blooms, and I could see the bottom in areas where the depth is reported to be at least 10 feet (King County Web site bathymetry). There appear to be only a few patches of pond lily (as seen on aerial photographs from the summer). I saw no algae, milfoil or elodea (common noxious aquatic weeds in urban lakes)

The Lake is currently entirely developed with residences, with the exception of the Ruth Dykeman parcel in the northeast corner. The dominant activity on the Lake is by personal boats, most using electric motors. Electric motors make very little wake as they tend to move very slowly through the water. Additionally, the local residents and Lake Steward monitor the Lake for any irregular activity. Residents for the most part, keep their dogs from the Lake, so there is no dog fecal matter entering the lake and according to residents there is relatively little disturbance of the birds by dogs or cats.

3. **SMP Public Access provisions should not be adopted in absence of required scientific support and analysis**

Based on my research and observations, I find Lake Burien to be in surprisingly good condition for an urban lake and the water quality, habitat, and the number of species of wildlife present are not matched in the urban setting. In a case such as this, public access would result in (potentially irreparable) impacts to the ecosystem. It would be unwise to introduce public access which could upset the current balance, especially without investigating what the potential impacts might be.

References

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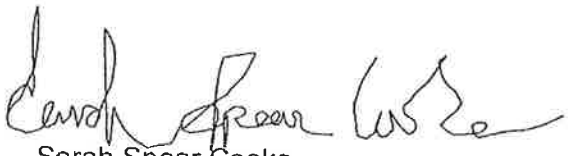
Personal communications

Erik Stockdale, Washington State Department of Ecology, Bellevue staff. Staff assigned to review the Burien SMP. March 3 and 11.

Richard Streater, fishing lures author and fish expert. March 2010



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Sarah Spear Cooke, Ph.D.

Wetlands Ecologist, Soil Scientist, Plant Ecologist and Taxonomist

Expertise

- Wetlands creation, restoration, and enhancement , CAD design and implementation
- Wetlands delineation and delineation methodology instruction
- Invasive weed identification and development of control strategies, control manuals, and field oversight of control efforts
- Ordinary High Water Mark (OHWM) determinations and instruction.
- Regulatory and Permitting Assistance, on local, state and national levels
- Wetland Functional Evaluation, including the "SAM" method and a botanical expert on the development of the State wetland manual
- Masters in Botanical taxonomy, Doctorate in Botany and soils, specializing in wetland plants
- Author *A Field Guide to the Common Wetland Plants of Western Washington & Northwestern Oregon,* published by the Seattle Audubon Society
- Certified soil scientist (hydric soils), soils mapping and classification
- Watershed Analysis
- Rare plant surveys and mapping
- Mine reclamation ecology and uplands restoration

Dr. Cooke has 24 years of experience in wetlands ecological research and environmental consulting, and 27 years of experience in ecological and geological research, in the Pacific Northwest. She specializes in habitat creation, restoration and enhancement projects, both in design and implementation. She excels in permitting assistance on the local, state, and national level. She was a co-senior investigator for the Puget Sound Wetland and Stormwater Management Research Program, a 10-year systematic wetland ecosystem study conducted under the auspices of the Environmental protection Agency, The US Geological Survey, Washington State, and King County in Washington State. Dr. Cooke's areas of expertise include: wetland and stream inventories, delineation, restoration/mitigation designs, baseline studies, permitting, and monitoring programs; weed identification and control; rare plant surveys and vegetation mapping; soil assessments; watershed analysis; and environmental assessments in the region. She has more experience in developing assessment methodologies than any other private wetlands consultant in the PNW. She has extensive experience in classroom instruction of wetlands ecology, restoration ecology and implementation, delineation protocols, functional assessment, weed identification and control, hydric soils, and wetland plant identification. She has 16 years experience in managing multidisciplinary teams, supervising subcontractors, and generating reports, and marketing from a consulting perspective. She currently teaches restoration ecology and implementation, wetland botany, and weed ecology and control at Portland State University. She is a former instructor for the Wetland Certification Program at the University of Washington and Wetland Ecology and Science for the graduate program at the Evergreen State College. She has been teaching classes for the Coastal Training Program through the

Washington State Department of Ecology for eight years and has taught wetland Delineation for the US Army Corps of Engineers. She is also the senior author/editor of the *A Field Guide to the Common Wetland Plants of Western Washington & Northwestern Oregon*. And the Semi Quantitative Wetlands and Buffer Functional Assessment Method used since 2001 by most wetland practitioners.

Education

Ph.D., University of Washington, Dissertation title: The Edaphic Ecology of Two Northwest American Composite Species. Major: Botany, Geology, and Soils; minor Statistics, Plant Physiology, and Genetics
M.S., Plant Taxonomy, University of Washington, 1987.
Honors Degree, Geobotany, McGill University, 1979.
B.S., Biology and Geology, McGill University, 1979.
Undergraduate studies in Biology and Geology at Purdue University 1974-76.

Experience

- Self-employed, Cooke Scientific. Seattle Washington. Projects include wetland mitigation (restoration, enhancement, and creation), wetland delineations, weed identification and control, wetland inventories, wetland functional assessments, wetland and sensitive areas permitting (federal, state and local jurisdictions), rare plant surveys, vegetation and soil mapping, environmental evaluations, environmental impact statements, watershed analysis, and mine reclamation, third party regulatory review for various small jurisdictions. 1998-present.
- Western Washington Representative, Washington State Noxious Weed Board. 2005 to present. Chair, Standards committee. Developed a methodology for inventorying weeds used by County Weed boards in Wa.
- Instructor, Habitat Restoration, and Mitigation. Wetland Training Institute. Syllabus development, classroom instruction, and field trips. Spring 2010.
- Instructor, PNW Winter Twig ID. Coastal Training Program, Washington State Department of Ecology, classroom instruction, and field trips. 2007-present
- Instructor, Grass, Sedge and Rush ID in PNW. Coastal Training Program, Washington State Department of Ecology, classroom instruction, and field trips. 6-class contract, 2004-present.
- Instructor, Washington State Wetland Rating System in Western Washington. Coastal Training Program, Washington State Department of Ecology, classroom instruction, and field trips. 6-class contract, 2005-2006.
- Instructor, Weeds of the Pacific Northwest. Portland State University, Portland, Oregon. Syllabus development, classroom instruction, and field trips. Summer 2004.
- Development Advisory Team. Washington State Wetland Rating for Western Washington. Washington State Department of Ecology. 2002-2004.
- President Pacific Northwest Chapter Society of Wetland Scientists. May1999- May 2000. Executive Vice President SWS PNW Chapter 1998-1999.
- Development Advisory Team. Washington State Functional Assessment Method. Washington State Department of Ecology. 1996-1998.
- Instructor, WNPS Native Plant Stewardship program, King, Snohomish, Pierce Counties, Washington Native Plant Society, Syllabus development, classroom instruction, Fall 1996- present.
- Instructor, Hydric soils class, University of Washington, College of Forest Resources, Center for Urban Horticulture. 1998, 2006.
- Instructor, Habitat Restoration, and Mitigation. Portland State University, Portland, Oregon. Syllabus development, classroom instruction, and field trips. Fall 1998- 2008.

- Owner, Cooke Scientific Services, Inc. Seattle, Washington. Principal Scientist and President of company. Projects include wetland mitigation (restoration, enhancement, and creation), wetland delineations, wetland inventories, wetland functional assessments, wetland and sensitive areas permitting (federal, state and local jurisdictions), rare plant surveys, vegetation and soil mapping, environmental evaluations, environmental impact statements, watershed analysis, and mine reclamation in upland and wetland areas. 1995-2003.
- Instructor, Wetland Plants of the Pacific Northwest; Winter trees and shrubs; and Grasses, Sedges, and Rushes. Portland State University, Portland, Oregon. Syllabus development, classroom instruction, and field trips. Spring 1998- present.
- Principal Scientist, wetlands Group, Pentec Environmental Inc., Edmonds, Washington. Started, marketed, and managed the wetlands group. Projects included wetland mitigations (restorations, enhancements and creations), wetland delineations, wetland inventories, wetland functional assessments, wetland and sensitive areas permitting (federal, state and local jurisdictions), rare plant surveys, vegetation and soil mapping, environmental evaluations, environmental impact statements, watershed analysis, mine reclamation in upland and wetland areas. 1990 – 1995.
- Instructor, University of Washington, Extension Services, Wetland Certification Program. Wetland Science and Ecological Processes. . Syllabus development, classroom instruction, and field trips. 1994-1996.
- Instructor, University of Washington, Extension Services, Wetlands Flora of Western Washington. Syllabus development, classroom instruction, and field trip. 1990-1996.
- Long-term Research Co-manager, Puget Sound Wetlands and Stormwater Management Research Program. Experimental design, implementation, and coordination of a five-year total ecosystem survey and monitoring study. 1987-1996.
- Project Coordinator, Senior Editor and Author. US Environmental Protection Agency/Washington Native Plant Society. A Field Guide to the Wetland Flora of Pacific Northwest Project. Grant writing, project management, technical coordination, and writing the grass, sedge, and rush sections of book. 1992-1997.
- Instructor, Washington State Department of Ecology, Wetland and Riparian Restoration, a workshop for agency staff and consultants. Co-development of syllabus, text, class instruction for the vegetation portion of the workshop. 1993.
- Co-instructor, Hydric Soils workshop. University of Washington Center for Urban Horticulture, College of Forest Resources. 1992.
- Instructor, Hydric Soils, Processes and Characteristics. University of Washington Extension Services. Development of syllabus, text, classroom instruction, and class field trip. 1992.
- Co-instructor, Wetlands Ecology. The Evergreen State College, Masters of Environmental Science. Co-development of syllabus and co-instructor for wetlands ecology, management, and regulatory policy class. 1991.
- Instructor, Interagency Wetlands Delineation Agency Training/USACOE, EPA, SCS, Fish, and Wildlife Service. Taught vegetation and soils methodology (1987 and 1989 methodologies).
- Field Biologist/Soil Scientist, King County Wetlands Inventory. Paper inventory, development of field assessment protocol, manager field-inventory. 1990.
- Professional Botanist, Washington Native Plant Society. Research, teaching workshops related to the native flora, establishment, and curator of the plant species distribution library. 1989.
- Senior Wetlands Ecologist, Shapiro and Associates. Wetland delineation, plant identification, vegetation analysis, soils assessment, aerial photo

interpretation, and report writing, with emphasis on wetlands problems, and toxic waste. 1988.

- Botany and Soils Consultant and Subcontractor, Raedeke Associates. Plant identification, vegetation analysis, soils assessment, and aerial interpretation with emphasis on wetlands problems. 1986-1987.
- Team Member, Cedar River Watershed Long-term Wetlands Monitoring Project, Seattle City Light. Design and implementation of vegetation and soils aspects of the study, and air photo interpretation. 1988.

Awards

- International fellow. Society of Wetland Scientists. Dr. Cooke was one of three internationally scientists recognized by the SWS for our contributions to Wetland Science. 2003.
- Elected President, Society of Wetland Scientists, Pacific Northwest Chapter. 1999-2000.
- Best Paper Award. International Serpentine Conference, Society of Serpentine Ecology. 1999.
- Sigma Xi, Forestry Society. Elected to be a member of the Washington State Chapter of Sigma Xi, the professional Foresters Society. 1994.

Professional Affiliations

- Member of Society of Wetland Scientists
- Member Society for Ecological Restoration
- Member Association of State Wetland Managers
- Member Sigma Xi
- Member Ecological Society of America
- Member Consulting Soils Scientists of America

DATA ANALYSIS REPORT

Lake Burien, Washington

Prepared for

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Note:
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Contents

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Introduction

The Lake Burien Shore Club has for many decades taken an active role in protecting water quality and ecological functions of Lake Burien. The Draft Shoreline Master Program (Reid Middleton 2009) currently before the Burien Planning Commission includes policy and regulation provisions for establishment of public access to Lake Burien. However, it did not identify existing lake conditions or address potential impacts to those conditions from physical access to the lake by the general public.

The Lake Burien Shore Club (Shore Club) requested that Rob Zisette of Herrera Environmental Consultants (Herrera) summarize existing information on conditions of the lake and identify potential impacts to those conditions as a result of public access to the lake. This report summarizes the existing physical, water quality, aquatic plant, and fish and wildlife conditions in Lake Burien. Based on these conditions, potential impacts to the lake from establishing public access are then addressed.

Information presented in this report is based on review of readily available data and reports. Additional information was obtained by Rob Zisette during a site visit on March 13, 2010. This report was prepared by Rob Zisette, who is a limnologist with 30 years of lake research experience.

Per the detailed discussion below, Lake Burien presents several contraindications for adding public access to the burdens it must carry. One is the increased potential for the introduction and facilitation through public access of non-native, invasive aquatic plants and animals, which could severely impair habitat, water quality, aesthetics, and recreational activities in the lake. Another is the presence of the bluegreen algae *Anabaena* and *Aphanizomenon,* which account for the vast majority of bluegreen blooms in Washington lakes, and can produce the toxins microcystin and anatoxin-a.

Physical Characteristics

According to historical reports by King County (2010), Lake Burien is 44 acres in size with a mean depth of 13 feet (4.0 meters) and a maximum depth of 29 feet (8.8 meters). Features listed for Lake Burien in Lakes of Washington (Wolcott 1973) include an area of 43.7 acres, a maximum depth of 33 feet (10.0 meters), and a lake surface elevation of 320 feet mean sea level. Bathymetric (water depth) contours are shown in Figure 1 (Messick 2010).

The lake watershed is approximately 250 acres in size (King County 2010) as shown in Figure 2 (Messick 2010). The watershed boundary shown as the yellow line in Figure 2 reasonably agrees with the storm drain maps prepared by the City of Burien (Burien 2010). Thus, the watershed area is approximately six times the lake area. The watershed consists entirely of urban land use and no streams currently drain into the lake. The City of Burien (2010) has located 11 stormwater outfalls in the lake (see Figure 7E in Grette 2008).

Lake Burien drains to an outlet channel located at the northeast corner of the lake (see blue line in Figure 2). Lake water flows from this short channel over a weir that was installed in the 1960s to reduce the lake level drawdown during the dry summer months (Warren 2010). Flow from the weir enters a culvert that drains southeast to Miller Creek. Recent observations indicate that there has been no surface outflow from the lake from approximately late April to early November (Warren 2010).

The lake level typically decreases approximately 2 feet during the summer. During the wet winter months, the lake level is generally maintained within 0.2 feet of the weir elevation, which is approximately equivalent to the ordinary high water mark. No flooding of shoreline properties has been observed (Warren 2010). Based on 1 year of lake level data from October 1994 through September 1995 (King County 2010), the lake level increased from to a minimum elevation of 69 centimeters (2.3 feet) below the weir in October 1994 to a maximum elevation of 5 centimeters (0.2 feet) above weir in January 1995, and then decreased to a minimum elevation of 58 centimeters (1.9 feet) below the weir by the end of September 1995.

Lake Burien is located in an aquifer recharge area (Burien 2009). The lake may not receive much groundwater inflow because of the shallow surrounding topography. It is likely that stormwater drainage is the primary hydrologic input to Lake Burien, with additional input from direct precipitation.

Water Quality

Eutrophication and Phosphorus Cycling

The principal water quality concern for lakes is eutrophication. Eutrophication is a process of nutrient enrichment and increased productivity that can occur naturally, and is commonly accelerated in urban lakes. Phosphorus is the primary nutrient controlling eutrophication of lakes because it is typically the nutrient that limits algae growth, since large pools of carbon and nitrogen are available in the atmosphere. Stormwater runoff is the primary source of phosphorus in most urban lakes, including Lake Burien. Other external sources of phosphorus in Lake Burien include direct precipitation and shallow ground water, which enters the lake via storm drain outfalls and may also enter the lake via seeps in the nearshore zone of the lake. An additional external source of phosphorus is waterfowl feces, which can be a significant source for small shallow lakes.

Internal loading is also a common source of phosphorus to urban lakes. Internal loading refers to processes inside the lake that contribute phosphorus to the water and includes various components in the lake phosphorus cycle. Typically, the primary source of internal loading is the release of iron-bound phosphorus from anoxic (i.e., low or no oxygen) sediments. Anoxic sediment release of phosphorus typically occurs in deep portions of the lake where oxygen is consumed by decomposing microorganisms, but can also occur in shallow sediments that are highly enriched with organic matter or located under aquatic plant canopies. Other sources of internal phosphorus loading include shallow (oxygenated) sediment release during algae blooms

that create high pH conditions (greater than 9), vertical migration of bluegreen algae (cyanobacteria) from the sediments up into the water column, and decay of algae and aquatic plants in the water column.

In the Puget Sound lowlands, most of the external phosphorus loading to lakes occurs during the wet winter months. Most of that external load settles to the lake bottom and then recycles back into the water column as internal loading during the dry summer months when lakes are thermally stratified. Lakes of sufficient depth, such as Lake Burien, become thermally stratified in the late spring when the surface waters warm and become less dense than the cooler deep waters. As water temperature and density differences increase in the water column during the summer, a thermocline becomes established that separates the epilimnion (surface layer) and hypolimnion (bottom layer). A strong thermocline (high thermal gradient) dramatically reduces the transport of phosphorus from deep sediments in the hypolimnion to algae growing in the epilimnion. A weak thermocline can temporarily degrade during cool, windy periods of the summer, causing the movement of the phosphorus-rich hypolimnion waters into the epilimnion. Ultimately, the thermocline breaks down in the fall when the lake temperature cools, and the lake becomes completely mixed in November. Many lakes experience rapid growth (blooms) of algae in the fall in response to both internal (mixing) and external (stormwater) phosphorus sources.

Insufficient amounts of temperature profile data are available from King County (2010) to evaluate the location or strength of the thermocline in Lake Burien. Temperature was measured in the surface (1 meter depth) and the bottom (8 meter depth) water samples on two occasions per year during the summer of 2000 through 2004. Surface water temperatures ranged from 16 to 23°C and bottom water temperatures ranged from 10 to 18°C, and there was typically a 5°C difference between the surface and bottom water sample. Based on these data, it is unknown whether the 5°C change is abrupt or gradual and represents a strong or weak thermocline, respectively.

Trophic State

Lakes are classified into the following three categories of trophic state that represent increasing amounts of eutrophication:

- Oligotrophic (not enriched)
- Mesotrophic (moderately enriched)
- Eutrophic (highly enriched)

Trophic state is determined using summer (June through September) mean values of three parameters:

- Total phosphorus concentration in the epilimnion (surface layer)
- Chlorophyll *a* concentration in the epilimnion (phytoplankton pigment in the surface layer)

- Secchi depth (water transparency measured by lowering an 8-inch Secchi disk in the water until it disappears from view)

A trophic state index (TSI) is calculated for each of these parameters where values less than 40 represent an oligotrophic lake, values between 40 and 50 represent a mesotrophic lake, and values greater than 50 represent a eutrophic lake.

Trophic state parameters were measured in Lake Burien during the summers of 1998, 2000, 2001, 2002, 2003, and 2004 as part of the King County Lake Stewardship Program. Water samples were collected by lake stewards (residents) and analyzed by the King County Environmental Laboratory. Data quality is reviewed and posted on the stewardship program website (King County 2010). The Lake Burien data are presented for surface (1 meter) total phosphorus concentration in Figure 3, surface (1 meter) chlorophyll *a* concentration in Figure 4, Secchi depth in Figure 5, and trophic state index (TSI) in Figure 6.

Total Phosphorus

Surface (1-meter depth) phosphorus concentrations in Lake Burien typically ranged from 10 to 15 micrograms per liter (ug/L) in April through July, and typically increased to a range of 15 to 20 ug/L in September and October (see Figure 3). A minimum concentration of 7 ug/L was observed in May 2002 and a maximum concentration of 29 ug/L observed in October 2001.

Bottom (8-meter depth) water samples were also analyzed for total phosphorus on two occasions each year and exhibited a much higher mean concentration (33 ug/L) than the surface water samples (14 ug/L) collected concurrently. Higher concentrations of phosphorus are typically observed in bottom water samples due to the decay of settled organic matter. Much higher total phosphorus concentrations likely would have been observed in bottom water samples if the hypolimnion had become anoxic during the summer. In addition, mean total phosphorus concentrations were the same (33 ug/L) for bottom water samples collected in May and June compared to those collected in August and September. These results suggest that internal loading from anoxic sediment release may not have been a significant source of phosphorus in Lake Burien.

Cholorophyll a

Chlorophyll *a* is the primary photosynthetic pigment present in all species of algae. Concentrations of chlorophyll *a* are used as a measure of phytoplankton (free-floating algae) biomass. Surface (1-meter depth) chlorophyll *a* concentrations in Lake Burien typically ranged from 2 to 4 micrograms per liter (ug/L) in May through August, and typically increased to a range of 4 to 8 ug/L in September and October (see Figure 4). Surface chlorophyll *a* concentrations exceeded 8 ug/L on one occasion in October 2000 (12.8 ug/L) and October 2003 (12.2 ug/L).

Bottom (8-meter depth) water samples were also analyzed for chlorophyll *a* on two occasions in each of 3 years (2002-2004). The mean summer (August/September) chlorophyll *a*

concentrations were much higher in the bottom water samples (18.5 ug/L) than in the surface water samples (3.4 ug/L) collected concurrently. Higher concentrations of chlorophyll *a* may be observed in bottom water samples due to settling of phytoplankton, but this large of a difference suggests that phytoplankton may have been growing at the low light levels and high phosphorus concentrations near the bottom of the lake.

Phytoplankton

Water samples were also analyzed for phytoplankton composition by King County. Phytoplankton analysis results are presented in reports but not in the online database (King County 2010). A list of observed phytoplankton species has been compiled by lake resident Christine Edgar (Edgar 2010). Phytoplankton identified in Lake Burien include common genera in the following groups:

- Diatoms: *Fragilaria*, *Asterionella*, *Cyclotella*
- Chlorophytes (greens): *Botryococcus*, *Crucigenia*
- Cryptophytes: *Cryptomonas*
- Dinoflagellates: *Peridineum*, *Ceratium*
- Chrysophytes: *Dinobryon*
- Bluegreens (cyanobacteria): *Anabaena*, *Aphanizomenon*, *Aphanothece*, *Anacystis*

Phytoplankton succession in Lake Burien appears to generally follow the following pattern of dominance common to mesotrophic lakes: diatoms in the spring, dinoflagellates and greens in the summer, and bluegreens in the fall. There have been no reports of bluegreen algae blooms in Lake Burien.

Observations of the bluegreens *Anabaena* and *Aphanizomenon* in Lake Burien are of particular interest. These two genera (along with *Microcystis*, which has not been reported in Lake Burien) account for the vast majority of bluegreen blooms in Washington lakes, and both genera can produce the toxins microcystin and anatoxin-a (Ecology 2010b). Toxic algae blooms have been documented at an increasing rate in Washington lakes over the past 25 years and are an emerging public health issue. Although most blooms are not toxic, pets and wildlife have died after exposure to toxic bluegreens in Washington lakes, and people have become ill after swimming in lakes with blooms of toxic bluegreens (Ecology 2010b).

Secchi Depth

Secchi depth is a measure of water transparency or clarity that is primarily affected by phytoplankton concentrations, but it can also be affected by water color (tannins), bacteria, inorganic colloidal matter, and suspended fines (silt and clay). Typically, Secchi depth decreases as chlorophyll *a* increases when water transparency is primarily affected by phytoplankton, but the effects of phytoplankton biomass on Secchi depth can vary widely depending on the size the dominant phytoplankton cells or colonies.

Secchi depths in Lake Burien are shown on an inverse scale in Figure 5 for comparison with temporal patterns in total phosphorus and chlorophyll *a*. Secchi depths showed a general pattern of decreasing from 4 to 6 meters in May to 2 to 3 meters in October. However, the temporal pattern in Secchi depth is not as consistent as it is for total phosphorus and chlorophyll *a*. Unusual observations include a particularly low Secchi depth of 2.0 meters in May 2000 and a particularly high Secchi depth of 6.0 meters in October 2004.

Trophic State Index

Trophic state indices (TSIs) are presented for total phosphorus, chlorophyll *a*, Secchi depth, and the mean value for these three TSIs in Figure 6. Trophic state indices ranged from 39 to 43, which is in the lower range of mesotrophic status (40 to 50). Overall, the mean summer TSI did not exhibit a substantial increasing or decreasing trend between 1998 and 2004. The lower mesotrophic status of Lake Burien is rather unusual considering it is located in a totally developed basin within King County.

King County (2001) evaluated the trophic status and water quality trends in 49 small lakes that participated in volunteer lake monitoring activities. Ratings included 14 oligotrophic lakes, 20 mesotrophic lakes (including Lake Burien), 13 eutrophic lakes, and 2 hypereutrophic lakes (TSI greater than 60). Trend analysis of data for 1996 through 2000 identified a statistically significant increase in the mean TSI for four lakes and a significant decrease for one lake. Although more than 5 years of data may be needed to detect a change in the TSI, mesotrophic lakes such as Lake Burien are much more susceptible to changes in trophic state than are eutrophic lakes.

Aquatic Plants

Aquatic plants are an important component of lakes because they provide habitat for invertebrates and fish, supply food for waterfowl, and can affect the phosphorus cycle and algae growth in lakes. Excessive growth of aquatic plants can severely impair habitat, water quality, aesthetics, and recreational activities. For example, many lakes in King County and throughout Washington have been infested with the non-native, invasive plant Eurasian watermilfoil (*Myriophyllum spicatum*), which typically grows in large monotypic (single species) stands that form a dense canopy. In addition, another non-native plant Brazilian elodea (*Egeria densa*) has more recently invaded local lakes where jurisdictions have undertaken a substantial effort at eradication. Information on invasive plant species identification, occurrence, impacts, and control methods are provided on websites maintained by King County (2010) and the Washington Department of Ecology (2010a).

King County (1999) conducted an aquatic plant survey of Lake Burien on August 12, 1999. The aquatic plant map is presented in Figure 7. Eighteen plant species were identified including 5 submergent types, 2 floating-leaved types, and 10 emergent types. The submergent types included a dwarf spike rush (*Eleocharis*), one pondweed species (*Potamogeton pusillus*), common waterweed (*Elodea canadensis*), and two genera of macroalgae (*Nitella* and *Chara*).

These native submergent plants were present to a maximum depth of 6 meters and covered a total of 30.8 acres, representing 70 percent of the lake area. Although the number of submergent plant species was relatively low, the high coverage of submergent plants and absence of a non-native species are indicative of high habitat quality.

The floating leaved types included a native water lily (*Nuphar lutea*) and the non-native white water lily (*Nymphaea odorata*) covering a total of only 0.3 acres. The low coverage of white water lily indicates that this non-native species does not impair habitat or recreational activities in the lake.

Three non-native plants designated as noxious weeds were observed among the emergent types. Purple loosestrife (*Lythrum salicaria*) and garden loosestrife (*Lysimachia vulgaris*) were observed along much of the north and south shores (see Figure 7). Reed canarygrass (*Phalaris arundinacea*) was also observed at one location on the north shore and one location on the east shore. Lake Burien residents have recently been working with Katie Messick of King County to map and control these noxious weeds. A map of the most recent survey conducted in July and September 2009 by King County is presented in Figure 8 (Messick 2010). The number of observed plants was similar, but many plant locations have changed since the 1999 survey.

Overall, the aquatic plant community in Lake Burien provides excellent habitat for fish and wildlife, and does not appear to impair aesthetic or recreational benefits of the lake. The excellent condition of this community is not common for other lakes located within developed basins within King County. The principal reason for its excellent condition is that an invasive submergent plant such as milfoil has not become established in the lake. To prevent and address potential introductions of invasive plants, the Shore Club should continue to educate residents and survey the lake for the presence of invasive species.

Fish and Wildlife

Lake Burien provides habitat for numerous fish and wildlife. An inventory of fish and wildlife observed in the immediate vicinity of Lake Burien has been recently compiled by lake resident Christine Edgar (Edgar 2010). This information is briefly summarized here and is currently being evaluated by Dr. Sarah Cooke, a senior wetland biologist with Cooke Scientific Services located in Seattle, Washington.

Fish species observed in Lake Burien by lake residents include the following types of warm water fish: largemouth bass, perch, crappie, pumpkinseed sunfish, and catfish (Edgar 2010). A bass inventory conducted approximately 12 years ago by R.L. Steater identified only healthy largemouth bass weighing 3 to 8 pounds each. In addition, small numbers of lake trout have been planted on occasion by lake residents (Warren 2010).

Numerous aquatic animals have been observed in the lake, including turtles, frogs, crayfish, otter, waterfowl, and water-dependent birds. Two species of note include the western painted

turtle, which is an endangered species in Washington, and the bull frog, which is a non-native species that impacts native amphibian populations.

Public Access Impacts

Lake Burien is surrounded by private property and currently there is no public property for physical access to the lake by the general public. As noted in the Introduction, the Draft Shoreline Master Program (Reid Middleton 2009) currently before the Burien Planning Commission includes policy and regulation provisions for establishment of public access to Lake Burien. Although public access could increase recreational benefits of the lake, it would threaten the existing habitat for aquatic organisms in the lake.

The primary threat of public access to aquatic habitat would be the increased opportunity for introductions of non-native, nuisance species to the lake. Of primary concern would be the introduction of Eurasian watermilfoil (milfoil). Milfoil is very abundant in nearby lakes and small fragments of this invasive plant are commonly present on watercraft and readily transported to other lakes where viable fragments are released to establish a new population. Introductions of milfoil or other aquatic nuisance species do not occur solely through motorized watercraft or large crowds; it is now recognized that less intensive uses can result in the introduction of harmful species, with harmful results to the water body. As noted above, information about milfoil and other invasive plant species is provided on websites maintained by King County (2010) and the Washington Department of Ecology (2010a).

If milfoil or other invasive plant species became established in the lake it would likely have significant, direct impacts on aquatic habitat and indirect impacts on water quality in Lake Burien. Milfoil can grow to a depth of at least 6 meters and would likely occupy most of the lake area within a relatively short period of time (e.g., less than 10 years). The aquatic plant biomass would likely increase in the lake to an excessive amount that could dramatically increase internal phosphorus loading, and ultimately fuel nuisance growths of filamentous algae and blooms of toxic bluegreen algae.

Public access would also increase the potential for introductions of aquatic invertebrates that can have devastating effects on aquatic habitat and water quality. Washington lakes are currently threatened by introductions of the quagga mussel, zebra mussel, New Zealand mudsnail, rusty crayfish, spiny water flea, and others (WDFW 2010). There is no reason to assume that Lake Burien would be immune from effects of these organisms and, due to its relatively small size, it may have less capacity to accommodate them.

A study of aquatic invasive species transport by small-craft boats and trailers was recently conducted in northern Wisconsin and the Upper Peninsula of Michigan (Rothlisberger et al. 2010). This research confirmed the widespread understanding that boats are an important vector in the spread of aquatic invasive species. A total of 13 aquatic plant species and 51 taxa of small-bodied organisms were observed on the tested boats.

In summary, any public access scenario for Lake Burien would entail significant risk of degradation to the lake's ecological functions as described above. And once set in motion the processes resulting in such degradation are not easily reversed.

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Figures

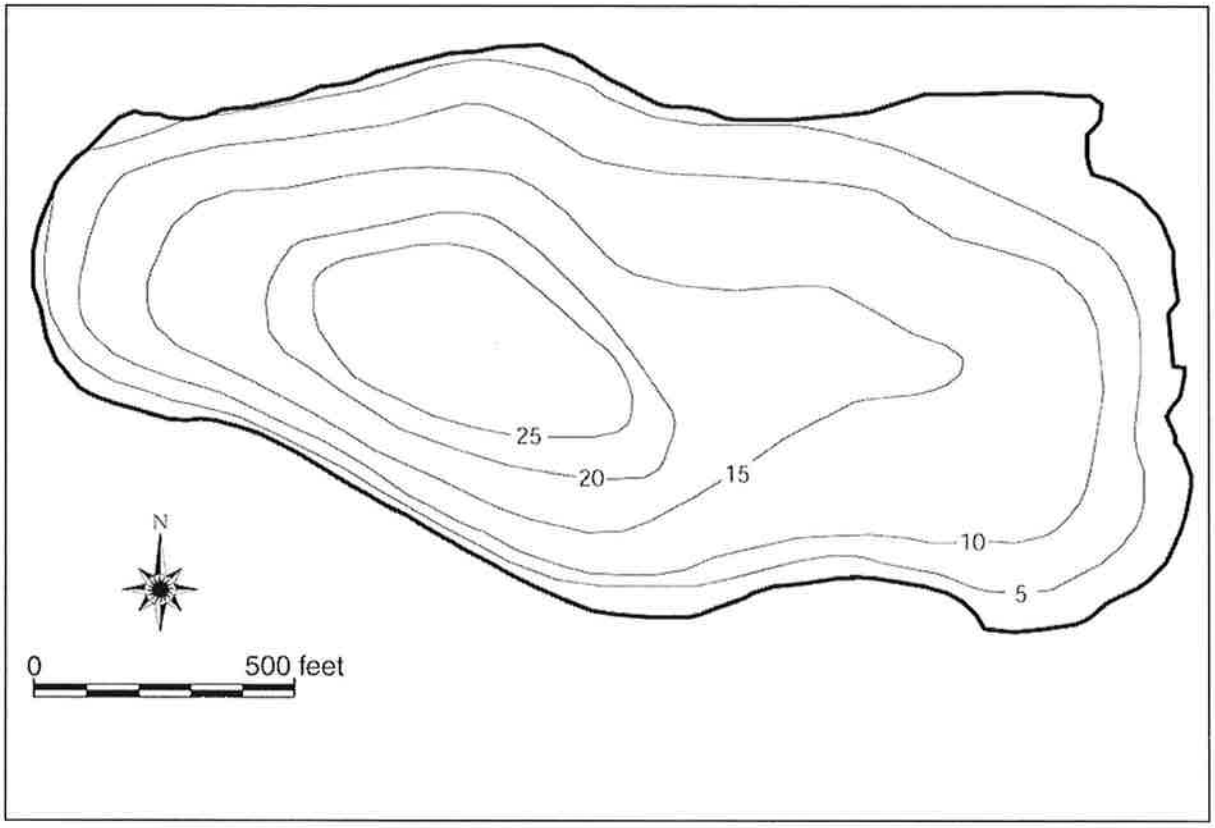

Figure 1. Lake Burien bathymetry showing depth contours in feet (source: Messick 2010).

Figure 2. Lake Burien watershed (source: Messick 2010).

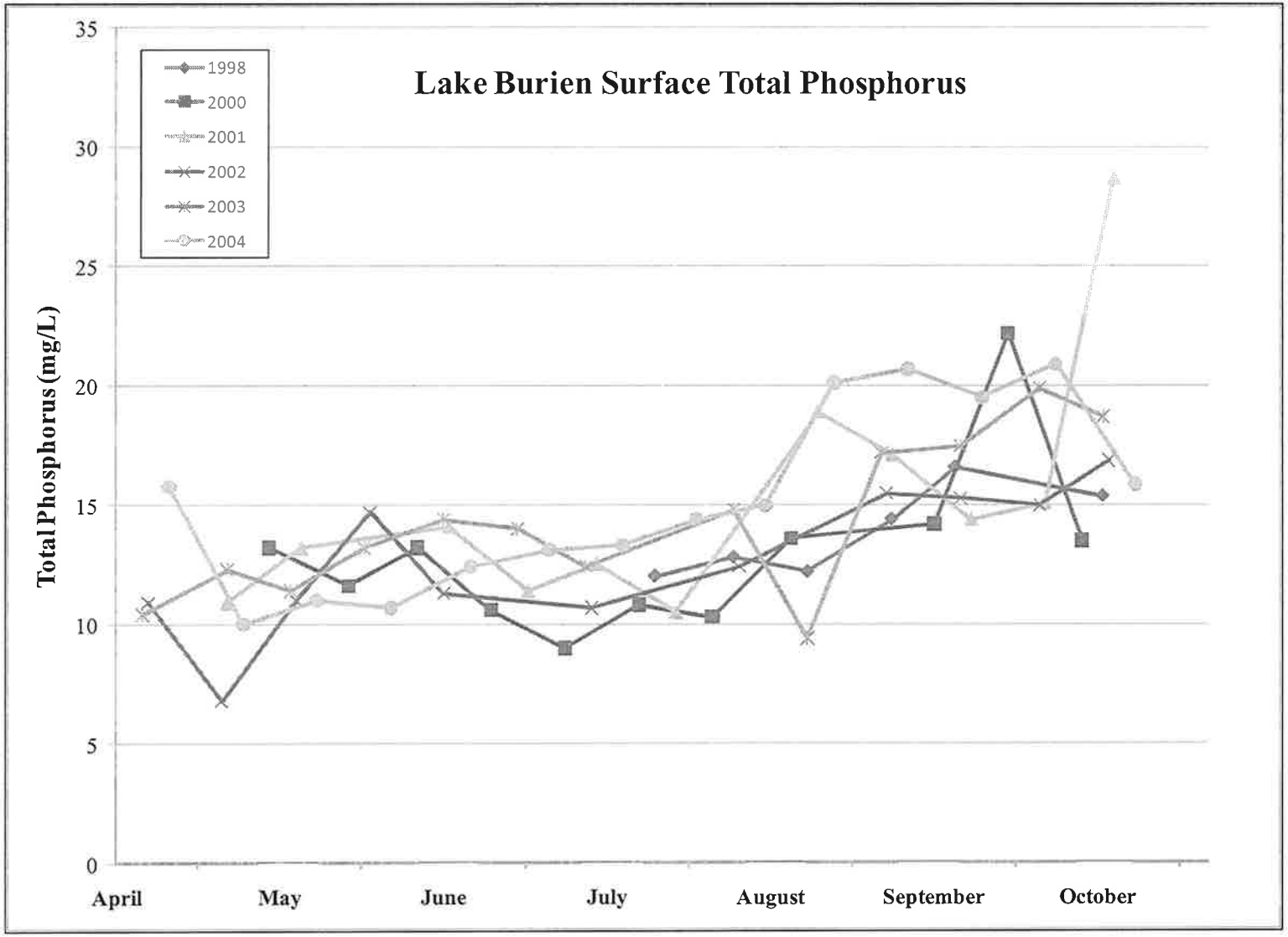

Figure 3. Lake Burien total phosphorus concentrations at 1 meter depth (source: King County 2010).

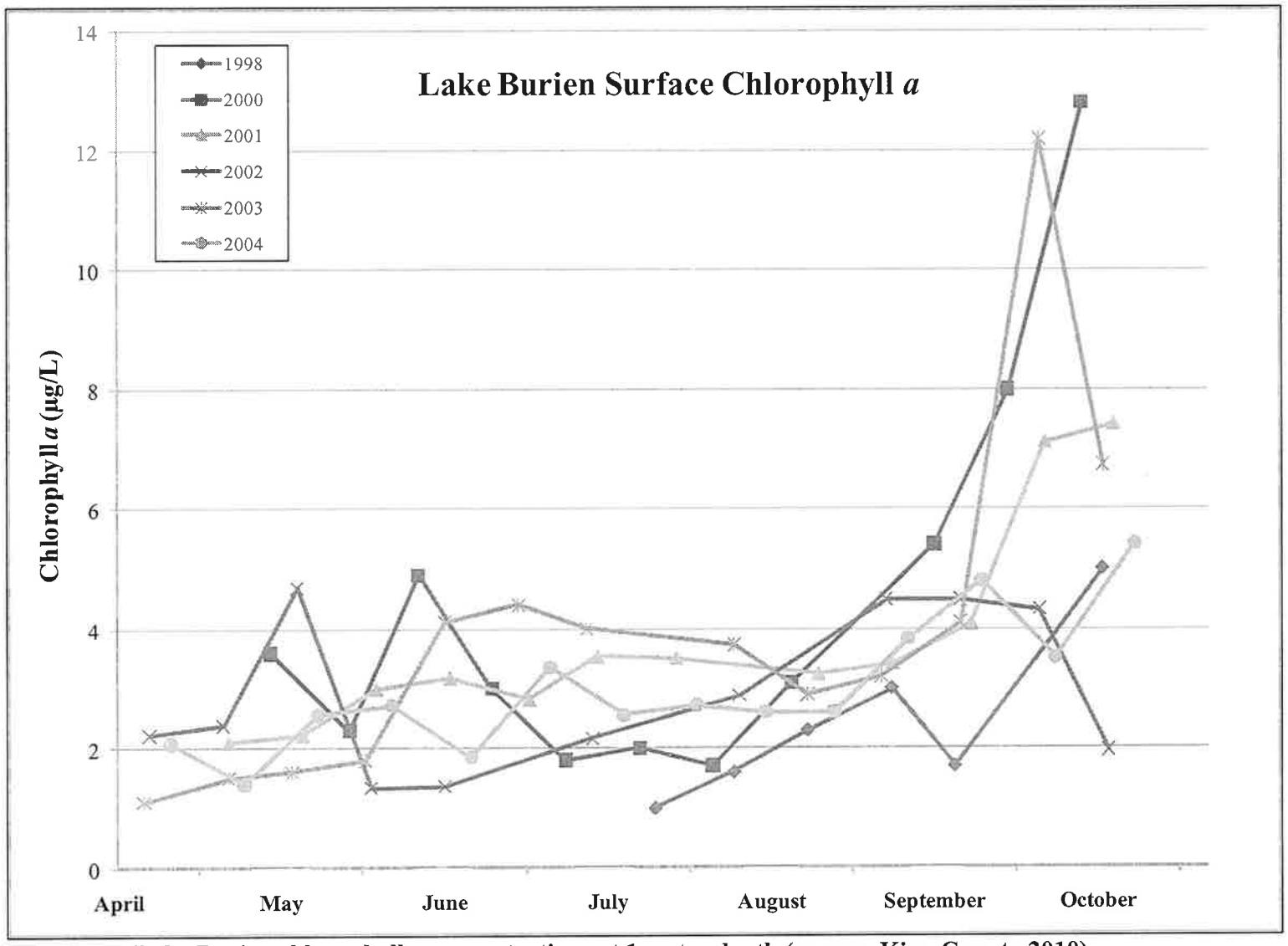

Figure 4. Lake Burien chlorophyll *a* concentrations at 1 meter depth (source: King County 2010).

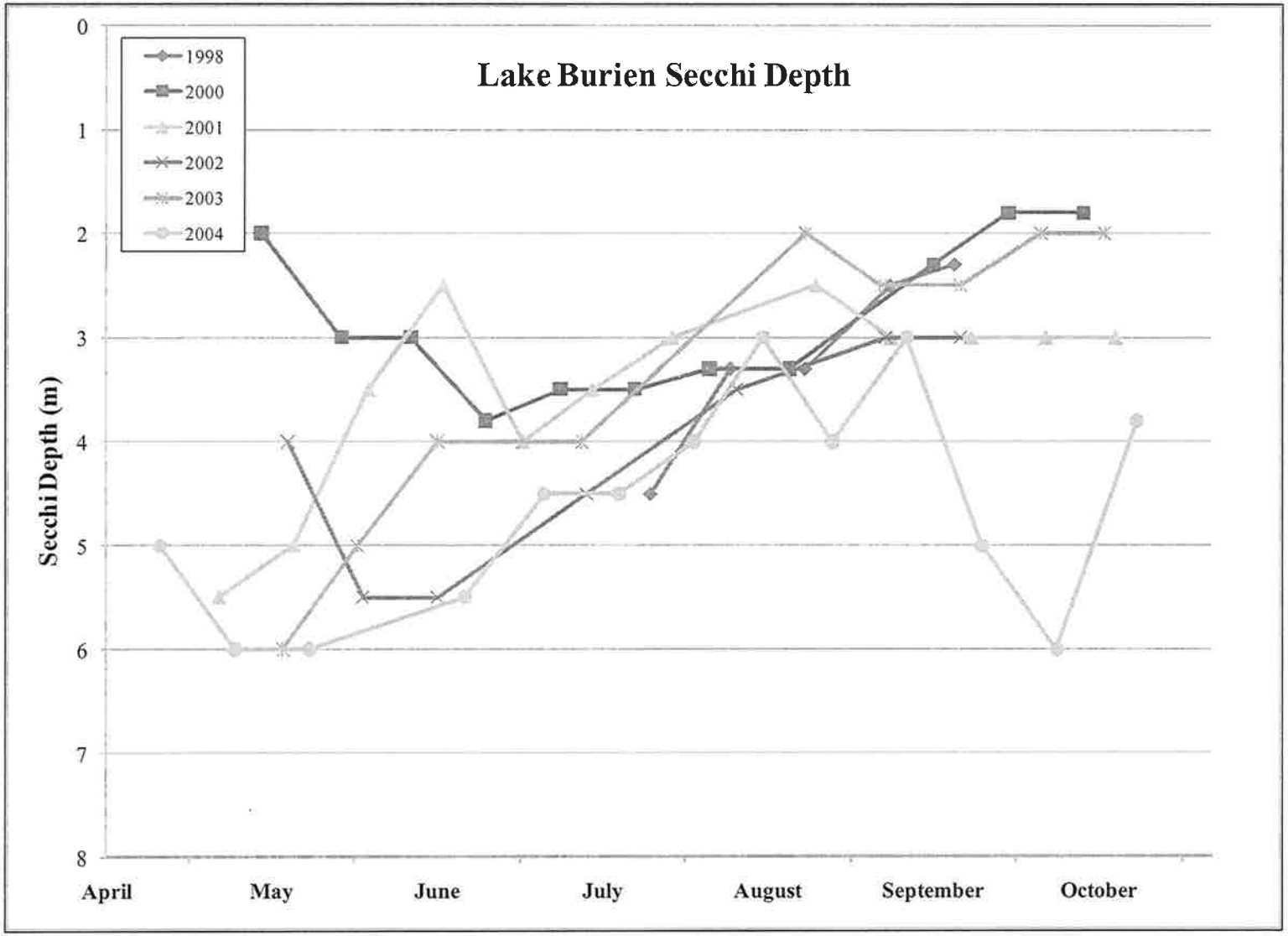

Figure 5. Lake Burien Secchi depths (source: King County 2010).

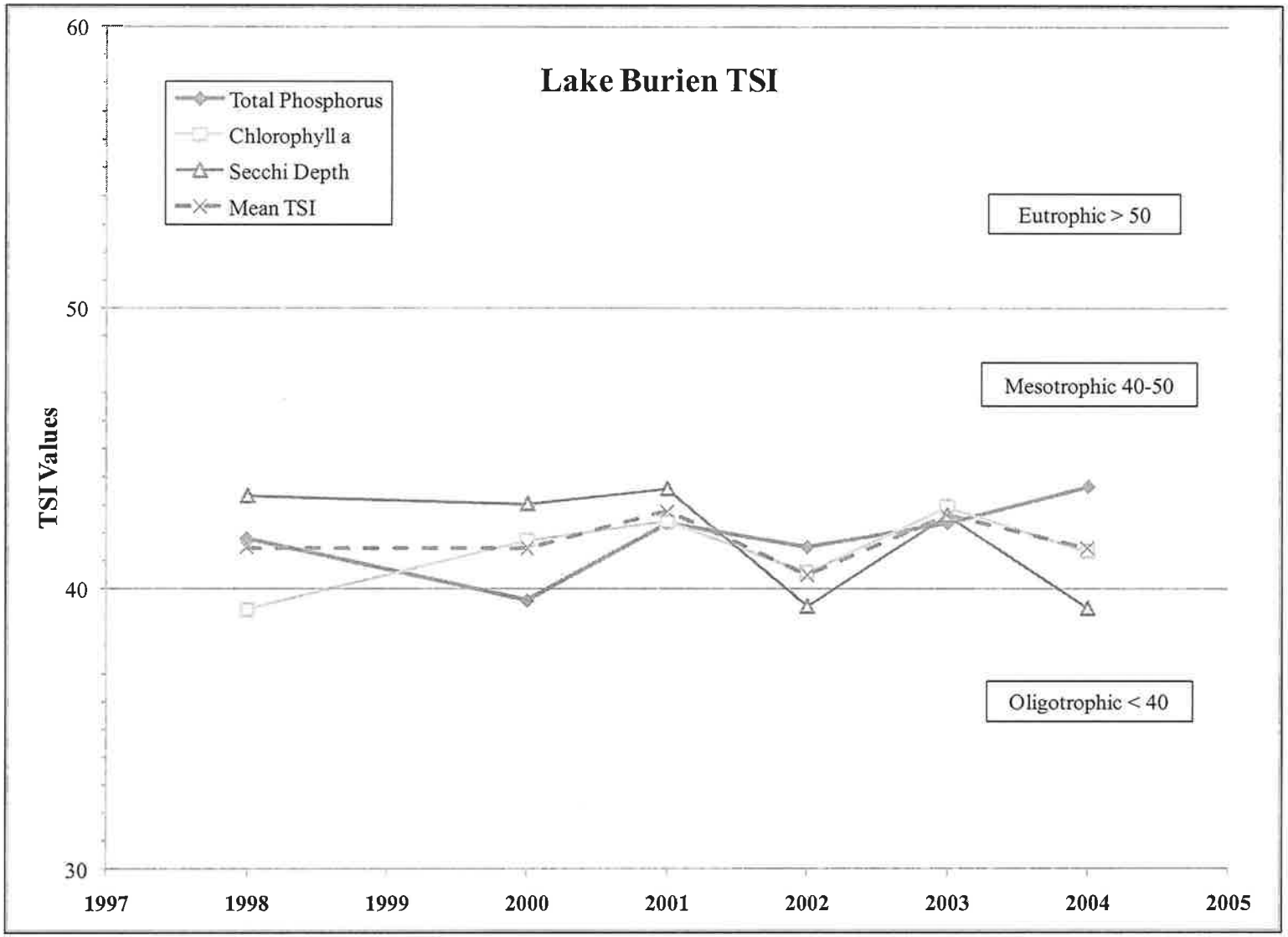

Figure 6. Lake Burien trophic state indices.

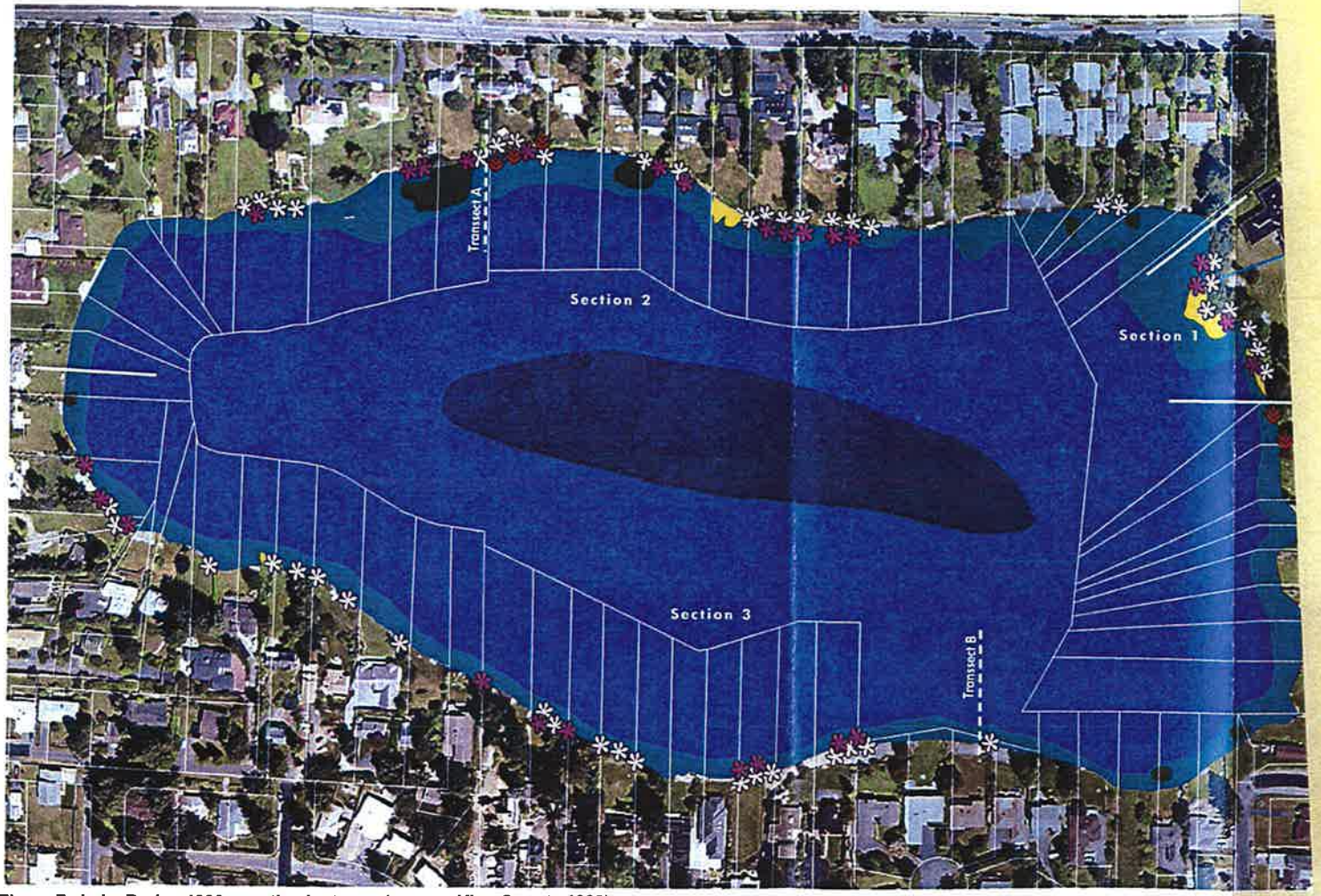

Figure 7. Lake Burien 1999 aquatic plant map (source: King County 1999).

Figure 5X

Lake Burien
Weed Location Map

LEGEND

- *Lythrum salicaria* (Purple Loosestrife)
- *Lysimachia vulgaris* (Garden Loosestrife)
- *Phalaris arundinacea* (Reed Canary Grass)

- Stream
- Section boundary
- Transect line
- Floating
- Emergent
- Submergent
- No plants or sparse
- No plants—deep
- Parcel boundary

N

0 100 200 300 Feet

October 1999

Produced by:
GIS/Visual Communications Unit, WLR
King County Department of Natural Resources

File Name: 9910 Burien AquaPlantMap.eps

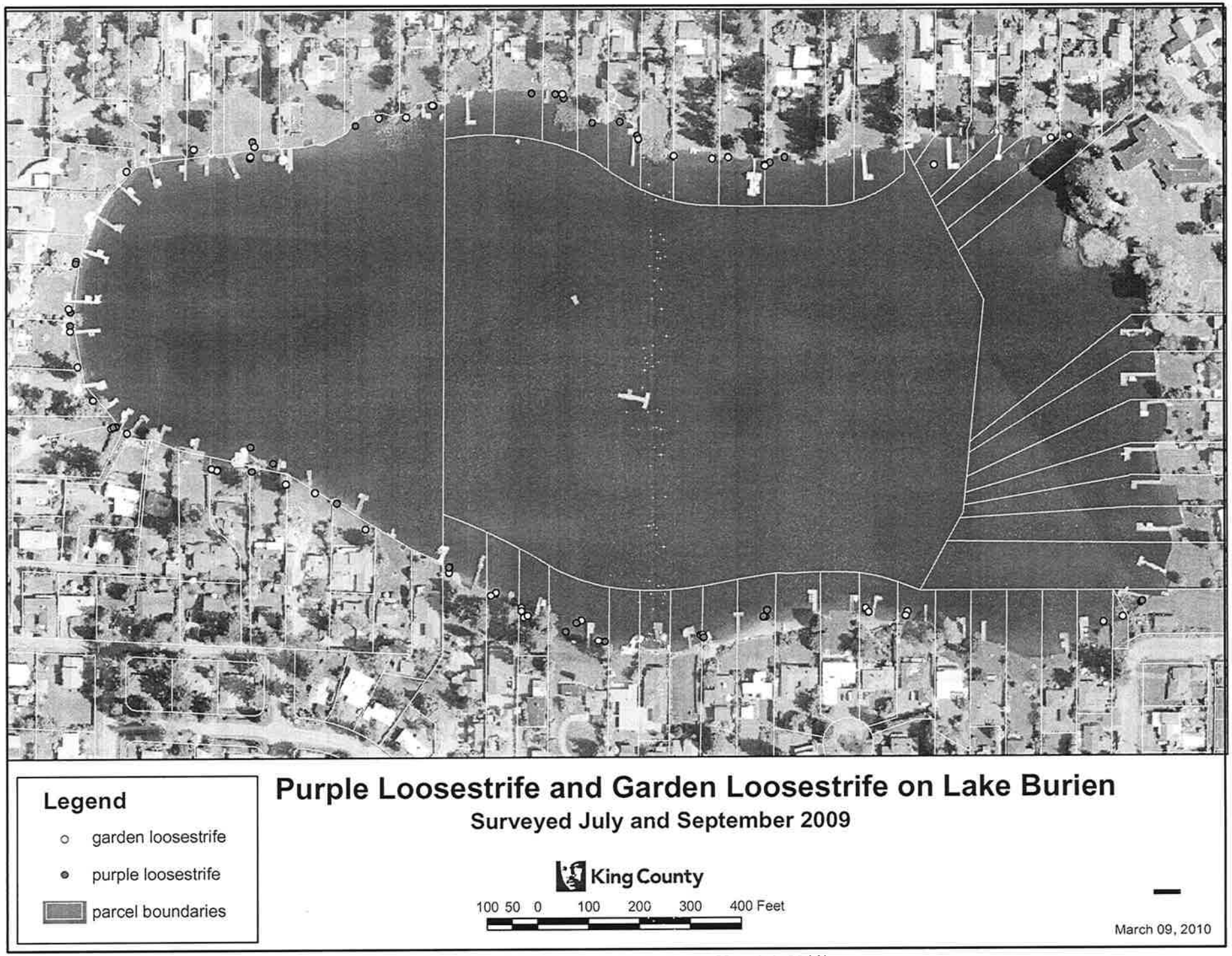

Figure 8. Lake Burien 2009 purple loosestrife and garden loosestrife locations (source: Messick 2010).

HERRERA
ENVIRONMENTAL
CONSULTANTS

Rob Zisette

Aquatic Science Principal

Rob Zisette, an aquatic science principal, has 28 years of professional experience specializing in surface water management, including lake restoration projects, aquatic plant management studies, stormwater management plans, and environmental impact statements. He has developed and implemented monitoring and quality assurance project plans for various freshwater and marine and water and sediment quality investigations. Mr. Zisette has mapped aquatic plants, evaluated aquatic plant management techniques, developed aquatic nuisance prevention plans, assessed plankton communities, identified nutrient sources, and evaluated lake restoration techniques in lakes and reservoirs. He has assessed benthic invertebrate populations, fish habitat, and riparian conditions in lakes and streams. He has evaluated nonpoint source pollution and the effects of best management practices (BMPs) in urban drainage basins. Additional experience includes water quality impact analysis for solid and hazardous waste management projects, sediment quality characterization and dredge disposal analysis for marine sediment management projects, laboratory analysis of water samples for various chemical and biological parameters, and quality assurance review of field and laboratory data.

Example Lake Projects:

Vancouver Lake Research Plan and Management Alternatives
Vancouver Lake Watershed Partnership, Vancouver, WA
Mr. Zisette provided technical input to the development of a 5-year research plan for Vancouver Lake that included research on water dynamics, nutrients, sediment, food web interactions, toxic contaminants, and fish and wildlife habitat. He also provided technical review of a summary of management action alternatives for the control of cyanobacteria in Vancouver lake.

Lake Steilacoom Calcium Oxide Treatment Study
City of Lakewood, WA
Mr. Zisette developed a quality assurance project plan to monitor a series of calcium oxide treatments in Lake Steilacoom for the City of Lakewood. Mr. Zisette coordinated water quality monitoring conducted twice a month at seven lake stations, and provided technical review of a report that evaluated treatment impacts and effectiveness. He is currently conducting a feasibility study of treating the lake with aluminum sulfate.

Lake Youngs Reservoir Limnological Studies
City of Seattle, WA
Mr. Zisette evaluated the feasibility of techniques for controlling off-flavors produced by periphytic blue-green algae (cyanobacteria) in Lake Youngs Reservoir for Seattle Public Utilities. He presented feasibility findings and a study approach to a workshop comprised of limnologists and stakeholders for the selection of preferred alternatives. Mr. Zisette designed in-reservoir tests and prepared a monitoring and quality assurance project plan for evaluating the effectiveness of four preferred alternatives: chlorine tabs, granulated copper algaecide, aluminum sulfate, and sediment capping. He used scuba diving to treat two sets of test plots (shallow and deep) and collect periphyton, water, and sediment samples. He designed a long-term periphyton monitoring program, and conducted 18 periphyton surveys that included underwater videotaping and the collection of replicate periphyton samples along survey transects. Mr. Zisette coordinated the testing of geosmin and MIB production by odor-producing algae cultures, and he prepared a

Years with HEC: 20

Credentials

M.S. in Water Resource Management, University of Washington, 1980

B.S. in Environmental Biology, University of Calgary, 1978

WSDOT Construction Site Erosion and Spill Control Certification Course, 2001

OSHA 40-Hour Health and Safety Training for Hazardous Waste Sites, since 1988

Scuba Diving Certification, 1979

Specialties

Lake management

Water quality

Stormwater management plans

Marine and freshwater sediment

Monitoring and quality assurance plans

taste and odor management plan based on results of the study. He also designed a comprehensive, long-term monitoring program for tracking changes in water quality and enhancing current knowledge of ecological relationships in the reservoir. Mr. Zisette assisted with the development of a water and phosphorus budget for this drinking water reservoir to quantify effects of drawdown from changes in ground water inflow and internal phosphorus cycling. He prepared a monitoring plan for evaluating effects of an air diffusion mixing system that was designed to reduce the short-circuiting of inflow through Lake Youngs. He designed and implemented special studies for evaluating the cycling of phosphorus, organic carbon, and copper between sediments and waters in shallow regions of the reservoir. Mr. Zisette prepared an aquatic plant management plan, installed bottom barriers, and successfully employed a hand-pulling technique to eradicate an early infestation of Eurasian watermilfoil. He conducted three aquatic plant surveys using sonar, visual, and sampling techniques for mapping the distribution, density, and biomass of aquatic plant species. Mr. Zisette co-authored an exotic aquatic species prevention program that included fact sheets and equipment decontamination procedures for the control of zebra mussels and invasive plants.

Lake Youngs Limnology Expert Panel Workshop
City of Seattle, WA

Mr. Zisette participated in a workshop with other limnology experts to evaluate observed trends in drinking water quality primarily associated with algae growth in Lake Youngs for Seattle Public Utilities. Mr. Zisette evaluated spatial and temporal trends in key hydrologic and water quality parameters using graphical and statistical analysis of a comprehensive set of limnological data collected over a 15-year period at eight monitoring sites located in Lake Youngs and the Cedar River Watershed. He prepared a report that summarized the observed trends, presented the data analysis findings to the expert panel, participated in discussions among experts at a workshop, and provided recommendations for future data collection and analysis to address water quality concerns.

Union River Reservoir Monitoring and Operation Evaluation
City of Bremerton, WA

Mr. Zisette developed a comprehensive monitoring program for the Union River Reservoir, which is impounded by Casad Dam and is the primary source of the unfiltered, 8-mgd drinking water system operated by the City of Bremerton. Existing monitoring procedures and historical data were reviewed to provide recommendations for changes in sampling station locations/depths, sampling frequency, and sample analysis parameters and methods. Mr. Zisette assisted the City with monitoring levels of cyanobacteria (blue-green algae) and microcystin for comparison to human toxicity criteria established by the World Health Organization. Mr. Zisette investigated the cause of excessive periphyton (attached filamentous algae) growth in the reservoir outlet (Union River) that resulted in filter clogging complaints from customers during the summer of 2002. He established appropriate monitoring procedures for tracking periphyton growth and developed reservoir operating guidelines to prevent nuisance levels of periphyton growth in the future. Mr. Zisette provided action levels for various monitoring parameters, develop outlet gate selection criteria to optimize water quality for various reservoir surface elevations, and provided training of City staff on limnological principles and methods for collecting periphyton samples.

Green Lake Alum Treatment and Integrated Phosphorus Management Plan
Seattle Parks and Recreation, WA

Mr. Zisette managed a project providing planning, engineering, and monitoring services to Seattle Parks and Recreation for the treatment of Green Lake with aluminum sulfate (alum) during the spring of 2004 to reduce the internal loading of phosphorus and resulting toxic algae blooms. He conducted a comprehensive study to determine the optimum approach to treating Green Lake with alum. Mr. Zisette prepared an integrated phosphorus management plan (IPMP) to obtain coverage under the Washington Department of Ecology's aquatic nuisance plant and algae control National Pollutant Discharge Elimination System (NPDES) general permit. He coordinated engineering and monitoring services for the 14-day alum treatment of Green Lake in the spring of 2004 that included preparation of the treatment specifications, drawings, and engineering cost estimate; contractor bid review and selection; and monitoring to assess pre-treatment, treatment, and post treatment water quality conditions. He prepared the alum treatment monitoring report presenting construction oversight and water quality monitoring results, and comparing those results to the project

objectives. Mr. Zisette also conducted stormwater monitoring and evaluated pollutant sources and treatment methods for controlling inputs of phosphorus and fecal coliform bacteria to the lake. He collected and analyzed sediment cores using divers to evaluate the presence of alum in lake sediments, and conducted underwater video surveys of the treated lake bottom to document disturbance by common carp and other benthic fish. He also developed a carp bioturbation model that predicts effects of sediment disturbance by common carp on lake phosphorus concentrations and loadings. Mr. Zisette prepared the post-treatment monitoring report presenting results of water quality monitoring, sediment monitoring, and carp bioturbation modeling. He also mapped aquatic plants in Green Lake using sonar and GPS, and recommended methods for control of Eurasian watermilfoil.

City of Portland Roslyn Lake Alternatives Analysis
City of Portland, OR

Mr. Zisette prepared a water quality modeling report for the City of Portland Water Bureau that evaluated future conditions of Roslyn Lake in Sandy, Oregon resulting from the decommissioning of a power plant on this storage reservoir. He reviewed of a previous water quality modeling effort and gathered background hydrology and water quality data. Mr. Zisette developed lake morphometry and hydrology alternatives that were based on protection of beneficial uses, a new source of inflow, and dramatic reduction of inflow rates. Mr. Zisette selected PHOSMOD as an appropriate model and used it to estimate the seasonal and long term water quality effects of the chosen alternatives. He presented modeling and sensitivity analysis results at a lake management conference.

Capitol Lake Water Quality Studies
Washington Department of General Administration, Olympia, WA

Mr. Zisette prepared a monitoring plan and coordinated field activities for evaluating impacts on water quality, benthic invertebrates, and fish from the drawdown of Capitol Lake in Olympia, Washington. He monitored water quality in Capitol Lake and Budd Inlet before, during, and after lake drawdown.

Capitol Lake Adaptive Management Plan
Washington Department of General Administration, Olympia, WA

Mr. Zisette evaluated sediment quality and dredge disposal options to assist the Washington Department of General Administration with the development of a sediment management strategy for Capitol Lake in Olympia, Washington. He reviewed historical sediment characterization studies and identified additional testing requirements for disposal of dredged sediments at either an upland or open-water disposal site. Mr. Zisette prepared a sediment sampling and analysis plan for review by PSDDA agencies. He collected replicate sediment cores from four locations in a proposed dredging site, validated data according to PSDDA procedures, and compared results to criteria established by PSDDA, MTCA, Thurston County, and surface water quality standards. Mr. Zisette identified locations of potential upland disposal sites, evaluated truck and rail transportation alternatives, summarized permitting requirements, and recommended the most cost-effective method for the handling and disposal of dredged lake sediments.

Boundary Reservoir Water Quality Assessment
Seattle City Light, WA

Mr. Zisette assisted with the development and implementation of a water quality monitoring program for evaluating trophic conditions and potential bull trout habitat in a 12-mile long impoundment of the Pend Oreille River. He evaluated spatial and temporal variability of trophic state indicators (secchi depth, total phosphorus, and chlorophyll a) and plankton populations in the reservoir based on data collected for the monitoring program and previous studies.

Green Lake Phase IIC Restoration Project
Seattle Parks and Recreation, WA

Mr. Zisette coordinated monitoring of water quality in Green Lake, Seattle, Washington, for evaluating the effects of alum treatment. Mr. Zisette prepared specifications for the purchase of an aquatic plant harvester and assisted in developing a harvesting plan for the control of Eurasian watermilfoil in the lake. Mr. Zisette prepared and implemented the stormwater quality monitoring plan for sampling five storm events per year at

17 locations. He evaluated the potential for internal phosphorus loading from results of diurnal studies. Mr. Zisette coordinated development of the lake's water budget and stormwater phosphorus budget.

Silver Lake Phase II Restoration Project
Cowlitz County, WA
Mr. Zisette coordinated and participated in monitoring water quality and discharge during five storm events at the two largest inflow streams and the outlet of Silver Lake in Cowlitz County, Washington for evaluating the effects of grass carp introduction. He was responsible for development of the lake's water budget over a two-year period, which included compilation of precipitation, evaporation, and lake level data and modeling stream inflow.

Horseshoe Lake Phase II Restoration Project
City of Woodland, WA
Mr. Zisette coordinated monthly water quality sampling and annual benthic invertebrate sampling at Horseshoe Lake in Woodland, Washington for evaluating the effects of lake flushing and alum treatment.

Lake Sacajawea Phase II Restoration Project
City of Longview, WA
Mr. Zisette analyzed water samples for various constituents and evaluated the effects of lake flushing upon plankton communities for the restoration analysis of Lake Sacajawea for the City of Longview.

Lake Ballinger Phase II Restoration Project
City of Mountlake Terrace, WA
Mr. Zisette mapped the distribution and density of aquatic plant species using a combination of sonar, visual, and sampling techniques in Lake Ballinger for the City of Mountlake Terrace. He analyzed water samples and reported on nutrient and plankton interactions in the lake.

Phantom Lake Phase I and II Restoration Projects
City of Bellevue, WA
Mr. Zisette collected water samples from monitoring wells, seepage meters, and lake inlets for the restoration analysis of Phantom Lake for the City of Bellevue. He coordinated development of the lake's water budget and calculation of stormwater nutrient loads using a spreadsheet model.

Lake Lawrence Phase I Restoration Project
Thurston County, WA
Mr. Zisette monitored well points and domestic wells on a quarterly basis for the diagnostic study of Lake Lawrence for Thurston County. He evaluated impacts of existing and future land use on water quality and recreational use of the lake. Mr. Zisette assessed chemical results of lake sediment cores for impacts of historical practices in the watershed on the lake's trophic condition.

Martha Lake Phase I Restoration Project
Snohomish County, WA
Mr. Zisette coordinated the stormwater monitoring program for the diagnostic study of Martha Lake for Snohomish County. He collected water samples and flow measurements on an hourly basis at three stations for four storm events.

Pine Lake Phase I Restoration Project
King County, WA
Mr. Zisette monitored and reported on the lake nutrient budget and trophic state for the diagnostic study of Pine Lake for King County. He identified a wetland as the major external source of phosphorus and primary cause of excessive algal growth in the lake.

Burien
Washington, USA
400 SW 152nd Street • Suite 300 • Burien, WA 98166
Phone: (206) 241-4647 • FAX (206) 248-5539
www.burienwa.gov

May 17, 2010

Corey Kent
16036 11th Ave SW
Burien, WA 98166

Dear Mr. Kent:

Your recent correspondence to the Burien City Council was referred to me for response.

I have consulted with the Burien City Attorney and have been advised that the Burien Municipal Code (Sec. 5.30.020) prohibits the retail sale of fireworks within the City limits. Such sales would only be allowed if the City Council were to change the Code, and it is not anticipated that the Council would take such an action for one organization.

It is unfortunate that this situation might affect your organization's fundraising efforts, but there was extensive publicity and public involvement about the proposed annexation prior to the vote in August 2009, as well as before the actual official annexation date of April 1, 2010.

Respectfully,

Lisa Clausen
City Manager's Office

cc: Burien City Council
Burien City Manager
Burien City Attorney

CFTR: 05/24/10

April 23rd, 2010

City of Burien
Members of the City Council
400 SW 152nd St Ste 300
Burien, WA 98166

RE: Annexation of King County property

Members of the Burien city council,

I am the advisor of the Des Moines DeMolay Chapter. DeMolay is an organization dedicated to preparing young men to lead productive lives through teaching the importance of civic awareness, leadership skills and personal responsibility. DeMolay opens doors for young men aged 12 to 21.

Our chapter has signed on for the second year, to utilize seasonal fireworks sales as our main fundraiser. Last season we ran at a property in unincorporated King County, at 12666 Des Moines Memorial Parkway. This property, we recently became aware of, has been annexed into the city of Burien.

We have already signed the contract with B J Alan NW/ Phantom Fireworks, to operate the same selling location for the upcoming 2010 season. My account manager, Holly Nay, has already submitted our application for our Washington State Fire Marshal Application for Retail Fireworks License. The last year of the lease agreement for the property mentioned above is 2010.

We are asking that the city council of Burien consider allowing us to operate for this last year, as it is too late for our organization to locate a new selling location and still meet the deadlines for licensing/permits for this year.

Please send any correspondence to my home address at: 16036 11th Ave SW, Burien, WA 98166

Thank you for your time and consideration regarding this matter.

Best regards,

Corey Kent
Advisor
Des Moines DeMolay
2208 S 223rd St
Des Moines, WA 98198
206-795-4737

CFTR: 05/24/10
PC: 4/27/10
CC: City Attorney
Police Chief
Fire Dist. 2 Chief

NOTE: Same e-mail response sent to every person who sent email re: South Park Bridge.

Lisa Clausen

From: kcexec@kingcounty.gov
Sent: Monday, May 17, 2010 6:00 PM
To: Judith Edwards; To: "Dagmar Cronn"; Bill Bryant; Gael Tarleton; John Creighton; Rob Holland; Tom Albro; Sally Bagshaw; Tim Burgess; Sally Clark; Richard Conlin; Jean Godden; Bruce Harrell; Nick Licata; Mike O'Brien; Tom Rasmussen; Mike McGinn; Dave Kaplan; Melissa Musser; Matt Pina; Carmen Scott; Bob Sheckler; Dan Sherman; Scott Thomasson; Public Council Inbox; Jim Haggerton; kcexec@kingcounty.gov; Patterson, Julia; Drago, Jan; Margarita Prentice; Bob Hasegawa; Zach Hudgins
Subject: RE: South Park Bridge

Dear Ms. Edwards:

Thank you for sharing your concerns about the closure of the South Park Bridge and funding for the new bridge proposal. I understand your frustrations. As the agency responsible for maintaining this 79-year-old bridge, we are well aware of the importance of this vital transportation corridor to the community and the region as a whole.

King County Executive Dow Constantine has made it a priority to develop a responsible financing plan for replacement of the bridge that has a realistic chance of success. The Executive is bringing together a broad-based group of stakeholders—including state and city elected officials, business owners, and community members—to discuss funding options for the new bridge, including partnerships with the state, cities, and other organizations. Broader support for the South Park Bridge will help make us successful in securing funding for this important project, which is fully designed and permitted making it "shovel–ready."

This group is acting quickly to build support around the project and the County's planned application for federal stimulus funds through the second round of Transportation Investment Generating Economic Recovery (TIGER) grants, known as TIGER II grants, later this year. Earlier this month, the Executive met in Washington, DC with senior officials at the U.S. Department of Transportation, where the TIGER II applications will be evaluated. We believe we've gained insight that will make our already strong case for the grant even more competitive. The Executive also met with several Congressional offices to discuss support for the bridge, including Senator Murray, Senator Cantwell, and Representative McDermott.

However, in order to protect the safety of the public, the deteriorating bridge must be scheduled for closure to all traffic—including cars, trucks, bicycles, and pedestrians—at 7:00 p.m. on June 30, regardless of whether we are able to secure funding for a new bridge.

An independent study of the bridge's condition was published on May 4, concluding that the bridge should be closed to vehicles and pedestrians before additional deterioration renders the bridge unsafe. Engineers believe the remaining structural capacity to support both the weight of the bridge and the estimated 20,000 vehicles that cross the span each day is unpredictable and extremely limited. To view the Condition Report, please go to: www.kingcounty.gov/SouthParkBridge.

We are working with the cities of Seattle, Burien, and Tukwila, as well as with the Washington State Department of Transportation, to coordinate traffic routing, signage, and signal timing at several locations. We are also working with emergency service and transit providers, businesses, and the community to receive their comments and to communicate our plans to make sure lifelines for the community remain available. Several all-agency meetings have allowed for collaboration among the various jurisdictions, which is essential to ensure a successful transition and to minimize disruption when the bridge closes.

CFTR: 05/24/10

I encourage you to stay informed about the status of the South Park Bridge project by visiting our Web site at www.kingcounty.gov/SouthParkBridge. We will continue our outreach to the community and affected stakeholders leading up to and after the June 30 closure. Our outreach will include public meetings, media releases, and print material, and will be designed to address concerns about safety and traffic.

You are also invited to an open house on **Tuesday, May 25,** from 6:00 to 8:00 p.m., at the Machinists Hall, 9125-15th Place South, Seattle, to learn more about final plans for closing the bridge, including how traffic and buses will be rerouted after the bridge is closed. The meeting will also provide updates about assistance available for local businesses affected by the closure and the effort to fund construction of a new bridge.

You may also direct questions or comments about the project to Ashley DeForest, Community Relations Planner, at 206-684-1154 or via e-mail at Ashley.deforest@kingcounty.gov.

Sincerely,

Harold Taniguchi
Director, King County Department of Transportation

From: Judith Edwards [mailto:judedw@comcast.net]
Sent: Friday, April 30, 2010 12:09 PM
To: To: "Dagmar Cronn"; "Bill Bryant"; "Gael Tarleton"; "John Creighton"; "Rob Holland"; "Tom Albro"; "Sally Bagshaw"; "Tim Burgess"; "Sally Clark"; "Richard Conlin"; "Jean Godden"; "Bruce Harrell"; "Nick Licata"; "Mike O'Brien"; "Tom Rasmussen"; "Mike McGinn"; "Dave Kaplan"; "Melissa Musser"; "Matt Pina"; "Carmen Scott"; "Bob Sheckler"; "Dan Sherman"; "Scott Thomasson"; "Burien City Council"; "Jim Haggerton"; kcexec@kingcounty.gov; Patterson, Julia; Drago, Jan; "Margarita Prentice"; "Bob Hasegawa"; "Zach Hudgins"
Subject: South Park Bridge

June 30th will be an auspicious day. On this day citizens of S. Seattle will lose a major transportation route with the opening/closure of the S. Park Bridge. Whereas the citizens of South Park will suffer the greatest inpact, residents of Georgetown, Beacon Hill, Burien and Tukwilla will be impacted as well.

I am greatly concerned about the time required for emergency vehicles to reach the residents of South Park, and very concerned about the loss of business to the S. Park merchants who are already struggling to stay afloat. Bus service will not be a total answer, and the closure of the bridge affects many - merchants who use the bridge daily, truckers who will now have to extend their routes, school busses which will need to be rescheduled, to name only a few of the coming problems.

Because the Greater Duwamish District Council, which I chair, met on Wednesday, April 28th, I was unable, as were many others from S. Seattle, to attend Mayor McGinn's Budget Hearing at Holly Park. Had I been able to attend, I would have urged the City to set aside needed dollars for the replacement of the South Park Bridge. I urge you, as elected and appointed officials, to give this impending crisis serious consideration. Multi-agency funding from the City of Seattle, the Port of Seattle, the City of Tukwilla, city of Des Moines, King County and the State of Washington must be made available to resolve this problem, so that members of the South Park community will not be so adversely impacted.

Lisa Clausen

From: Public Council Inbox
Sent: Thursday, May 20, 2010 10:55 AM
To: 'Erwin Eykel'
Subject: RE: An open letter regarding your agenda.

Hello,

Your message to the Burien City Council will be included in the Correspondence for the Record for an upcoming Council meeting.

Thank you-

L. Clausen
City Manager's Office

From: Erwin Eykel [mailto:erwin@togawa-insurance.com]
Sent: Wednesday, May 19, 2010 12:08 PM
To: Public Council Inbox
Subject: An open letter regarding your agenda.

Dear Council members,

I am a current resident of Burien and have been most of my life. I have been watching the debate regarding the adoption of the Shoreline Act from a distance and I'm really dismayed and disgusted at your actions toward my fellow citizens who live on the shoreline. Just as you greedily spend their property tax revenue you will disenfranchise 150 of these TAXPAYERS for what reason again? Saving fish? Controlling pollution? What!! These residents are not the ones who are the problem. They are stewards of the environment. They care deeply for the health of Puget Sound because their way of life revolves around it. You are being misguided by a panel of Environmental Activists masquerading as "experts" who frankly want us to live our lives as THEY see fit. Most of these homes were built prior to the City of Burien's existence. You have no right to do this to the very constituency you pledged to serve. Now about Lake Burien! Lake Burien is clean and exclusive because it is privately owned. All this talk that it belongs to the "people" is crap. It belongs to the successful people who earned and saved enough money to buy a property on the lake. Angle Lake is a great comparison. The "people" are wonderful stewards of the public access to Angle Lake. They descend on Angle Lake P ark like a swarm of locusts. Leaving trash everywhere, vandalizing the facilities, drug use. etc. I'm so sick of the sense of entitlement that is being perpetrated by our political leadership. Ask yourself a simple question when making a decision. Is what you are doing benefiting a stakeholder in the city of Burien? (Business owner, Property owner). If it's not you should resign. Do not use your authority as means to implement your collective belief system at the expense of someone else's property rights. It's immoral and wrong.

Erwin Eykel
Christopher Togawa Insurance Agency
222 Etruria Street # 110
Seattle, WA. 98109
Phone (206)838-5551
Fax (206)838-8190
Mail to: erwin@togawa-insurance.com
Hours 930am - 200pm Mon-Fri

PS. Referrals from you mean the world to us!

CFTR: 05/24/10

COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON **This 24th day of May, 2010** the FOLLOWING:

CHECK NOs. **24938-25062**

IN THE AMOUNTS OF **$237,177.04**

WITH VOIDED CHECK NOS. **25017**

Accounts Payable
Checks for Approval

Burien
Washington, USA

User: liliac
Printed: 05/20/2010 - 9:31 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
24938	04/29/2010	General Fund	Professional Services	TreeOfLife Painting & Maintena		552.93
				Check Total:		552.93
24939	05/05/2010	General Fund	Refund Clearing Account -Parks	Frances Haertel		35.00
				Check Total:		35.00
24940	05/05/2010	General Fund	Refund Clearing Account -Parks	Elizabeth Ramey		13.00
				Check Total:		13.00
24941	05/05/2010	General Fund	Professional Services	Deon Smith		1,237.50
				Check Total:		1,237.50
24942	05/11/2010	General Fund	Cops Technology Grant Exps	Petty Cash Custodian		21.88
24942	05/11/2010	General Fund	Office/operating Supplies	Petty Cash Custodian		29.55
24942	05/11/2010	General Fund	Travel	Petty Cash Custodian		14.00
24942	05/11/2010	General Fund	Office/operating Supplies	Petty Cash Custodian		26.98
24942	05/11/2010	Surface Water Management Fund	Other Travel	Petty Cash Custodian		20.00
24942	05/11/2010	General Fund	Office/operating Supplies	Petty Cash Custodian		1.10
24942	05/11/2010	General Fund	Mileage	Petty Cash Custodian		31.00
24942	05/11/2010	General Fund	Burien Marketing Strategy	Petty Cash Custodian		13.65
24942	05/11/2010	General Fund	Mileage	Petty Cash Custodian		51.20
24942	05/11/2010	General Fund	Mileage	Petty Cash Custodian		10.00
24942	05/11/2010	General Fund	Mileage	Petty Cash Custodian		20.00
24942	05/11/2010	General Fund	Meals	Petty Cash Custodian		10.18
24942	05/11/2010	General Fund	Travel	Petty Cash Custodian		18.50
24942	05/11/2010	General Fund	Miscellaneous	Petty Cash Custodian		27.69
24942	05/11/2010	General Fund	Miscellaneous	Petty Cash Custodian		34.00
24942	05/11/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian		6.46

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Void	Amount
24942	05/11/2010	General Fund	Registration - Trainng/workshp	Petty Cash Custodian			5.00
24942	05/11/2010	General Fund	Office And Operating Supplies	Petty Cash Custodian			8.72
24942	05/11/2010	General Fund	Miscellaneous	Petty Cash Custodian			5.80
24942	05/11/2010	General Fund	Miscellaneous	Petty Cash Custodian			7.28
24942	05/11/2010	General Fund	Mileage	Petty Cash Custodian			30.00
24942	05/11/2010	General Fund	Miscellaneous	Petty Cash Custodian			10.57
24942	05/11/2010	General Fund	Miscellaneous	Petty Cash Custodian			25.96
24942	05/11/2010	General Fund	Mileage	Petty Cash Custodian			30.00
					Check Total:		459.52
24943	05/12/2010	Equipment Reserve Fund	Machinery And Equipment	POTELCO, Inc			5,500.00
					Check Total:		5,500.00
24944	05/17/2010	General Fund	Professional Services	ABC Legal Messengers, Inc.			64.00
24944	05/17/2010	General Fund	Miscellaneous	ABC Legal Messengers, Inc.			31.00
					Check Total:		95.00
24945	05/17/2010	General Fund	Professional Services	ACE Hardware			36.52
					Check Total:		36.52
24946	05/17/2010	Street Fund	Registration - Trainng/workshp	Argus Pacific Inc.			1,197.00
24946	05/17/2010	Surface Water Management Fund	Registration - Trainng/workshp	Argus Pacific Inc.			598.50
24946	05/17/2010	Street Fund	Registration - Trainng/workshp	Argus Pacific Inc.			598.50
					Check Total:		2,394.00
24947	05/17/2010	General Fund	Registration - Trainng/workshp	Aquatic Specialty Services Inc			700.00
24947	05/17/2010	General Fund	Parks Maintenance	Aquatic Specialty Services Inc			1,062.55
					Check Total:		1,762.55
24948	05/17/2010	General Fund	Telephone	A T & T			35.13
					Check Total:		35.13
24949	05/17/2010	General Fund	Mileage	LARRY BLANCHARD			347.50
					Check Total:		347.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
24950	05/17/2010	General Fund	Cops Technology Grant Exps	Stephen Botkin		247.20
24950	05/17/2010	General Fund	Professional Services	Stephen Botkin		947.60
					Check Total:	1,194.80
24951	05/17/2010	General Fund	Printing	Philip Hwang Kwang Nam		273.75
					Check Total:	273.75
24952	05/17/2010	General Fund	Office And Operating Supplies	Burien Bark L.L.C.		180.35
					Check Total:	180.35
24953	05/17/2010	Equipment Reserve Fund	Machinery And Equipment	CDW-G		782.94
24953	05/17/2010	General Fund	Small Tools & Equipment	CDW-G		162.67
					Check Total:	945.61
24954	05/17/2010	Parks & Gen Gov't CIP	Project Development	City Moving Systems		2,547.00
					Check Total:	2,547.00
24955	05/17/2010	General Fund	Office/operating Supplies	Complete Office		649.37
24955	05/17/2010	General Fund	Office/operating Supplies	Complete Office		731.04
24955	05/17/2010	General Fund	Office And Operating Supplies	Complete Office		568.36
24955	05/17/2010	General Fund	Office And Operating Supplies	Complete Office		568.36
24955	05/17/2010	General Fund	Office And Operating Supplies	Complete Office		731.04
24955	05/17/2010	General Fund	Office And Operating Supplies	Complete Office		80.99
24955	05/17/2010	General Fund	Office/Operating Supplies	Complete Office		80.99
24955	05/17/2010	General Fund	Office And Operating Supplies	Complete Office		80.99
24955	05/17/2010	Parks & Gen Gov't CIP	Project Development	Complete Office		1,076.82
24955	05/17/2010	General Fund	Office And Operating Supplies	Complete Office		2,694.16
					Check Total:	7,262.12
24956	05/17/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		493.74
24956	05/17/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		152.38
24956	05/17/2010	General Fund	Citizens Patrol/ Crime Prevent	CONOCOPHILIPS		20.80
24956	05/17/2010	General Fund	Fuel/gas/gasoline Consumption	CONOCOPHILIPS		61.73
24956	05/17/2010	General Fund	Fuel/Gas Consumption	CONOCOPHILIPS		124.92
24956	05/17/2010	General Fund	Fuel/Gas Consumption	CONOCOPHILIPS		72.23

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	925.80
24957	05/17/2010	General Fund	Nuisance Abatement Costs	Clean Property Services & Exte		657.00
					Check Total:	657.00
24958	05/17/2010	General Fund	Instructors Prof Svcs	Janet S. Crawley		440.00
24958	05/17/2010	General Fund	Prof. Svcs-instructors	Janet S. Crawley		545.60
					Check Total:	985.60
24959	05/17/2010	General Fund	Miscellaneous	DANILO CRUZ		87.59
					Check Total:	87.59
24960	05/17/2010	General Fund	Professional Services	CTS Language Link		9.92
					Check Total:	9.92
24961	05/17/2010	General Fund	Senior Trips	City of Renton		650.00
					Check Total:	650.00
24962	05/17/2010	General Fund	Utilities	City of Seattle		635.67
24962	05/17/2010	General Fund	Utilities	City of Seattle		1,041.79
24962	05/17/2010	General Fund	Utilities	City of Seattle		710.64
24962	05/17/2010	General Fund	Utilities	City of Seattle		1,360.54
24962	05/17/2010	General Fund	Utilities	City of Seattle		60.63
24962	05/17/2010	General Fund	Utilities	City of Seattle		66.52
24962	05/17/2010	Street Fund	Utilities - Traffic Signals	City of Seattle		1,646.90
					Check Total:	5,522.69
24963	05/17/2010	Equipment Reserve Fund	Machinery And Equipment	Azteca Systems, Inc.		3,995.00
24963	05/17/2010	Equipment Reserve Fund	Machinery And Equipment	Azteca Systems, Inc.		6,990.00
					Check Total:	10,985.00
24964	05/17/2010	General Fund	State Lobbying Services	Michael D. Doubleday		2,635.00
					Check Total:	2,635.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
24965	05/17/2010	General Fund	Computer Related Supplies	Dell Computer Corporation		20.52
					Check Total:	20.52
24966	05/17/2010	General Fund	Professional Services	Dorchester Consulting		199.50
					Check Total:	199.50
24967	05/17/2010	General Fund	Other Travel	BOPHARY DU		48.20
					Check Total:	48.20
24968	05/17/2010	General Fund	Mis Plan Implementation	Susanne Dubois, Inc.		1,330.00
					Check Total:	1,330.00
24969	05/17/2010	General Fund	Professional Services	Dunn Lumber Co.		38.48
24969	05/17/2010	General Fund	Professional Services	Dunn Lumber Co.		18.99
					Check Total:	57.47
24970	05/17/2010	General Fund	Operating Rentals And Leases	Emerald City Water, LLC		147.83
					Check Total:	147.83
24971	05/17/2010	General Fund	Machinery And Equipment	Environmental Systems Research		1,654.60
					Check Total:	1,654.60
24972	05/17/2010	Parks & Gen Gov't CIP	Project Development	FASTSIGNS		578.82
					Check Total:	578.82
24973	05/17/2010	General Fund	Professional Services	Gray & Osborne, Inc.		1,131.29
24973	05/17/2010	General Fund	Professional Services	Gray & Osborne, Inc.		175.31
24973	05/17/2010	General Fund	Professional Services	Gray & Osborne, Inc.		116.87
					Check Total:	1,423.47
24974	05/17/2010	General Fund	Instructors Prof Svcs	Alex Galstaun		126.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
				Check Total:		126.00
24975	05/17/2010	General Fund	Mechanical Permit	Glendale Heating		58.50
				Check Total:		58.50
24976	05/17/2010	General Fund	Parks Building Security	Guardian Security		65.00
				Check Total:		65.00
24977	05/17/2010	General Fund	Instructors Prof Svcs	Victoria E. Hamilton		66.00
24977	05/17/2010	General Fund	Instructors Prof Svcs	Victoria E. Hamilton		162.00
				Check Total:		228.00
24978	05/17/2010	General Fund	Operating Rentals and Leases	Head-quarters		81.50
				Check Total:		81.50
24979	05/17/2010	Equipment Reserve Fund	Machinery And Equipment	Independent Dealer Accessories		4,473.61
				Check Total:		4,473.61
24980	05/17/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions		364.64
24980	05/17/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions		476.34
24980	05/17/2010	General Fund	Operating Rentals And Leases	IKON Office Solutions		321.93
				Check Total:		1,162.91
24981	05/17/2010	General Fund	Printing/binding/copying	Ikon Office Solutions		60.35
24981	05/17/2010	General Fund	Operating Rentals And Leases	Ikon Office Solutions		347.58
				Check Total:		407.93
24982	05/17/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management		38.18
24982	05/17/2010	General Fund	Miscellaneous	Iron Mountain Rec. Management		252.99
				Check Total:		291.17
24983	05/17/2010	General Fund	Prof. Svcs-instructors	Moodette Ka'apana		296.40

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	296.40
24984	05/17/2010	General Fund	Miscellaneous	King County Recorder		126.00
					Check Total:	126.00
24985	05/17/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff's Office		288.06
					Check Total:	288.06
24986	05/17/2010	General Fund	Voter Registration Costs	KING COUNTY FINANCE		35,036.89
24986	05/17/2010	General Fund	Voter Registration Costs	KING COUNTY FINANCE		665.54
24986	05/17/2010	General Fund	Voter Registration Costs	KING COUNTY FINANCE		348.67
24986	05/17/2010	General Fund	Jail Contract	KING COUNTY FINANCE		20,733.32
					Check Total:	56,784.42
24987	05/17/2010	General Fund	Drug seizure proceeds KCSO	King County Sheriff, Pcnt. #4		732.00
					Check Total:	732.00
24988	05/17/2010	General Fund	Prosecution - City Atty	Kenyon Disend, PLLC		10,168.40
24988	05/17/2010	General Fund	Attorney Srvcs - Litigation	Kenyon Disend, PLLC		999.00
24988	05/17/2010	General Fund	Att Svcs - Litigation - 1st So	Kenyon Disend, PLLC		1,108.15
24988	05/17/2010	General Fund	Attorney Srvcs - Gen'l Matters	Kenyon Disend, PLLC		6,827.70
					Check Total:	19,103.25
24989	05/17/2010	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S		5,000.00
					Check Total:	5,000.00
24990	05/17/2010	General Fund	Prof. Svcs-instructors	Kim Klose		84.00
24990	05/17/2010	General Fund	Prof. Svcs-instructors	Kim Klose		114.00
24990	05/17/2010	General Fund	Prof. Svcs-instructors	Kim Klose		185.20
					Check Total:	383.20
24991	05/17/2010	General Fund	Instructors Prof Svcs	Lauren Laughlin		189.00
					Check Total:	189.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Void	Amount
24992	05/17/2010	General Fund	Prof. Svcs-instructors	Lori Leberer			120.00
24992	05/17/2010	General Fund	Prof. Svcs-instructors	Lori Leberer			90.00
					Check Total:		210.00
24993	05/17/2010	General Fund	Prof. Svcs-instructors	Alexander Lewis			500.00
					Check Total:		500.00
24994	05/17/2010	General Fund	Prof. Svcs-instructors	Andrea Lindsay			40.00
					Check Total:		40.00
24995	05/17/2010	General Fund	Repairs And Maintenance	Les Schwab			67.34
					Check Total:		67.34
24996	05/17/2010	General Fund	Prof. Svcs-instructors	Galina Malevannaya			120.00
					Check Total:		120.00
24997	05/17/2010	General Fund	Instructors Prof Svcs	Kelda J. Martensen			100.00
					Check Total:		100.00
24998	05/17/2010	General Fund	Auto Allowance	MIKE MARTIN			400.00
					Check Total:		400.00
24999	05/17/2010	General Fund	Prof. Svcs-instructors	Jacob Matthew			371.00
24999	05/17/2010	General Fund	Prof. Svcs-instructors	Jacob Matthew			637.00
					Check Total:		1,008.00
25000	05/17/2010	General Fund	Machinery/eqpt - Noncapitalize	MBI Systems, Inc.			5,292.24
					Check Total:		5,292.24
25001	05/17/2010	General Fund	Prof. Svcs-instructors	Susy McAleer			67.50
					Check Total:		67.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25002	05/17/2010	General Fund	Instructors Prof Svcs	Hunter McGee		157.50
					Check Total:	157.50
25003	05/17/2010	General Fund	Professional Services	Nancy Buckingham McKenney		2,275.00
					Check Total:	2,275.00
25004	05/17/2010	General Fund	Professional Services	McLendon Hardware, Inc.		251.84
					Check Total:	251.84
25005	05/17/2010	General Fund	Instructors Prof Srvs	Momentum Dance Academy		151.20
					Check Total:	151.20
25006	05/17/2010	General Fund	Human Svc-family/youth	Matt Griffin YMCA		3,000.00
					Check Total:	3,000.00
25007	05/17/2010	General Fund	Sales Tax Auditing Costs	Microflex, Inc.		115.94
25007	05/17/2010	General Fund	B&O Tax collect & audit	Microflex, Inc.		1,953.68
25007	05/17/2010	Street Fund	Dt Business License Svcs	Microflex, Inc.		2,093.00
					Check Total:	4,162.62
25008	05/17/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.		7.82
25008	05/17/2010	General Fund	Professional Services	Miller Paint Co.		33.23
25008	05/17/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.		50.32
25008	05/17/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.		22.95
25008	05/17/2010	Street Fund	Graffiti Kits-bus Lic Rev	Miller Paint Co.		-2.02
					Check Total:	112.30
25009	05/17/2010	General Fund	Prof. Svcs-instructors	Scott A. Miller		1,377.35
					Check Total:	1,377.35
25010	05/17/2010	Parks & Gen Gov't CIP	Project Development	McKinney Trailers & Containers		109.50
					Check Total:	109.50
25011	05/17/2010	General Fund	Instructors Prof Svcs	Shariana Mundi		396.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Void	Amount
					Check Total:		396.00
25012	05/17/2010	General Fund	Building Maintenance	NBM Corporation			1,506.08
25012	05/17/2010	General Fund	Building Maintenance	NBM Corporation			492.25
25012	05/17/2010	General Fund	Building Maintenance	NBM Corporation			75.00
					Check Total:		2,073.33
25013	05/17/2010	General Fund	Prof. Svcs-instructors	New City Dance Company			88.20
25013	05/17/2010	General Fund	Instructors Prof Srvs	New City Dance Company			1,012.20
					Check Total:		1,100.40
25014	05/17/2010	General Fund	Telephone	SPRINT			35.23
25014	05/17/2010	General Fund	Telephone	SPRINT			42.88
25014	05/17/2010	General Fund	Telephone	SPRINT			72.26
25014	05/17/2010	General Fund	Telephone	SPRINT			1,891.23
25014	05/17/2010	General Fund	Telephone	SPRINT			155.54
25014	05/17/2010	Street Fund	Telephone	SPRINT			155.54
25014	05/17/2010	Surface Water Management Fund	Telephone	SPRINT			155.52
25014	05/17/2010	General Fund	Telephone	SPRINT			291.38
25014	05/17/2010	General Fund	Telephone	SPRINT			181.76
25014	05/17/2010	General Fund	Telephone	SPRINT			19.83
25014	05/17/2010	General Fund	Telephone	SPRINT			-120.00
25014	05/17/2010	General Fund	Drug seizure proceeds KCSO	SPRINT			418.16
25014	05/17/2010	General Fund	Misc. EOC	SPRINT			57.46
25014	05/17/2010	General Fund	Telephone	SPRINT			153.33
					Check Total:		3,510.12
25015	05/17/2010	General Fund	Strawberry Festival	New Growth Event Solutions			6,000.00
					Check Total:		6,000.00
25016	05/17/2010	General Fund	Professional Services	National Maintenance			215.00
					Check Total:		215.00
25017	05/17/2010	General Fund	Prof. Svcs-instructors	PAM ODEGARD		150.00	0.00
					Check Total:		0.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Void	Amount
25018	05/17/2010	General Fund	Instructors Prof Srvs	J. D. Paulson			200.00
					Check Total:		200.00
25019	05/17/2010	General Fund	Professional Services	Photography By Steven			98.55
					Check Total:		98.55
25020	05/17/2010	General Fund	Printing/binding/copying	Print Place			516.84
					Check Total:		516.84
25021	05/17/2010	General Fund	Utilities	Puget Sound Energy			498.80
25021	05/17/2010	General Fund	Utilities	Puget Sound Energy			1,982.30
25021	05/17/2010	Street Fund	Utilities-street Lighting	Puget Sound Energy			1,576.91
					Check Total:		4,058.01
25022	05/17/2010	Surface Water Management Fund	Surface Water Mgmt Inventory	Pipeline Video & Cleaning Nort			2,079.13
25022	05/17/2010	Surface Water Management Fund	Surface Water Mgmt Inventory	Pipeline Video & Cleaning Nort			1,357.80
					Check Total:		3,436.93
25023	05/17/2010	General Fund	Telephone	QWEST			61.11
					Check Total:		61.11
25024	05/17/2010	General Fund	Office And Operating Supplies	Ramlyn Engraving & Sign Co.			26.06
					Check Total:		26.06
25025	05/17/2010	General Fund	Business & Occupation Tax	CTS Northwest Inc.			717.76
					Check Total:		717.76
25026	05/17/2010	General Fund	Refund Clearing Account -Parks	Faith Deliverance Pentacostal			200.00
					Check Total:		200.00
25027	05/17/2010	General Fund	Printing/binding/copying	Claude McAlpin, III			958.89

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Void	Amount
					Check Total:		958.89
25028	05/17/2010	General Fund	Advertising	Robinson Newspapers			52.50
25028	05/17/2010	General Fund	Advertising	Robinson Newspapers			133.00
25028	05/17/2010	General Fund	Advertising	Robinson Newspapers			40.00
					Check Total:		225.50
25029	05/17/2010	General Fund	Mileage	JENN RAMIREZ ROBSON			171.16
					Check Total:		171.16
25030	05/17/2010	General Fund	Prof. Svcs-instructors	Sandra Schneider			180.00
					Check Total:		180.00
25031	05/17/2010	General Fund	Instructors Prof Svcs	Diana Amaranta Sandys			40.00
					Check Total:		40.00
25032	05/17/2010	General Fund	Other Travel	ALISA SAVAGE			47.00
					Check Total:		47.00
25033	05/17/2010	General Fund	Prof. Svcs-instructors	Alan Schmitz			537.50
					Check Total:		537.50
25034	05/17/2010	General Fund	Advertising/legal Publications	Seattle Times			300.00
25034	05/17/2010	General Fund	Advertising	Seattle Times			579.10
25034	05/17/2010	General Fund	Advertising	Seattle Times			244.80
					Check Total:		1,123.90
25035	05/17/2010	General Fund	Office And Operating Supplies	Seatown Locksmith			71.72
25035	05/17/2010	Street Fund	Office And Operating Supplies	Seatown Locksmith			83.22
					Check Total:		154.94
25036	05/17/2010	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC			3,785.45
25036	05/17/2010	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC			630.92
25036	05/17/2010	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC			630.92

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Void	Amount
25036	05/17/2010	Parks & Gen Gov't CIP	Construction	SEITEL Systems, LLC			7,754.93
					Check Total:		12,802.22
25037	05/17/2010	General Fund	Professional Services	Nancy Shattuck			1,760.00
					Check Total:		1,760.00
25038	05/17/2010	General Fund	Instructors Prof Srvs	Kevon Shea			950.40
					Check Total:		950.40
25039	05/17/2010	General Fund	Utilities - Fire Hydrants	Seattle Public Utilities			7,355.41
					Check Total:		7,355.41
25040	05/17/2010	General Fund	Neighborhood Fund Grant	Sustainable Burien			2,312.25
					Check Total:		2,312.25
25041	05/17/2010	General Fund	Prof. Svcs-instructors	Bonnie Taschler			168.75
					Check Total:		168.75
25042	05/17/2010	General Fund	Teen Programs	Reginald Thomas			543.84
					Check Total:		543.84
25043	05/17/2010	General Fund	Office And Operating Supplies	The Part Works, Inc.			111.47
					Check Total:		111.47
25044	05/17/2010	Parks & Gen Gov't CIP	Construction	Tri-Tec			1,062.50
25044	05/17/2010	Parks & Gen Gov't CIP	Construction	Tri-Tec			52.19
25044	05/17/2010	General Fund	Repairs And Maintenance	Tri-Tec			293.46
25044	05/17/2010	Parks & Gen Gov't CIP	Construction	Tri-Tec			293.46
					Check Total:		1,701.61
25045	05/17/2010	General Fund	Instructors Prof Svcs	Ken Turner			702.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	702.00
25046	05/17/2010	General Fund	Human Svc-family/youth	White Center Food Bank		1,250.00
					Check Total:	1,250.00
25047	05/17/2010	General Fund	Utilities	Water District No. 20		217.45
25047	05/17/2010	General Fund	Utilities	Water District No. 20		38.00
25047	05/17/2010	General Fund	Utilities	Water District No. 20		96.40
25047	05/17/2010	General Fund	Utilities	Water District No. 20		274.40
25047	05/17/2010	Street Fund	Landscape Maint - Utilities	Water District No. 20		110.90
					Check Total:	737.15
25048	05/17/2010	General Fund	Probatn/publc Defndr Screenng	Tammy Weigel		960.00
					Check Total:	960.00
25049	05/17/2010	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC		760.00
25049	05/17/2010	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC		760.00
25049	05/17/2010	Equipment Reserve Fund	Machinery And Equipment	Wilken Properties, LLC		800.00
					Check Total:	2,320.00
25050	05/17/2010	General Fund	Jury & Witness Fees	Gerald Larkins		13.00
					Check Total:	13.00
25051	05/17/2010	Street Fund	Special Event Clean up	Waste Management of Seattle		1,811.62
					Check Total:	1,811.62
25052	05/17/2010	General Fund	Office And Operating Supplies	Walter E. Nelson Co.		461.23
					Check Total:	461.23
25053	05/17/2010	General Fund	Dues/memberships	W.R.P.A.		884.00
					Check Total:	884.00
25054	05/17/2010	General Fund	Small Tools & Minor Equipments	Western Safety Products, Inc.		73.04

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
					Check Total:	73.04
25055	05/17/2010	General Fund	Office And Operating Supplies	Yes of Course, Inc.		49.92
					Check Total:	49.92
25056	05/17/2010	General Fund	Other Travel	Debbie Zemke		65.00
25056	05/17/2010	General Fund	Office And Operating Supplies	Debbie Zemke		23.29
					Check Total:	88.29
25057	05/17/2010	Equipment Reserve Fund	Machinery And Equipment	SAMIR BASMEH		105.25
					Check Total:	105.25
25058	05/17/2010	General Fund	Miscellaneous	CITI BANK		35.00
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		31.26
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		334.53
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		46.43
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		67.35
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		896.36
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		293.33
25058	05/17/2010	General Fund	Office And Operating Supplies	CITI BANK		563.23
25058	05/17/2010	General Fund	Meals	CITI BANK		107.71
25058	05/17/2010	General Fund	Meals	CITI BANK		85.13
25058	05/17/2010	General Fund	Registration - Trainng/workshp	CITI BANK		30.00
25058	05/17/2010	General Fund	Burien Marketing Strategy	CITI BANK		207.30
25058	05/17/2010	General Fund	Small Tools & Equipment	CITI BANK		236.48
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		653.74
25058	05/17/2010	Parks & Gen Gov't CIP	Project Development	CITI BANK		378.73
25058	05/17/2010	General Fund	Office And Operating Supplies	CITI BANK		22.05
25058	05/17/2010	General Fund	Computer Related Supplies	CITI BANK		215.69
25058	05/17/2010	General Fund	Drug seizure proceeds KCSO	CITI BANK		188.80
25058	05/17/2010	General Fund	Computer Related Supplies	CITI BANK		54.22
25058	05/17/2010	General Fund	Miscellaneous	CITI BANK		59.95
25058	05/17/2010	General Fund	Miscellaneous	CITI BANK		34.00
25058	05/17/2010	General Fund	Meals	CITI BANK		275.44
25058	05/17/2010	General Fund	Registration - Trainng/workshp	CITI BANK		230.00
25058	05/17/2010	General Fund	Professional Services	CITI BANK		10.00
25058	05/17/2010	General Fund	Subscriptions/publications	CITI BANK		17.49
25058	05/17/2010	General Fund	Drug seizure proceeds KCSO	CITI BANK		54.73
25058	05/17/2010	General Fund	Registration - Trainng/workshp	CITI BANK		430.00
25058	05/17/2010	General Fund	Miscellaneous	CITI BANK		8.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Void	Amount
25058	05/17/2010	General Fund	Repair and Maintenance	CITI BANK		49.70
25058	05/17/2010	General Fund	Office and Operating Supplies	CITI BANK		138.00
25058	05/17/2010	General Fund	Office And Operating Supplies	CITI BANK		1,241.46
25058	05/17/2010	General Fund	Fuel/Gas Consumption	CITI BANK		50.00
25058	05/17/2010	General Fund	Miscellaneous	CITI BANK		35.00
				Check Total:		7,081.86
25059	05/17/2010	General Fund	Other Travel	Katherine Godbey		354.10
				Check Total:		354.10
25060	05/17/2010	General Fund	Registration - Trainng/workshp	Latitude Geographics Group Ltd		490.00
				Check Total:		490.00
25061	05/17/2010	General Fund	Prof. Svcs-instructors	Pamela Odegard		150.00
				Check Total:		150.00
25062	05/17/2010	General Fund	Postage	U.S. POSTAL SERVICE		3,900.00
				Check Total:		3,900.00
				Report Total:		237,177.04

CITY COUNCIL MEETING MINUTES

May 10, 2010

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor
For the purpose of conducting Arts Commission interviews
6:15 p.m.
and
Council Meeting
7:00 p.m.
Burien City Hall, Council Chambers
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- *Watch the video-stream available on the City website, www.burienwa.gov*
- *Check out a DVD of the Council Meeting from the Burien Library*
- *Order a DVD of the meeting from the City Clerk, (206) 241-4647*

SPECIAL MEETING

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:15 p.m. for the purpose of conducting Art Commission interviews.

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, and Lucy Krakowiak. Councilmember Gordon Shaw was excused.

Administrative staff present: Mike Martin, City Manager.

No action was taken.

ADJOURNMENT TO COUNCIL MEETING

The Special Meeting was adjourned at 6:45 p.m.

CALL TO ORDER

Mayor McGilton called the meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, Lucy Krakowiak, and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Scott Greenberg, Community Development Director; David Johanson, Senior Planner; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to affirm the May 10, 2010, Agenda.

PUBLIC COMMENT

Judith Zelter, King County/Burien Library
Ms. Zelter, Librarian, and Marilee Cogswell, Library Manager, presented the Council with a box of chocolates in honor of the City's one year anniversary at the new City Hall.

The following people spoke regarding the format of the public forums on the Shoreline Master Program Update:
Ron Franz, 2821 SW 172nd Street, Burien
Sean Wittmer, 3328 SW 172nd Street, Burien
Carol Jacobson, 3324 SW 172nd Street, Burien
Larry Berendzen, 3160 SW 172nd Street, Burien
Michael Noakes, 16409 Maplewild Avenue SW, Burien
Jim Clingan, 14682 22nd Avenue SW, Burien

Bob Edgar, 12674 Shorewood Drive SW, Burien
Mr. Edgar suggested reviewing the final Shoreline Master Program document at the end of the process to validate that all has been included.

Don Warren, 15702 13th Avenue SW, Burien
Mr. Warren recommended returning the Shoreline Master Program Update to the Planning Commission to eliminate deficiencies in the document.

Linda Plein, 1600 SW 156th Street, Burien
Ms. Plein asked how the public will know that the seven items of the Revised Code of Washington mentioned at the last Council meeting are included in the final Shoreline Master Program Update.

CORRESPONDENCE FOR THE RECORD

a. Letter Received April 30, 2010, from John Ester Regarding Proposed Shoreline Master Program Update.

   The attached Letter (in this exact form) was also Received by the City from the following 8 individuals: Wanda Golka & Kris Bolt; Frederick & Janis Finn; Milo & Audrey Peterson; Diane M. Patterson; Roger & Merle Patterson; Max & Krista Spague; Martin & Beth Barrett; and Arthur Greef.

   Copies of their Letters are Available from the City Clerk's Office, (206) 248-5517, upon Request.

a. Response from Lisa Clausen, City Manager's Office, to Letter Dated April 2, 2010, from Marie Annette Brown and Eric Leberg Regarding Possibility of Changes Resulting from the SMP.

b. Email Dated April 28, 2010, from Robert Yetter Regarding Animal Control.

c. Email Dated April 29, 2010, from Joy Colino Regarding Letter of Support for the South Park Bridge

d. Email Dated April 30, 2010, from Melissa Bookwalter Regarding M. Bookwalters/SP Bridge Funding.
e. Email Dated April 30, 2010, from Bill and Honey Owens Regarding (SouthPark) South Park Bridge Funding.
f. Email Dated April 30, 2010, from Christine Ferris and Dieter Hotz Regarding South Park Bridge Funding.
g. Email Dated April 30, 2010, from Joseph Pasquarella Smith Regarding South Park Bridge Funding.
h. Email Dated April 30, 2010, from Judith Edwards Regarding South Park Bridge.
i. Email Dated April 30, 2010, from Craig Thompson Regarding Find the Funds for the South Park Bridge.
j. Email Dated April 30, 2010, from Bandi Lane Regarding South Park Bridger Funding/Support.
k. Email Dated April 30, 2010, from Vera DeRosa Regarding Animal Control.
l. Email Dated May 1, 2010, from Ottaviano Regarding (yoursouthpark) South Park Bridge Funding.
m. Email Dated May 1, 2010, from Alan Puckett Regarding South Park Bridge Crisis.
n. Email Dated May 1, 2010, from Jesse Moore Regarding J. Moore/South Park Bridge.
o. Email Dated May 1, 2010, from Royce Anderson Regarding (Georgetown-Seattle) South Park Bridge Funding.
p. Email Dated May 1, 2010, from Kevin Byers Regarding (Georgetown-Seattle) South Park Bridge Funding.
q. Email Dated May 2, 2010, from Betsy McFeely Regarding South Park Bridge Funding.
r. Email Dated May 4, 2010, from Kelly Hilst Regarding K Hilst/South Park Bridge.
s. Email Dated May 4, 2010, from Eric Denton Regarding Shoreline Master Plan.

CONSENT AGENDA

a. Approval of Minutes: Council Meeting, May 10, 2010.
b. Motion to Approve the 2011 Community Development Block Grant (CDBG) Capital Application Submittal for the Puget Sound Park Improvement Project.

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the May 10, 2010, Consent Agenda.

BUSINESS AGENDA

City Business

Direction/Action

Councilmember Block requested the duration of the Redflex Traffic Systems contract.

Motion to Approve Appointments to the Arts Commission

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to appoint Ted Ottinger to the Arts Commission for an unexpired term that will begin on May 10, 2010, and end on March 31, 2011.

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to appoint Debbie Thoma to the Arts Commission for an unexpired term that will begin on May 10, 2010, and end on March 31, 2013.

Discuss Proposed Ordinance No. 537 Regarding the Reconciliation of Ordinance No. 348 and RCW 26.60's Qualifying Criteria for Domestic Partnerships.

Direction/Action

Councilmembers requested placing Ordinance No. 537, relating to Domestic Partnerships on the May 24, 2010, Consent Agenda for approval.

Discussion Regarding Shoreline Master Program Update Process

Direction/Action

Councilmembers reached consensus to select Proposed Shoreline Master Program Public Forum Option No.1 with the knowledge that the outline can be modified.

Councilmember Block left dais at 8:06 p.m. and returned at 8:09 p.m.

COUNCIL REPORTS

Deputy Mayor Clark stated the Highline Forum will discuss the South Park Bridge issue at their next meeting.

Mayor McGilton reported on the public forum "The Seattle Port Commission: Challenges, Resolutions, and Public Accountability" held by the League of Women Voters of Greater Seattle that she attended with Deputy Mayor Clark. She provided a copy of the report to City Manager Mike Martin.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:40 p.m.

_____
Joan McGilton, Mayor

_____
Monica Lusk, City Clerk

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Motion to Adopt Resolution 311, Authorizing Applications for LWCF and WWRP Grants for Seahurst Park.		**Meeting Date** May 24, 2010
Department: Parks, Recreation & Cultural Services **Contact:** Michael Lafreniere, Parks, Recreation & Cultural Services **Telephone:** 206-988-3703	**Attachments**: 1) Resolution No. 311	**Fund Source**: Parks and General Government CIP - Seahurst Park North Shoreline **Activity Cost**: $1,000,000 Grant application **Amount Budgeted**: $2,692,000 (Total project cost, revised = $8,700,000) **Unencumbered Budget Authority**: N/A
Adopted Work Plan Priority: Yes **X** No	**Work Plan Item Description**: Seahurst Park North Shoreline Renovation	

PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to adopt a resolution authorizing the Parks, Recreation and Cultural Services Director to apply for a Federal Land, Water & Conservation Fund (LWCF) grant and a Washington Wildlife and Recreation Program (WWRP) grant through the Washington State Recreation & Conservation Office (RCO).

BACKGROUND (*Include prior Council action & discussion*): The Seahurst Park Master Plan points out the need to restore habitat and recreation features in the park. The City's 2009-2010 Financial Plan and adopted Council Goals call for the city to complete the Seahurst Park North Seawall Removal and Beach Restoration project listed in the Capital Improvement Program. The Seahurst Park restoration and renovation project is a multi-phase, multi-year project. The first phase was the City's partnership with the U.S. Army Corps of Engineers (USACE) to remove the south seawall and restore the beach. The Department is currently partnered with the USACE to develop 35% design drawings, acquire project permits and finalize cost estimates for the removal of the northern seawall and to restore the shoreline and park. This partnership is anticipated to continue through final design and construction with the removal of the northern seawall, restoration of the beach and some park recreational infrastructure. The Washington State RCO administers a federal grant funding program known as the Land, Water & Conservation Fund (LWCF) and a state funding program known as the Washington Wildlife and Recreation Program (WWRP). The Department has used LWCF and WWRP funds in the past for park improvements at Seahurst Park south shoreline and the recent Mathison Park expansion.

The resolution allows the staff to apply to the RCO for LWCF and WWRP grants that would fund a portion of the Seahurst Park North Seawall & Beach Restoration project. These funds will be used for the final design and construction of the recreational components of the park, such as the playground, picnic shelters and trails, which are beyond the scope of work the USACE will participate in. Staff will seek grant funds from other sources as well. If funding efforts are successful, staff will complete the recreational improvements at Seahurst following the work done by the USACE.

OPTIONS:
1) Adopt the Resolution authorizing the grant application to go forward.
2) Not approve the Resolution and hold for additional discussion.

Administrative Recommendation: Adopt a Resolution No. 311, authorizing staff to apply for a Land, Water & Conservation Fund grant and a Washington Wildlife and Recreation Program grant for the Seahurst Park Project

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: A motion to approve the Consent Agenda will adopt Resolution 311.

Submitted by: Michael Lafreniere **Administration** _____	Mike Martin **City Manager** _____
Today's Date: May 20, 2010	**File Code**: \\file01\records\cc\agenda bill 2010\052410pk-1 rco grant resolution.doc

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 311

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, AUTHORIZING APPLICATION FOR FEDERAL FUNDING ASSISTANCE FOR A LAND AND WATER CONSERVATION FUND (LWCF) PROGRAM PROJECT AND FOR STATE FUNDING ASSISTANCE FOR A WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP) PROJECT, TO THE WASHINGTON STATE RECREATION AND CONSERVATION OFFICE (RCO) AS PROVIDED IN THE LWCF ACT OF 1965, AS AMENDED, AND AS PROVIDED IN CHAPTER 79A.15 RCW, ACQUISITION OF HABITAT CONSERVATION AND OUTDOOR RECREATION LANDS.

WHEREAS, the City of Burien has approved a comprehensive plan that includes this project area; and

WHEREAS, under the provision of LWCF, federal funding assistance is requested, and under the provision of WWRP, state funding assistance is requested, to aid in financing the cost of land acquisition and/or facility development; and

WHEREAS, the City of Burien considers it in the best public interest to complete the land acquisition and/or development project described in the application.

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. The Parks, Recreation and Cultural Services Director be authorized to make formal application to the Recreation and Conservation Office for funding assistance;

Section 2. Any fund assistance received be used for implementation of the Seahurst Park Northshore Renovation and Seahurst Park Recreational Improvements Projects;

Section 3. The City of Burien hereby certifies that its share of project funding will be derived from City funds and other grant sources;

Section 4. We acknowledge that we are responsible for supporting all non-cash commitments to the sponsor share should they not materialize;

Section 5. We are aware that the grant, if approved, will be paid on a reimbursement basis. This means we may only request payment after eligible and allowable costs have already been paid and remitted to our vendors.

Section 6. We acknowledge that any property acquired or facility developed with financial aid from the Recreation and Conservation Funding Board (RCFB) must be placed in use for the funded purpose, and be retained in such use in perpetuity unless otherwise provided and agreed to by the City of Burien, RCFB, and the National Park Service;

Section 7. This resolution becomes part of a formal application to the Recreation and Conservation Office; and

Section 8. We provided appropriate opportunity for public comment on this application;

Section 9. We acknowledge that LWCF grants are federal funds and, as such, the City of Burien must comply with all applicable federal laws, and that WWRP grants are state funds and, as such the City of Burien must comply with all applicable state laws.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ____ DAY OF MAY, 2010.

CITY OF BURIEN

_____
Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

_____
Monica Lusk, City Clerk

Approved as to form:

_____
Craig Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No. 311

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Review of Council Proposed Agenda Schedule		**Meeting Date:** May 24, 2010
Department: City Manager **Contact:** Monica Lusk, City Clerk **Telephone:** (206) 248-5517	**Attachments:** Proposed Meeting Schedule	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Work Plan Priority: Yes No X	**Initiative Description:** N/A	

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.

BACKGROUND (*Include prior Council action & discussion*):

According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.

OPTIONS (*Including fiscal impacts*):

1. Review the schedule, and add, delete, or move items.
2. Review the schedule and make no modifications.

Administrative Recommendation: Review the schedule.

Committee Recommendation: N/A

Advisory Board Recommendation: N/A

Suggested Motion: None required.

Submitted by: Monica Lusk **Administration** _____	Mike Martin **City Manager** _____
Today's Date: May 19, 2010	**File Code:** R:/CC/AgendaBill2010/052410cm-1 proposedagendareview.doc

CITY OF BURIEN
PROPOSED COUNCIL AGENDA SCHEDULE

May 31, 2010, Council Meeting CANCELLED – Memorial Day Holiday

June 7, 2010, Council Meeting

1. Presentation by WSDOT on 518/DMMD Interchange Improvements Report and South-Park Bridge Project.
   (Rescheduled from 5/10 - Public Works)
2. **Motion to Appoint Voting Delegate to the 2010 Association of Washington Cities (AWC) Annual Business Meeting.**
   (City Manager)
3. **Discussion on Motion to Adopt Proposed Ordinance No. 538, Modifying Burien Municipal Code Chapter 5.05 Relating to Business Licenses.**
   (Rescheduled from 3/1 – City Manager)
4. **Discussion Regarding Potential Public Works Trust Fund Loan Application Criteria Involving Climate Change Policies in Burien for the Northeast Redevelopment Area Storm-Water Improvements.**
   (Rescheduled from 5/24 – Public Works)
5. Discussion on Development of a Stormwater Impact Fee in Lieu of the Improvements to be Made as Part of the Northeast Redevelopment Area (NERA) Project.
   (Rescheduled from 2/1 – Public Works)
6. **Discussion on 2009 Construction Codes, Administrative Provisions and Property Maintenance Code.**
   (Community Development)

June 14, 2010, Special Meeting, Time TBD

7. **Discussion on Animal Control Program for Burien.**
   (City Manager)
8. **Public Forum #1 on Shoreline Master Program Update.**
   (Community Development)

June 21, 2010, Special Meeting, Time TBD

9. **Public Forum #2 on Shoreline Master Program Update.**
   (Community Development)

June 21, 2010, Council Meeting

10. Motion to Adopt Ordinance No. xxx, Establishing a Stormwater Impact Fee in Lieu of the Improvements to be Made as Part of the Northeast Redevelopment Area NERA) Project.
    (Rescheduled from 2/8 - Public Works)
11. **Motion to Approve Ordinance No. 538, Amending the Business License Code.**
    (Rescheduled from 2/22 – City Manager)
12. **Motion to Approve Ordinance No. xxx, Adopting the 2009 Construction Codes, Administrative Provisions and Property Maintenance Code.**
    (Scheduled on 6/21 – Community Development)
13. **Discussion on Financial Policies and Financial Forecast for the 2011-2012 Biennial Budget.**
    (Rescheduled from 6/7 - Finance)
14. **Motion to Approve Ordinance No. xxx, Adopting the Burien Animal Control Program.**
    (City Manager)
15. Acceptance of North Burien Drainage Utilities.
    (Rescheduled from 5/3 – Public Works)

June 28, 2010

16. **Council Meeting CANCELLED - Summer Schedule**

CITY OF BURIEN
PROPOSED COUNCIL AGENDA SCHEDULE

July 5, 2010

17. **Council Meeting CANCELLED – 4th of July Holiday**

July 12, 2010

18. **Council Meeting CANCELLED – Summer Schedule**

July 19, 2010

19. **Presentations of the Arts Commission and Parks, Recreation & Cultural Services Advisory Board 2009 Annual Reports.**
    (Rescheduled from 6/7 - Parks)
20. **Discussion on 2011-2012 Work Plan and Budget.**
    (Finance)

July 26, 2010

21. **Council Meeting CANCELLED – Summer Schedule**