

TOWN COUNCIL MINUTES

March 2, 2009

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of March was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Bill Anderson, Kent Saltonstall, Elizabeth Mitchell and Mike Quinn. Town Administrator Eric Faison, Public Works Director Terry Bryant and Clerk-Treasurer Joyce Bielefeld were also present. Other guests included Maryanne Burkhart, Port of Edmonds.

APPROVAL OF MINUTES: *Councilmember Saltonstall* moved to approve the minutes of February 17, 2009. *Councilmember Mitchell* seconded the motion. The motion carried (4-0-1), Councilmember Anderson abstained.

APPROVAL OF VOUCHERS: *Councilmember Schillberg* moved to approve Claims Warrants #6778 through #6800 for the total amount of \$17,074.01. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

Councilmember Anderson moved to approve Payroll Warrants #9734 through #9762 for the total amount of \$45,797.00. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: None

COUNCIL REPORTS: **Councilmember Quinn** reported Olympic View Water District (OVWD) wants property owners in Woodway with wells to install a backflow device in order to protect the OVWD system. The backflow prevention device is currently required for systems that are connected to OVWD and for free standing wells that are not connected. There have been numerous meetings between residents and OVWD to determine, a) what OVWD is trying to accomplish and b) whether they have the right to enforce this capital expense on residents with wells. He suggested the Council meet with OVWD to determine what they can do administratively with regard to easements and to request they provide an accounting of how citizens are charged.

A question was raised whether this was a topic for the Town or for individual residents to address. Mayor Nichols relayed she authorized Town Attorney Wayne Tanaka to research/interpret questions related to wells and capital improvements because there are 17 households in Woodway as well as Rosary Heights that have wells and would be subject to these requirements. Discussion followed regarding the inquiry to the Town Attorney regarding whether OVWD violated the Town's right-of-way ordinance, whether this was a private property or Town matter, and potential future liability for Rosary Heights. It was agreed to schedule this on a future agenda.

Councilmember Saltonstall reported the SnoCom Board has been discussing new technology that would provide the same computer system for both the South Snohomish County SnoCom 911 system and SnoPac, located in Everett. Previously these sister agencies have had separate software that did not allow them to communicate. The agencies have agreed to move forward and are negotiating with a software purveyor, New World System. There are some

funds available for the new system but he was uncertain whether there would be any additional expense to SnoCom members.

He also reported the SnoCom Director is retiring in July. A consultant has been hired and plans are being made to interview applicants. Town Administrator Eric Faison asked if the SnoCom/SnoPac system would have interoperability with King County's system. Councilmember Saltonstall answered one of the goals is a seamless emergency system throughout western Washington.

Councilmember Schillberg reported the South Snohomish Cities' (SSC) next meeting is March 19; there are tentative plans to change their meeting date to the first Thursday of each month. They are hoping to have Snohomish County Prosecutor Janis Ellis speak at their next meeting regarding Snohomish County's decision not to prosecute certain felonies. Mr. Faison explained in an effort to cut costs, the Prosecutor's Office will not charge certain low level felonies which then requires cities to charge them as misdemeanors and pay all associated costs. He noted King County is doing the same thing.

Councilmember Anderson thanked the Council for the card on behalf of his mother.

MAYOR REPORT: Mayor Nichols relayed Councilmember Mitchell and she attended the Snohomish County Planning Commission public hearing last week. She referred to her letter to the Planning Commission that contained the testimony she provided at the public hearing.

She explained the Planning Commission was considering the concept of fully contained communities as well as demonstration project proposals at both Pt. Wells and the Cathcart site. Three representatives from Paramount provided testimony to the Planning Commission; the first speaker stated they did not have a specific project for Pt. Wells and the Comprehensive Plan amendment and rezone process would help shape the project. The second speaker said Paramount is working with Department of Ecology to be compliant and estimated the cost to cleanup the site at \$20-30 million, that cleanup would take 3-6 years, and if the Comprehensive Plan and rezone was approved, they plan to begin dismantling the tanks the following year. The third speaker talked about Paramount's vision for the project that includes public access to the water and restoration of the waterfront.

Testimony from the Port of Edmonds encouraged the property owner to consider a marina; a Shoreline Councilmember expressed concern with traffic, the size of the project and that evaluation as mass transit demonstration project seemed inappropriate; and a representative from Community Transit testified that the location did not fit the definition of an urban center due to its remote location.

Mr. Trimm will be working with a consultant to develop information regarding building placement, height and number of units which must be submitted to the Snohomish County Planning Commission by March 23. A brief discussion followed regarding land use goals in the Comprehensive Plan for Pt. Wells and the significantly higher number of units (3500) Paramount is now proposing.

Mayor Nichols reported on several issues. First, the Adrian Sisters have offered to host an open house at Rosary Heights for any residents interested in a tour; a date has not yet been determined. The eighth and final community meeting to discuss Town issues will also be held at Rosary Heights on April 27 at 7:00 p.m. Finally, an agent from the Washington Cities

Insurance Authority will provide Council Member training at the conclusion of the next Council meeting.

Mayor Nichols reported the Port of Edmonds requested a representative from the Town participate in the Executive Director interviews and Councilmember Anderson agreed to represent the Town. She reported on the Snohomish County Cities legislative dinner that Councilmember Mitchell, Mr. Faison and she attended in Olympia, expressing disappointment that none of Woodway's legislative representatives attended.

She referenced a discussion at the last Council meeting regarding going out for bid on additional stormwater projects. After that meeting she recalled PACE identified Twin Maples as an appropriate neighborhood for low impact development. She raised this at the recent neighborhood meeting with Twin Maples and Timberlane and many residents expressed interest.

TOWN ADMINISTRATOR'S REPORT

Mr. Faison referred to the January/February Town Operations Status Report. He provided Councilmembers a tally of votes from the neighborhood meetings. Mayor Nichols advised once all the neighborhood meetings were completed, she planned to send a letter to the community with the votes. She also planned to send out a periodic email update regarding these topics. Mr. Faison advised the Council packet included a summary of REET activity for 2008 and 2009.

AUTHORIZE PAYMENT FOR SNOHOMISH PUD HAZARDOUS TREE

Mayor Nichols recalled at the last meeting, the Council discussed a compromise/cost sharing proposal by PUD to preserve a large tree on Woodway Park Rd. The Council briefly discussed whether the homeowner should pay a portion of the cost to save tree, concern with spending money to preserve one tree when the purpose of the tree regulations was to preserve the urban forest, PUD's removal of several hazardous trees, a second Giant Sequoia in close proximity to this tree, and the requirement for the homeowner to provide PUD a 5' x 10' easement in order to preserve the tree. It was agreed the homeowner would be asked to participate in the cost of preserving the tree and to obtain an opinion from the Town Arborist regarding the proximity of the two trees.

ORDINANCE 09-502: TREE PRESERVATION CODE AMENDMENT

Mayor Nichols explained this amendment was in regard to providing a clear definition of landmark trees. Public Works and the Town Arborist inventoried the trees in the right-of-way on Woodway Park Road between 238th and Wachusett and identified 118 trees that measured 32" dbh (diameter inches). The Town Arborist suggested 28 inches as an appropriate minimum for a landmark tree.

Discussion followed regarding concern with classifying maples and alders as landmark trees because many were dangerous/hazardous, a suggestion to include a list of species, Fish and Wildlife's requirement regarding preservation of conifers in proximity to an eagle's nest, and other cities' definition of a landmark tree. Mayor Nichols suggested the definition of a landmark tree be a tree at least 28" in diameter and be a Douglas Fir, Pine, Sequoia, Grand Fir or Giant Sequoia.

Discussion continued regarding the appropriate diameter for a landmark tree, original intent of the tree ordinance to prevent clear cutting and commercial logging, concern with requiring retention of landmark trees on private property, concern with the focus on retaining individual trees rather preserving than the urban forest, replacement policies that compensate for the removal of individual trees, and the importance of preserving trees in the right-of-way.

ACTION: *Councilmember Schillberg* moved to, 1) preserve old trees whose shape was formed by the Indians and that have grown to a large size, and 2) raise the minimum diameter from 28 inches to 38 inches. Motion died for lack of a second.

ACTION: *Councilmember Anderson* moved to approve the tree preservation amendment as written. Motion died for lack of a second.

Mr. Faison highlighted other amendments to the regulations. The Council requested staff prepare a matrix of language that needs to be clarified in the ordinance and the proposed solutions. Discussion continued regarding monitoring of replacement trees, the number of replacement trees planted in 2008, and monitoring of replacement trees associated with development activity due to the maintenance bond.

INVESTMENTS

Mr. Faison explained the Town's funds must be deposited into a public depository institution that is approved by Public Deposit Protection Commission (PDPC). If there is a default by any bank, all banks participate in covering the default. In the recent closure of the Bank of Clark County, the Federal Deposit Insurance Corporation (FDIC) sold the assets to another public bank but refused to allow that bank to purchase the public portion, triggering the mechanism by which the other banks paid for the public deposits. That process saved the FDIC money but cost the other banks. As a result, banks are not certain they want to participate as public depository institutions.

Two banks that hold Town's CD have stated they are no longer taking public deposits; Prime Pacific cancelled the Town's CD and returned the funds. Mr. Faison advised the funds from the cancelled CD will be placed in Local Government Investment Pool (LGIP) which provides a lower return. Councilmember Anderson cautioned the \$250,000 FDIC insurance limit is only effective until December 31, 2009. Ms. Bielefeld distributed a list of the Town's CD's and the bank where each was held.

Councilmember Anderson recommended staff identify banks on the approved list where the Town could purchase a \$100,000 CD of three, six or nine month duration. Mr. Faison pointed out as the pool of banks gets smaller, the liability for the remaining banks increases. It was also suggested staff confirm whether the Town could purchase non-PDC CDs and present that information at the next Council meeting.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

With regard to Rosary Heights, Councilmember Anderson anticipated it would be difficult to convince voters to approve a levy in the current economy. He suggested the staff investigate a General Obligation municipal bond secured by the residents' lots. That method would allow the

Town to raise \$5-10 million, would avoid some fees and would be a bond that investors would be comfortable purchasing. Mayor Nichols reported Tom Whitson has offered to assist the Town with researching options. She noted the majority of residents at the neighborhood meetings have been supportive of a bond.

Discussion followed regarding a suggestion to include funds for maintenance in a bond, determining the price the Sisters would accept for the Rosary Heights property, funds that could be raised via the sale of the Town Hall property, and whether there is adequate space for Public Works and the police car on the Rosary Heights site.

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Quinn* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:04 p.m.

Respectfully Submitted,

Joyce Bielefeld, Clerk-Treasurer

APPROVED BY THE TOWN COUNCIL

Carla A. Nichols, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)