

TOWN COUNCIL MINUTES

March 17, 2008

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second 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, Kevin Fiske and Mike Quinn. Town Administrator Eric Faison and Public Works Director Terry Bryant were also present.

APPROVAL OF MINUTES: *Councilmember Saltonstall* moved to approve the minutes of March 3, 2008. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Schillberg* moved to approve Claims Warrants #6272 through #6294 for the total amount of \$30,265.99. *Councilmember Quinn* seconded the motion. Following a brief discussion regarding the amount of documentation to be provided with the vouchers, the motion carried unanimously.

AUDIENCE COMMENTS: Jack and Pat Leary 11221 Ivy Road, thanked Mayor Nichols for the Town's assistance with removing a stump on Town property, particularly the assistance provided by the Public Works crew. Mayor Nichols recognized Public Works for their quick response, noting it required the use of chain saws, axes and shovels to remove the stump.

COUNCIL REPORTS: **Councilmember Quinn** reiterated his interest in ensuring the Town's CDs were secure. Mayor Nichols recalled at the last meeting the Council made a decision not to purchase another CD and instead placed the funds in Local Government Investment Pool (LGIP). She advised the Town Administrator and the Clerk-Treasurer would continue to monitor rates.

Councilmember Saltonstall reported on the Town's 50th Anniversary celebration, remarking it was elegant, well attended, the presentations were very good and everyone appreciated the event. He recognized Mayor Nichols for her initiative in planning, staff for their assistance, the efforts of the citizen committee and the Sisters of Rosary Heights who generously donated their time and facility. Mayor Nichols reported she was in the process of writing thank you notes. She recognized residents with car dealerships who loaned vehicles to shuttle guests; Sarah Carter of Carter Subaru and Carter Volkswagen/SAAB and Mike Popke of Lynnwood Honda.

MAYOR REPORT: Mayor Nichols distributed a proclamation, explaining the Public Education Foundation has requested all cities in the Edmonds School District approve a similar proclamation declaring April as Public Education Month. She explained the Public Education Foundation raises money for enrichment grants for teachers in the Edmonds School District.

ACTION:

Councilmember Saltonstall moved to pass the proclamation declaring April as Public Education Month. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

Mayor Nichols reported plans to visit the Brightwater construction project at Pt. Wells. The meeting was scheduled on April 21 at 4:00 p.m.

Mayor Nichols advised of a Council vacancy on the Investment Committee. Councilmember Quinn volunteered to participate. Mayor Nichols suggested a short Investment Committee meeting prior to the March 28 Council retreat with the Town Administrator and the Clerk-Treasurer.

Mayor Nichols read proclamations for the following people in recognition of their assistance with the 50th Anniversary Celebration:

- **John & Brenda Bush** – John for his master wood craftsmanship and Brenda for her organization and skill in event planning and both for their continued volunteer service to the community.
- **Dr. John Wright** – for his talents as a poet and extraordinary commemorator of Woodway's values.
- **Gwen Johnson** – for her skill in event planning, artistic and creative ability to create and decorate, keen sense of community and continued volunteer service to the community.

Staff was asked to also prepare a proclamation for the Dominican Sisters at Rosary Heights. It was also suggested Kevin Hendrickson be recognized for his gift of a framed plat map created when David Whitcomb was selling lots in Woodway Park. Mayor Nichols advised others who assisted with the celebration would be recognized with a Woodway mug and a thank you note. She advised of plans to have a history display at the Community Fair that would include artifacts collected for the anniversary celebration. Residents with historic pictures will be encouraged to share them with the Town.

ACTION: *Councilmember Schillberg* moved to approve the proclamations recognizing Dr. John Wright, Gwen Johnson, John & Brenda Bush and the Dominican Sisters at Rosary Heights. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

Mayor Nichols referred to a notice Brightwater distributed to Shoreline and immediate Snohomish County neighbors advising of concrete trucks working extra hours at the construction site.

TOWN ADMINISTRATOR'S REPORT: Mr. Faison referred to his status report, advising in the future it would be provided at the beginning of each month. With regard to legislative matters, he reported the bill the Council previously discussed regarding Pt. Wells was not approved; it may be brought up again at next year's session.

In regard to resident Doug Spee who spoke to the Council previously about having a Shoreline address as a resident of Woodway, Mr. Faison reported the post office would resolve the address problem. Because the Spees were technically in the Edmonds School District, he planned to have further discussions with them regarding whether they were interested in bus service to Edmonds School District or wanted to have their children continue attending the Shoreline School District before contacting the Edmonds School District.

With regard to the finance information the Council requested about the Port of Edmonds, Mr. Faison advised the Port was able to provide some of the information; however, they were unable to provide the specific information requested by Councilmember Saltonstall regarding benefits to Woodway residents and how much tax revenue benefited Woodway versus Edmonds as that documentation did not exist. He planned to have further discussions with the Port regarding how that information could be obtained.

Mr. Faison reported Ogden Murphy Wallace, the Town's municipal attorney, was developing an Interlocal Agreement for Snohomish County cities to contract with a firm to assist in franchise

negotiations with Verizon. He estimated the cost to Woodway would be \$221-\$277. He advised Verizon's plans for fiber optics would compete with Comcast, the Town would receive franchise fees from Verizon and residents would have the potential of faster service. The Council was supportive of Woodway's participation.

Mayor Nichols reported on the meeting Councilmember Schillberg, Public Works Director Terry Bryant, Amie Broadsword, PACE Engineering and she had with Woodhaven Place residents regarding the proposed low impact storm water project. The residents were generally supportive of the proposal; their primary concern was installation of the rain gardens would eliminate some parking. It was agreed staff would make some adjustments to the plan, including possibly installing a rain garden in another area and reducing the other two gardens which could provide up to three parking spaces. It was also agreed staff would develop a list of approved rain garden plants and work with residents to select which plants would be used. She advised staff planned to meet with residents again the second week in April.

PRESENTATION – SNOHOMISH COUNTY COUNCILMEMBER MIKE COOPER

Mayor Nichols introduced and briefly described Snohomish County Councilmember Cooper's background and presented him a copy of "A Short History of the Town of Woodway."

County Councilmember Cooper explained he made a commitment when elected to reach out to cities and fire districts in the 3rd District to foster an improved relationship. He commented on the County Council's upcoming consideration of an appeal of the Hearing Examiner decision in the Esperance area related to a Low Density Multifamily Residential (LDMR) development, upcoming public hearings/discussion on Comprehensive Plan amendments on Docket 12, and public hearings/discussion in early April on Docket 13 which includes a proposed amendment for Pt. Wells. He commented on the importance of subarea planning and Snohomish County working closely with cities/towns regarding areas they may annex in the future, including the adoption of Interlocal Agreements between Snohomish County and cities/towns for joint planning.

He advised Snohomish County was also working on a Transportation Benefit District (TBD). In order to form a countywide TBD whereby the County Council would implement a \$20 license fee, projects would need to be identified, Interlocal Agreements between the County and participating cities/towns adopted and a determination made regarding how the funds would be allocated by May 22, 2008.

County Councilmember Cooper announced beginning February 1, County Council meetings would be webcast via the Snohomish County website. Mayor Nichols offered to forward County Councilmember Cooper electronic newsletters/updates to Woodway Councilmembers. He encouraged Councilmembers and residents to email him regarding Snohomish County matters at Mike.Cooper@co.snohomish.wa.us.

Councilmember Saltonstall commented on the importance of trees and clear air to the region versus the County Council's interest in siting increased density in South Snohomish County. He emphasized Woodway's unique contribution to South Snohomish County via the environmental benefit of trees. County Councilmember Cooper commented on the urban forestry legislation that would allow protection of forested areas. He referred to a proposal in Docket 12 to log and develop 200 forested acres near Cathcart, explaining there was now a proposal to preserve that area.

Discussion followed regarding Woodway's urban forest, cross-county annexation, potential mitigation to Shoreline for providing access to Pt. Wells, the future of Edmonds Crossing, impact on Woodway

residents from the Edmonds Crossing project, the SEPA process for Docket 13 and Woodway's letter to Snohomish County as part of SEPA process requesting an Interlocal Agreement on joint planning of development regulations.

PRESENTATION – MARYSVILLE TULALIP CHAMBER OF COMMERCE: MILITARY FAMILY FRIENDLY EMPLOYMENT PARTNERSHIP ALTERNATIVE

Caldie Rogers, President, Greater Marysville Tulalip Chamber of Commerce, distributed information regarding the Military Family Friendly Employment Partnership Alternative, a program that addresses the unspoken bias regarding lack of willingness by the private sector to hire family members of military forces. She explained the similarity of the average length of stay at a civilian job to military deployments, their efforts to educate the private sector, described a brochure showing the advantages of this talented workforce, and explained the ability for businesses to register as Military Family Friendly.

Although Woodway did not have any commercial activity, she encouraged the Council to schedule this as an action item on a future agenda in an effort to raise awareness.

CONTINUED PUBLIC HEARING – STRUCTURES IN SETBACK AREA

Mayor Nichols opened the continued public hearing at 8:21 p.m. She referred to the memo from Building Official Phillips, an email from Jennifer & Jim Ange regarding setbacks and a letter from Elizabeth Mitchell with suggestions regarding how to address her situation.

Stephen Clifton, Twin Maples, Woodway, advised he was in the process of preparing a formal response. He referred to the February 18 letter to Mr. Faison from Building Official Tom Phillips and Town Planner Bill Trimm and requested the Council support Option 6 and not make any significant modifications to WMC 14.08.300 as modifying this section to redefine what constitutes a structure, reduce structural setbacks and/or allow play structures and similar structures within existing or proposed setbacks would be a poor legislative and economic decision that would lead to long term confrontations and create significant problems. I

He expressed opposition to Option 1 in the Phillips/Trimm letter which proposed an alternative rear yard setback for the R14.5 and UR zones and reduced the rear yard setback from 20 feet to 5 or 10 feet. Under Option 4, play structures and light poles would be allowed within the setback of the R87 and R43 zones. He questioned why larger parcels needed reduced rear yard setbacks when they have significant options for locating play structures and light poles. Reducing the setback could also create adverse impacts on adjacent properties particularly smaller parcels where homes are located closer to property boundaries. He questioned how a play structure/treehouse differed from a shed and expressed concern with the impact on his property of a neighbor constructing a 120 square foot, 15-foot tall treehouse/play structure within the rear yard setback. He summarized with Woodway's large lot zoning, there was no need to reduce perimeter setback or exempt treehouses/play structures/light poles from the definition of structure or allow them in current setbacks.

Mr. Clifton expressed concern with the impact on his property of a light pole on an adjacent property. Mayor Nichols advised the Town's regulations required yard lights be shielded and directed toward the property. She suggested that light may be violation of the Town's code.

Jim Ange 11110 Algonquin, explained on his 2-acre lot, over 50% of the property was in buffer area which constrained the location of a treehouse. He favored Option 1, assuring he did not want a view

into his neighbor's yard, and suggested language be added to prevent that. Regarding the Town's plans to install a play structure adjacent to Woodway Reserve, he suggested the Council consider whether the zoning would allow it.

Elizabeth Mitchell, 23611 Woodway Park Road, referred to her letter and expressed support for Option 4 as it provided the most flexibility and allowed regulation by zone. She remarked there should be a way to accommodate structures in setbacks that neighbors did not object to. She suggested applying existing language in the code such as the screening requirement for hobby shops to arenas. In response to questions from the Council, she advised their horse arena built in 1997/1998 and the intent of the proposed roof was to improve safety when riding horses in the rain.

A brief discussion followed regarding a suggestion to allow structures in the setback that were 100% screened from road and neighbors. Mayor Nichols closed oral comment at 8:44 p.m. It was the consensus of the Council to extend the opportunity for written comment until Friday, March 21 at 4:00 p.m.

EMPLOYEES' DEFERRED COMPENSATION FROM ING TO INTERNATIONAL CITY MANAGERS/MAYORS ASSOCIATION (ICMA)

Mr. Faison requested this item be deferred to the next meeting.

INTERLOCAL AGREEMENT WITH EDMONDS FOR VEHICLE MAINTENANCE

Mayor Nichols advised the Town was in the process of purchasing a new police car that would be maintained via an Interlocal Agreement with Edmonds. Public Works Director Bryant advised the rate had not been changed for several years; the proposed Interlocal Agreement increased the rate from \$47/hour to \$77/hour.

ACTION: *Councilmember Schillberg* moved for approval of the Interlocal Agreement with Edmonds for Vehicle Maintenance. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

RESOLUTION NO. 08-326: OPPOSING COMMERCIAL AIR SERVICE AT PAINE FIELD

Mayor Nichols explained in her conversation with Mayor Haakenson, he acknowledged Edmonds passed a similar resolution regarding Paine Field; the resolution was presented to the City of Edmonds Council again to reaffirm their position due to the election of two new Councilmembers. Mayor Haakenson also indicated that there was interest by Mukilteo, Edmonds and Lynnwood to have the current Snohomish County Council sign an Interlocal Agreement with the cities to restrict commercial air service at Paine Field. Mayor Haakenson felt all the cities approving an updated resolution would assist with this proposed Interlocal Agreement.

Discussion followed regarding the amount of time it takes to reach SeaTac airport, noise from commercial air traffic versus the economic benefit of commercial air traffic to Snohomish County, projected flight patterns and impact on South Snohomish County, whether commercial air traffic would be greater than existing aircraft noise, the importance of looking at this on a regional level and the possibility that commercial air traffic at Paine Field could be domestic only.

Mayor Nichols agreed to gather further information/documentation regarding the pros and cons of commercial air service at Paine Field as well as information regarding flight paths.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

Mayor Nichols explained the policy regarding structures in the setbacks would be scheduled on the April 7 Council agenda for discussion and on the April 21 agenda for action.

Councilmember Saltonstall recalled this controversy began with children’s play structures; he urged the Council to resolve that matter before considering arenas and other structures. He commented on the need for a separate process regarding vehicles in the setback and suggested staff research how other communities addressed vehicles in the setback.

Councilmember Anderson commended the Woodway Police who performed house checks while he was out of Town citing their initiative on specific actions. Councilmember Schillberg relayed the Woodway Police contacted a neighbor after discovering a defective lock during a house check.

Public Works Director Terry Bryant reported he was working with Police Chief Hanson on the purchase of the speed/traffic counter that was included in the 2008 capital budget.

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Anderson* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:08 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Joyce Bielefeld, Town Clerk-Treasurer

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.)