

TOWN COUNCIL MINUTES

April 6, 2009

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of April was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Kent Saltonstall, Bill Anderson, Mike Quinn and Elizabeth Mitchell. Town Administrator Eric Faison and Clerk-Treasurer Joyce Bielefeld were also present.

APPROVAL OF MINUTES: Following a minor amendment, *Councilmember Saltonstall* moved to approve the minutes of March 16, 2009 as amended. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Anderson* moved to approve Claims Warrants #6809 and #6817 through #6846 for the total amount of \$120,519.18. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

Councilmember Saltonstall moved to approve Payroll Warrants #9763 through #9793 for the total amount of \$46,972.92. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: Maryanne Burkhart, Port of Edmonds Commissioner, thanked Councilmember Anderson for participating in the interviewing process for the new Port Director. She reported the Port Commission interviewed the three finalists and selected Bob McChesney, the current Executive Director of the Port of Port Angeles.

COUNCIL REPORTS: **Councilmember Mitchell** reported on the Snohomish County Cities meeting that included discussion regarding transportation funding the State receives. She offered to provide Councilmembers a handout regarding funded projects.

Councilmember Saltonstall reported seeing two eagles on a nest near his home tonight. He reported on a recent South Snohomish County Communications Agency (SnoCom) meeting that Councilmember Mitchell and he attended. He planned to participate on the interview committee to select a new SnoCom Executive Director as the current Director is retiring in July.

Councilmember Anderson commended the five other members of the panel who interviewed the candidates for the Port Executive Director position.

MAYOR REPORT: **Mayor Nichols** referred to a memo from Stephanie Croll, Keating, Bucklin & McCormack, Inc., P.S. in response to questions raised during training provided to the Council on land use decision making processes and procedures. Mayor Nichols advised the topic of when a plat approval lapses would be scheduled on a future Council agenda.

Mayor Nichols announced the next neighborhood meeting will be held in the Woodway Highlands on Saturday, April 18. An open house, sponsored by the Sisters, will be held at Rosary Heights on Sunday, April 19. She suggested mailing a postcard regarding the open house to Town residents. The final neighborhood meeting will be held at Rosary Heights on Monday, April 27.

Mayor Nichols reported Paramount's attorney is scheduled to be in town next week and has expressed interest in meeting with Woodway. Town Administrator Eric Faison, Planner Bill Trim and she also plan to have one-on-one meetings with each Snohomish County Councilmember to alert them to the importance of Pt. Wells to Woodway as well as the Town's proposed design guidelines for Pt. Wells.

Mayor Nichols described discussions occurring at Snohomish County Tomorrow regarding affordable housing and federal housing stimulus funds. She explained Woodway is a member of a consortium of 19 Snohomish County cities that applies for U.S. Department of Housing & Urban Development funds for community block grants, home investment partnership, American Dream down payment initiative and emergency shelter grant funds. She identified agencies in Snohomish County that are awarded grants from these funding sources. She described a Snohomish County Tomorrow affordable housing task force on which she participates and a consortium of several King County cities, ARCH (A Regional Coalition for Housing), that created a trust fund to purchase and develop affordable housing. Councilmember Anderson wondered if there were federal grants available to help with the purchase of Rosary Heights thereby tapping into federal stimulus funds. An example might be using a portion of the site for short term housing for battered women.

Mayor Nichols reported Snohomish County's interest in changing their annual land use docket process to accept amendment requests every 5-7 years. This proposed change would allow the legislative leaders to be able to focus on key issues facing the County.

Mayor Nichols relayed a letter from an Edmonds resident regarding fire service contract between Edmonds and Woodway and concern with a potential conflict of interest because Woodway and Edmonds used the same legal firm. The Edmonds City Council, following an Executive Session, directed the Mayor to renegotiate the fire service contract with Woodway.

TOWN ADMINISTRATOR'S REPORT: Mr. Faison reported staff is researching alternate investment opportunities. He explained effective June 30, 2009 all public funds must be 100% collateralized and no banks are offering collateralized CDs at this time. Councilmember Anderson suggested the Town send Prime Pacific a thank you letter for paying the Town interest on the CD through the original maturity date and also urged the town to continue working with the state to allow cities and towns to invest public funds in FDIC insured deposits in the same manner as the private citizens.

Mr. Faison referred to letters sent to the building official and building inspector regarding adjustments to their salaries based on significantly reduced building activity in the Town.

At the request of Councilmember Mitchell, Mr. Faison reported on two different property owners' who have inquired about installing a stormwater pipe to direct stormwater over the bluff and building a retention wall on the bluff to address erosion. Although the original intent was to accommodate both requests via the current code, inconsistencies in the code required the matters be placed on the Planning Commission Work Plan as part of the Critical Areas Ordinance.

ACTION: *Councilmember Anderson* moved to revise the agenda to discuss Olympic View – Backflow Devices next. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

OLYMPIC VIEW WATER AND SEWER – BACKFLOW DEVICES

Mayor Nichols referred to Mr. Faison's memo based on his discussions with the Olympic View Water and Sewer General Manager, Roger Eberhart.

Sister Barbara, Rosary Heights, advised they began a project two years ago to drill an irrigation well but they ran out of money before reaching the desired water level. In August 2008 they received a letter from Olympic View Water and Sewer requiring installation of the backflow device as well as a letter in November stating their water would be turned off unless the device was installed. She suggested a dispensation process because their well is not active. Tim Leighton, Rosary Heights, described his discussions with Olympic View Water and Sewer.

Discussion followed regarding Olympic View's willingness to be flexible if a well were not operational, options for anti-backflow devices, required coordination between the purveyor and the local administrative authority, whether Olympic View has the legal authority to impose a requirement on private property absent a service agreement, and discussing with Olympic View ways to improve intergovernmental coordination between Olympic View Water and Sewer and the Town.

It was agreed to seek a legal opinion from the Town Attorney regarding the requirement to install an anti-backflow device on private property absent a service agreement and the state law requiring coordination between the purveyor and the local administrative authority. It was also agreed to schedule a joint meeting between Olympic View and the Town Council to discuss coordination.

POINT WELLS DESIGN STANDARDS

Mayor Nichols reviewed the Woodway-Snohomish County Coordinated Planning and Design Model, explaining Paramount applied for a Comprehensive Plan change which requires approval by the Snohomish County Council. Snohomish County is creating an Urban Center zone district for the property and Woodway is seeking to attach Urban Center policies to the Comprehensive Plan amendment as well as use Woodway's design guidelines in the text of the Urban Center zone district.

She referred to proposed Design Standards and Guidelines for Pt. Wells adapted from University Place to illustrate the type of planning that needs to be considered for Urban Center zoning. She anticipated staff would complete the Design Standards and Guidelines for review and adoption at the next Council meeting. The Design Standards and Guidelines would then be submitted as part of the Town's testimony at the Snohomish County Planning Commission public hearing.

Discussion followed regarding whether different zoning could be established for Pt. Wells, adding the Town's strategy to the flowchart, Shoreline Fire District and the King County Sheriff's opposition to 3,500 units at Pt. Wells, and Shoreline's indication they would not grant any rights-of-way permits for road improvements necessary for 3,500 units and what the size and scale the project should be.

ACTION: *Councilmember Anderson* moved to revise Council direction regarding the total number of units at Pt. Wells from 1,100 to 800 and reflect that number in the Design Standards and Guidelines document. *Councilmember Schillberg* seconded the motion.

The motion carried unanimously.

RESOLUTION 09-335, IDENTITY THEFT PREVENTION

Clerk-Treasurer Joyce Bielefeld relayed information from the Town Attorney regarding the Federal Trade Commission's deadline for adopting a theft prevention program. Because the Town bills residents a stormwater utility fee, the Town was required to adopt a theft prevention program.

Councilmember Schillberg moved to adopt Resolution No. 09-335, adopting an identify theft prevention program pursuant to the Fair and Accurate Credit Transaction Act of 2003. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

ELECTION SCHEDULE

Mayor Nichols provided the Washington State election timelines for 2009 that would be applicable if the Council approved placing levies on the ballot to support Town operations, EMS and possibly the purchase of Rosary Heights. Discussion followed regarding cost differences between the primary and general elections; timing of the election; opportunity to place a revised levy on the ballot in November if it failed in an earlier election; identifying the cost of the levy to an average Woodway resident, a suggestion to split the issues between the primary and general election, and challenges with placing the EMS levy on the November ballot.

AUDIENCE COMMENTS: Tom Whitson, 11511 Heberlein Road, inquired about the timing of the election and whether all three items should be packaged together on the ballot (funds to support Town operations, the EMS levy and the purchase of Rosary Heights).

Council agreed to continue discussion of this issue during the upcoming Council meetings.

GENERAL COUNCIL DISCUSSION – Council Choice of Topics

Mayor Nichols recessed the Council to Executive Session at 9:20 p.m. to discuss property acquisition.

ADJOURNMENT OF PUBLIC MEETING: The meeting was adjourned at 9:30 p.m. immediately following the conclusion of the Executive Session.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Joyce Bielefeld, 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.)