

ORDINANCE NO. 03-452

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, CREATING LAKE MANAGEMENT DISTRICT NUMBER 1 FOR STEEL LAKE AND SETTING A PUBLIC HEARING ON THE ASSESSMENT ROLL FOR THE DISTRICT.

WHEREAS, Lake Management District Number 1 for Steel Lake is created for the purpose of generating revenue to provide ongoing aquatic vegetation management, community education, and other related projects,

WHEREAS, on May 6, 2003, the City of Federal Way City Council passed Resolution Number 03-384 declaring its intent to form a Lake Management District Number 1 for Steel Lake; and

WHEREAS, the City of Federal Way City Council conducted a public hearing on June 17, 2003, for the purpose of accepting testimony in support of and in opposition to the creation of the Steel Lake Management District. At the public hearing, testimony was provided by Steel Lake Committee members and interested citizens; and

WHEREAS, on July 1, 2003, the City of Federal Way City Council passed Resolution Number 03-386, submitting the question of creation of Lake Management District Number 1 for Steel Lake to the owners of property within the proposed lake management district including owners of publicly owned land; and

WHEREAS, under RCW 36.61.090, a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected; and

WHEREAS, the ballots were tabulated on August 15, 2003, and the proposal to create a Lake Management District Number 1 for Steel Lake has been approved by at least a simple majority of the votes cast; and

WHEREAS, the ballots cast are available for public inspection at City of Federal Way, 33530 1st Way South, Federal Way, Washington;

WHEREAS, the City of Federal Way desires to create Lake Management District Number 1 for Steel Lake and proceed with special assessments and performing lake improvement activities;

WHEREAS, the City of Federal Way completed the Steel Lake Aquatic Plant Management Plan in December of 1995 and updated this plan in April of 2003 (renamed the Steel Lake Integrated Aquatic Vegetation Management Plan) (the "Plan"); and

WHEREAS, the hearing notice requirements of RCW 36.61 will provide an opportunity to evaluate the assessment role for each property within the district.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY DOES ORDAIN AS FOLLOWS:

Section 1. Creation of District. Lake Management District Number 1 for Steel Lake is hereby created. The boundaries of Lake Management District Number 1 for Steel Lake are represented in Exhibit A, incorporated by this reference. The duration of the district shall be for ten (10) years, from January 1, 2004 through December 31, 2013. Special assessments totaling \$13,598 will be collected annually to finance the District activities, with the total amount to be collected during the life of the District being \$166,440, which includes an automatic inflation increase based upon the Seattle Consumer Price Index not to exceed five percent in any given year. The special assessments will be imposed based on equal charges for similar parcels.

Undeveloped parcels will be charged \$30 per year. Single family developed parcels will be charged \$85 per year. The multi-family parcels will be charged \$275 per year. The City of Federal Way parcel will be charged \$2,048 per year. The Department of Fish and Wildlife parcel will be charged \$3,500 per year.

Section 2. Publication. Within ten (10) days of adoption of this Ordinance, the City of Federal Way shall publish in a newspaper of general circulation in Lake Management District Number 1 for Steel Lake a notice indicating that this Ordinance has been adopted.

Section 3. Creation of District Limitations on Appeals. Pursuant to RCW 36.61.110, no lawsuit may be maintained challenging the jurisdiction of authority of the City of Federal Way's legislative authority to proceed with lake improvement and maintenance activities and creating the lake management district, or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decision unless the lawsuit is served and filed no later than forty (40) days after publication of a notice that the ordinance has been adopted ordering the lake improvement and maintenance activities and creating the lake management district. Written notice of the appeal shall be filed with the City Council and clerk of the Superior Court in King County.

Section 4. Special Assessment Roll to be Prepared. Upon passage of this Ordinance, the City of Federal Way shall cause to be prepared a proposed special assessment roll in accordance with RCW Chapter 36.61.

Section 5. Public Hearing. A public hearing will be held by the Federal Way City Council on November 18, 2003 at 7:00 PM or shortly thereafter at the City of Federal Way City Hall, 35530 1st Way South, Federal Way, Washington. At the public hearing, the City of Federal Way City Council will consider the objections to the special assessment roll of the district, shall act as

a board of equalization, and may correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment role be prepared. The City of Federal Way City Council shall confirm and approve a special assessment roll by adoption of a resolution. Notice of the proposed special assessment, the procedure for filing written objections thereto, and notice of the public hearing shall be mailed to the taxpayers of record of all property within the district by the City of Federal Way pursuant to RCW 36.61.140.

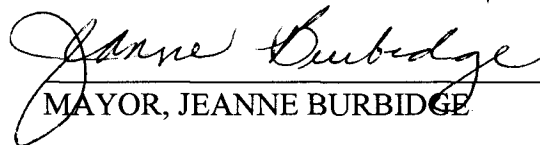
Section 6. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 8. Effective Date. This ordinance shall be effective five days after passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY,
WASHINGTON, this 21st day of October, 2003.

CITY OF FEDERAL WAY


MAYOR, JEANNE BURBIDGE

ATTEST:


CITY CLERK, N. CHRISTINE GREEN, CMC

APPROVED AS TO FORM:



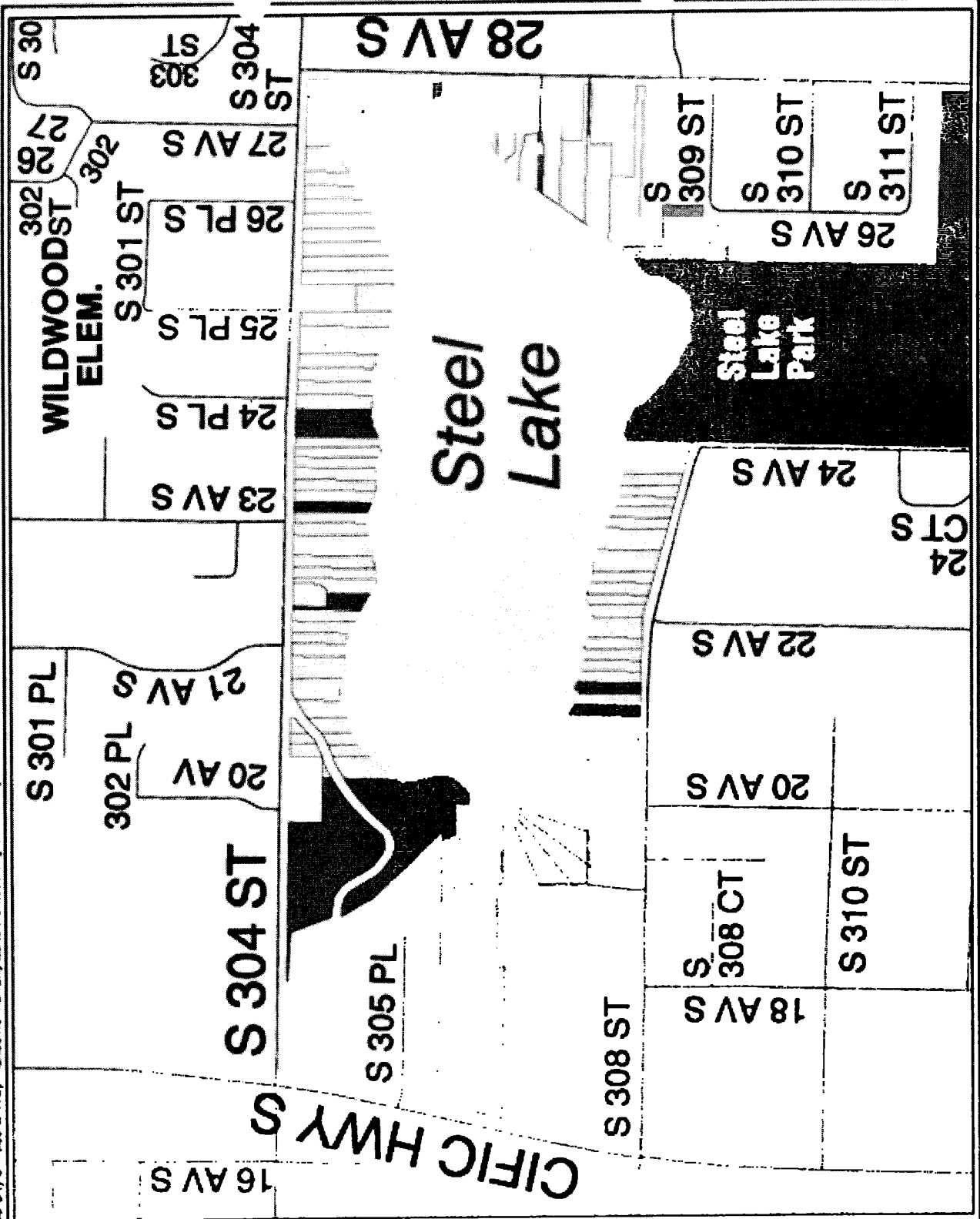
PATRICIA A. RICHARDSON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 10/01/03
PASSED BY THE CITY COUNCIL: 10/21/03
PUBLISHED: 10/25/03
EFFECTIVE DATE: 10/26/03
ORDINANCE NO. 03-452

EXHIBIT A

Boundary of Lake Management District Number One for Steel Lake

Land Information Data: 001. This information may have changed since data was generated. Total basin area includes may include areas outside the city. The City of Federal Way makes no warranty as to the accuracy of this map.

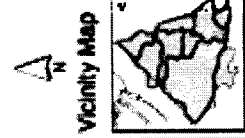


Proposed Steel Lake Management District

Basin: LPSB Sub-basin Code: CPR

- City Owned
- State Owned
- Vacant
- Multi-Family
- Single Family

Scale: 0 230 460 Feet



RESOLUTION NO. 03-384

**A RESOLUTION OF THE CITY OF FEDERAL WAY,
WASHINGTON, TO FORM STEEL LAKE MANAGEMENT
DISTRICT NUMBER 1 AND SETTING A PUBLIC
HEARING ON THE FORMATION OF THE PROPOSED
DISTRICT.**

WHEREAS, the City of Federal Way completed the Steel Lake Aquatic Plant Management Plan in December of 1995 and updated this plan in April of 2003 (renamed the Steel Lake Integrated Aquatic Vegetation Management Plan) (the "Plan") (Attachment A); and

WHEREAS, the Plan was initiated because of citizen interest in the long-term protection of Steel Lake; and

WHEREAS, Steel Lake contains significant natural resources, such as wetlands, and forms the headwaters for Redondo Creek; and

WHEREAS, the existing lake quality supports fishing, wildlife habitat, swimming, boating, visual aesthetics, waterfront property values, irrigation, and other beneficial uses; and

WHEREAS, pursuant to RCW 35.21.403 and RCW 36.61, a lake management district can be formed to generate funds for financing lake improvement and maintenance projects as recommended in the Steel Lake Integrated Aquatic Vegetation Management Plan; and

WHEREAS, the City of Federal Way is committed to a good faith effort of continuing these activities; and

WHEREAS, the Steel Lake community has demonstrated support for the formation of a lake management district through submittal of a petition (Attachment B) pursuant to the requirements of RCW 36.61; and

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WHEREAS, the hearing notice requirements of RCW 36.61 will provide an opportunity to evaluate property owner interest in lake management district activities.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY
HEREBY RESOLVES AS FOLLOWS:

Section 1. Intention to Form Steel Lake Management District. The City of Federal Way City Council declares, by passing this resolution, its intention to conduct the activities required by RCW 36.61 for the establishment of Lake Management District Number 1 (Steel Lake) (The "District"). The nature of the proposed activity to be undertaken by the District is the continued implementation of the Steel Lake Integrated Aquatic Vegetation Management Plan. Special assessments totaling \$13,598 will be collected annually to finance the District activities, with the total amount to be collected during the life of the District being \$166,440, which includes an automatic inflation increase based upon the Seattle Consumer Price Index not to exceed five percent in any given year. The proposed duration of the District is ten years from the date such District is actually formed by ordinance. The proposed boundaries of the District encompass all properties adjacent to Steel Lake with lake front footage. The proposed rate structure is based on equal charges for similar parcels. Undeveloped parcels will be charged \$30 per year. Single family developed parcels will be charged \$85 per year. The multi-family parcels will be charged \$275 per year. The City of Federal Way parcel will be charged \$2,048 per year. The Department of Fish and Wildlife parcel will be charged \$3,500 per year.

Section 2. Public Hearing. A public hearing conducted by the City of Federal Way City Council shall be held on the formation of the proposed District:

DATE: June 17, 2003

TIME: 7:00 pm or shortly thereafter

PLACE: City of Federal Way City Hall
35530 1st Way South
Federal Way, WA

Section 3. Establishment of Advisory Committee. If Lake Management District Number 1 is formed, the City of Federal Way City Council will establish a non-paid Advisory Board of lakefront property owners representative of the diversity among property owners around Steel Lake to oversee the implementation of the Lake Management District program and to assist the City of Federal Way in establishing annual budgets and work plans for the use of Lake Management District revenues and expenditures. The Advisory Board will meet regularly as determined by the Board, propose annual budgets for Lake Management District expenditures to the City of Federal Way, educate its neighbors on Lake Management District issues, and submit annual reports of Lake Management District activities to the City of Federal Way.

Section 4. Public Notice. The City of Federal Way Clerk is hereby directed to publish and mail notices as required by RCW 36.61.

Section 5. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.


Section 6. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 7. Effective Date. This resolution shall be effective immediately upon passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY,

WASHINGTON, this 6th day of May, 2003.

CITY OF FEDERAL WAY


MAYOR, JEANNE BURBIDGE

ATTEST:


CITY CLERK, N. CHRISTINE GREEN, MC

APPROVED AS TO FORM:


PATRICIA A. RICHARDSON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 4/30/03
PASSED BY THE CITY COUNCIL: 5/06/03
RESOLUTION NO. 03-384

RESOLUTION NO. 03-386

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FEDERAL WAY, WASHINGTON, TO FORM LAKE MANAGEMENT DISTRICT NUMBER 1 FOR STEEL LAKE AND CALLING FOR A VOTE OF AFFECTED PROPERTY OWNERS ON THE FORMATION OF THE MANAGEMENT DISTRICT.

WHEREAS, the City of Federal Way completed the Steel Lake Aquatic Plant Management Plan in December of 1995 and updated this plan in April of 2003 (renamed the Steel Lake Integrated Aquatic Vegetation Management Plan) (the "Plan"); and

WHEREAS, the Plan was initiated because of citizen interest in the long-term protection of Steel Lake; and

WHEREAS, Steel Lake contains significant natural resources, such as wetlands, and forms the headwaters for Redondo Creek; and

WHEREAS, the existing lake quality supports fishing, wildlife habitat, swimming, boating, visual aesthetics, waterfront property values, irrigation, and other beneficial uses; and

WHEREAS, pursuant to RCW 35.21.403 and RCW 36.61, a lake management district can be formed to generate funds for financing lake improvement and maintenance projects as recommended in the Plan; and

WHEREAS, the City of Federal Way is committed to a good faith effort of continuing these activities; and

WHEREAS, the Steel Lake community has demonstrated support for the formation of a lake management district through submittal of a petition pursuant to the requirements of RCW 36.61; and

WHEREAS, a public hearing was conducted on June 17, 2003, on the formation of a lake management district; and

WHEREAS, consistent with Chapter 36.61 RCW, public notice of the hearing was provided to all affected property owners on May 27, 2003; and

WHEREAS, testimony was provided by Steel Lake Committee members and interested citizens; and

WHEREAS, the City of Federal Way City Council considered the testimony received at the public hearing; and

WHEREAS, the City of Federal Way City Council declares that submitting the question of formation of a lake management district to a vote by the affected property owners is within the public's interest; and

WHEREAS, proposed financing for a lake management district is considered feasible;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY
HEREBY RESOLVES AS FOLLOWS:

Section 1. Vote of Affected Property Owners. The formation of the Steel Lake Management District Number One (the "District") shall be referred to a vote of the property owners within the proposed management district. The residents' Petition to the Federal Way City Council to Create a Lake Management District for Steel Lake is attached hereto as Attachment A and incorporated herein by this reference. The City Clerk of Federal Way shall prepare the appropriate ballot, based upon criteria in Chapter 36.61.080 RCW, calling for a vote on the formation of the District. The ballot shall be submitted to the affected residents no later than July 14, 2003, and shall be returned to the City of Federal Way by no later than five o'clock p.m. (5:00 p.m.) on August 13, 2003 (30 days from the submittal date). If approved by the voters

within the proposed district, the implementation of the District will be effective January 1, 2004 and shall remain in effect for a term of ten (10) years, said term to expire on December 31, 2013.

Section 2. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 4. Effective Date. This resolution shall be effective immediately upon passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY,
WASHINGTON, this 1st day of July, 2003.

CITY OF FEDERAL WAY


MAYOR, JEANNE BURBIDGE

ATTEST:


CITY CLERK, N. CHRISTINE GREEN, CMC

APPROVED AS TO FORM:


PATRICIA A. RICHARDSON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 6/20/03
PASSED BY THE CITY COUNCIL: 7/1/03
RESOLUTION NO. 03-386

**Petition to the Federal Way City Council to Create a
Lake Management District for Steel Lake**

We, the undersigned Steel Lake property owners, request that the Federal Way City Council approve the creation of a Lake Management District (LMD) for Steel Lake pursuant to RCW 36.61. The LMD funds will finance efforts to protect and enhance Steel Lake in terms of water quality, recreational and aesthetic value.

1. Purpose of the Lake Management District:

- Form a Lake Management District that creates a funding source for all future aquatic plant management activities, and continue to seek grant opportunities.
- Perform annual diver surveys to monitor changes in the aquatic plant community.
- Control and contain both milfoil populations and fragrant water lily populations at as low a density as is environmentally and economically feasible, and at levels that will not impact public safety or the beneficial uses of the lake.
- Reduce all other identified species of noxious weeds as listed in WAC 16-750 to levels that do not impact public safety or the beneficial uses of the lake.
- Use appropriate aquatic plant control and treatment methods as needed for all other problematic aquatic weeds, using the best available science to identify and understand their effects on human, aquatic and terrestrial ecosystems prior to implementation.
- Provide for adequate native vegetation for fish and, if necessary, mitigate for any negative impacts to fish habitat due to non-native plant removal activities.
- Continue public education to prevent the introduction of noxious weeds, nuisance plants and non-native animal species to the lake; and to aid in the early detection of aquatic weed re-infestations.
- Continue to involve the Steel Lake Community in the aquatic plant management process.
- Conduct public education to reduce the amounts of non-point source pollutants entering the lake, which can result in an increase in aquatic algae.

2. Boundary

The proposed boundary of the LMD would include all the property with lakefront on Steel Lake.

3. Duration

The proposed duration of the LMD is 10 years.

4. Charges to property:

Annual rates and charges will be used to raise funds to support LMD activities.

The following is the formula of rates and charges proposed for establishment of the assessment role for the LMD:

Property assessed on dollar per unit				
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Type	# of Units	Rate/Unit	Total (\$)	Percentage
Undeveloped parcel	7	\$30	\$210	1%
Developed parcel (1 single-family dwelling)	89	\$85	\$7,565	57%
Parcel with multi-family dwelling	1	\$275	\$275	2%
City Park	1	\$2,048	\$2,048	15%
Public Boat Launch	1	\$3,500	\$3,500	25%
Annual Total			\$13,598	

The estimated maximum amount that is proposed for the LMD in 2004 is \$13,598. An automatic increase based on the Seattle Consumer Price Index (CPI) will be included in each annual billing after 2004. At no time is the increase to be more than five (5) percent per year. Total maximum LMD rate revenue for the ten year LMD based on an annual five percent increase for inflation is \$166,440. Issuance of revenue bonds is not proposed.

The attached Steel Lake Integrated Aquatic Vegetation Management Plan includes an estimated itemization of the use of these funds for the ten-year period.

The LMD budget and rates will be approved through a public hearing and a public vote after the city council adopts a resolution to form the LMD. Once approved by the public and city council, the annual rates and charges may not be altered without another public vote and city council approval with the exception of the CPI increase described above.

5. Steel Lake Management District Steering Committee

The volunteer Steel Lake Management District Steering Committee is proposed to represent the interests of LMD property owners in the various neighborhoods around the lake. City staff will work with the Steering Committee to develop the annual work plan. The annual LMD work plan and budget will be forwarded by the Steering Committee for implementation by the City's surface water utility. The Steering Committee will track and review activities and expenditures by the City as well as outside contractors. City staff will provide Steering Committee support including quarterly financial reports.

RESOLUTION NO. 03-397

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF FEDERAL WAY, WASHINGTON, CREATING A LAKE
MANAGEMENT DISTRICT ADVISORY COMMITTEE
FOR STEEL LAKE AND ESTABLISHING THE DUTIES
THEREOF.**

WHEREAS, Lake Management District Number One for Steel Lake was created for the purpose of generating revenue to provide ongoing aquatic vegetation management, community education, and other related projects; and

WHEREAS, Resolution Number 03-384 states that, attendant to the creation of the Lake Management District is the creation of an Advisory Committee;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FEDERAL WAY
HEREBY RESOLVES AS FOLLOWS:

Section 1. Creation and Purpose. There is created the Steel Lake Management District Advisory Committee to represent the property owners of the Steel Lake Management District (LMD) Number One and advise the City Council. The purpose of the Advisory Committee is to represent the property owners of the LMD to the City Council and (1) each spring, discuss with the City the proposed annual work program consistent with Ordinance Number 03-XXX and the *Steel Lake Integrated Aquatic Vegetation Management Plan* (or its successors); (2) provide input and suggestions to the City regarding the implementation of the district's annual work program; (3) work with the City in the preparation of any educational materials related to Steel Lake and the LMD; (4) each winter, review and provide input to the City on the preparation of an annual report to the City of Federal Way City Council regarding progress on the LMD work program

and the health of the lake; and (5) support an annual public meeting to brief LMD members on the contents of the annual report and related LMD activities.

Section 2. Membership.

A. Qualifications. Members of the Advisory Committee shall be selected from individuals who own property or represent government bodies that own property within the LMD. Intent of the selection process shall be to proportionally represent the various property types identified in the district assessment role. No single family and vacant property owners shall serve longer than two consecutive terms.

B. Number of Members and Terms.

1. Members. The Advisory Committee will be made up of seven members: four representing single family and vacant properties; one representing multi-family properties; one representing the Washington Department of Fish and Wildlife; and one representing the City of Federal Way.

2. Term. Each private property owner shall be appointed for a term of two (2) years.

C. Appointment. Members of the Advisory Committee shall be appointed by the City of Federal Way City Council following an open recruitment process approved by the City Council. Appointments shall be confirmed by a majority vote of the City Council. Committee members shall be selected without respect to political affiliations and shall serve without compensation.

- D. Removal. Members of the Committee may be removed by the City Manager, with the concurrence of the City Council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absences for more than three (3) consecutive regular meetings. The decision of the City Council regarding membership on the Committee shall be final and there shall be no appeal. Members finding they are unable to attend regular meetings are expected to tender their resignation.
- E. Vacancies. Vacancies occurring other than through the expiration of terms shall be filled for the un-expired term in the same manner as for appointments as provided in this ordinance.
- F. Conflicts of Interest. Members of the Committee shall fully comply with RCW 42.23, Code of Ethics for Municipal Officers; RCW 42.36, Appearance of Fairness; Federal Way Code of Ethics; and such rules and regulations as may be adopted by the City Council regulating the conduct of any person holding appointive office within the City.

Section 3. Meeting Rules.

- A. Officers and Quorum. The Committee shall organize and elect from its members a Chair, who shall preside at all meetings of the Committee, and a Vice-Chair. A majority of the Committee members shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any proposition.

- B. Meeting Schedule. The Committee shall determine a regular meeting schedule (time, place and frequency), as necessary, but no less frequent than once every three (3) months. All meetings shall be open to the public.
- C. Procedures. The Committee shall adopt such rules and procedures as are necessary for the conduct of its business and shall keep summary notes of its proceedings. The written notes shall be a public record.

Section 4. Staff Support. Administrative staff support to the Advisory Committee shall be provided by the City of Federal Way Public Works Director or his/her designee.

Section 5. Sunset. The Advisory Committee shall terminate at the same time as the Lake Management District authorization expires.

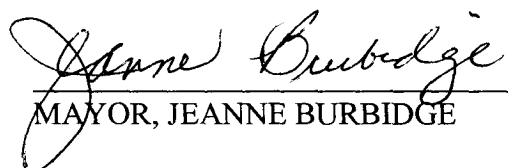
Section 6. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 8. Effective Date. This resolution shall be effective immediately upon passage by the Federal Way City Council.

RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL WAY,
WASHINGTON, this 21st day of October, 2003.

CITY OF FEDERAL WAY


MAYOR, JEANNE BURBIDGE

ATTEST:


CITY CLERK, N. CHRISTINE GREEN, CMC

APPROVED AS TO FORM:


PATRICIA A. RICHARDSON, CITY ATTORNEY

FILED WITH THE CITY CLERK: 10/14/03
PASSED BY THE CITY COUNCIL: 10/21/03
RESOLUTION NO. 03-397