

TOWN COUNCIL MINUTES

April 21, 2008

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second 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, Bill Anderson, Kent Saltonstall, Kevin Fiske and Mike Quinn. Town Administrator Eric Faison; Police Chief Doug Hansen; Public Works Director Terry Bryant Building Official Tom Phillips, and Clerk-Treasurer Joyce Bielefeld were also present. Other guests included Marianne Burkhart, Port of Edmonds Commissioner.

Councilmember Anderson moved to amend the agenda to move the Police Update following the Town Administrator's Report. Councilmember Saltonstall seconded the motion. The motion carried unanimously.

APPROVAL OF MINUTES: The following amendments were made to the April 7, 2008 minutes:

- Page 1, under Councilmember Anderson's Council report, revise the second sentence to read, "He acknowledged Woodway had no commercial activity but as a town in Snohomish County, residents benefit from military families and this was an important matter to military families."
- Page 2, second paragraph from the bottom, revise the last sentence to read, "Following discussion, it was agreed to add "cash awards" as a type of gift."
- Page 6, add prior to Action, "Councilmember Schillberg asked staff if all staff members were apprised of and agreed to the change; staff advised they had."

Councilmember Saltonstall moved to approve the minutes of April 7, 2008 as amended. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

Councilmember Anderson moved to approve the minutes of April 16, 2008. Councilmember Schillberg seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Saltonstall* moved to approve Claims Warrants #6328 through #6342 for the total amount of \$15,292.40. *Councilmember Quinn* seconded the motion. The motion carried unanimously. Mayor Nichols suggested staff provide only a summary of engineering costs with the vouchers at the next meeting.

AUDIENCE COMMENTS: Elizabeth Mitchell, 23611 Woodway Park Road, referred to an additional letter she submitted regarding horse arenas. Mayor Nichols advised that letter and Ms. Mitchell's earlier letter were included in the Council packet. Discussion ensued regarding the difference between a covered horse arena and a barn and whether to include a definition of arena in the ordinance. Mr. Faison explained staff was entrusted with interpreting the Council's Intent and the Council's intent was given deference by the court. In this instance, it was the Council's intent to allow an exercise arena and not a barn in the setback. Mayor Nichols suggested staff prepare a summary memo regarding the Council's intent.

COUNCIL REPORTS: Councilmember Schillberg reported on the Woodhaven community meeting where several matters were discussed. Mayor Nichols explained this was the second meeting held with the Woodhaven community to discuss a low impact stormwater project. The primary concern was although the water would be collected east of bluff, it would still allow water to seep into the soil and could cause erosion particularly at the edge of bluff. At the meeting Ken Nilsen, PACE Engineering, suggested a system going north. At the request of the residents of Woodhaven, she contacted the property owner to the north who has his own system to determine if the Town could pipe water from Woodhaven to the side of his property, under his culvert and into Puget Sound. The property owner walked his system with Mr. Nilsen and Public Works Director Terry Bryant; staff will provide a report at a future date.

Councilmember Saltonstall reported on Mayor Nichols', Councilmembers' and staff's visit to the Brightwater facilities that included a discussion with the property manager regarding technology, relationship with neighborhood and long term environmental impacts. The group then looked at the trench where they will lower an electric mole that will proceed toward Woodinville to meet the mole coming from that direction. He commented on long term impacts of noise, glare, dust, etc on nearby Woodway residents. Mayor Nichols relayed Brightwater staff's interest in working with residents which includes a hotline number and a Brightwater staff person dedicated to that role.

Councilmember Anderson echoed the emphasis Brightwater placed on working with the Town and residents in any way they can.

MAYOR REPORT: Mayor Nichols invited a Councilmember to attend the Puget Sound Regional Council general assembly meeting on April 24. She advised the Town received a certificate from the Washington State Department of Resources regarding the Tree City designation. She advised resolving the Woodhaven stormwater matter would be her priority during the coming week.

TOWN ADMINISTRATOR'S REPORT

Mr. Faison advised the Council packet contained information regarding Transportation Benefit Districts (TBD). He explained legislation allow counties until May 22 to create a TBD if a percentage of cities were agreeable. If the County did not form a TBD by May 22, cities may create their own TBD. He explained the primary benefit of a TBD was the ability to institute a \$20 vehicle tax dedicated to transportation projects. Following discussion, Mr. Faison agreed to discuss with the Town Attorney whether the Town could establish a TBD but not collect the fee and discuss with Snohomish County Councilmember Mike Cooper Snohomish County's interested in establishing a TBD and report back to the Council.

- **Woodway Highlands/Twin Maples License Update**

Mr. Faison recalled a resident's inquiry whether the fence was belonged to Twin Maples or Woodway Highlands and the effect of the agreement. His research found it was a grant of revocable license; the license was a non-exclusive right for Twin Maples to use the Woodway Highland strip of property and it was revocable by the grantor, Woodway Highlands, at any time.

Councilmember Anderson asked about the Pt. Edwards right-of-way violation. Mr. Bryant advised a notice and order had been prepared and sent to Town Attorney Wayne Tanaka for review.

POLICE STATS UPDATE

Mayor Nichols advised the Council packet included information in response to residents comments earlier this year regarding police response and police staffing as well as the quarterly budget report and Police Activity Report.

Police Chief Doug Hansen reviewed information related to all 911 calls by hour of the day, traffic stops by hour of the day, Woodway 911 calls by hour of the day, traffic stops by month, 911 calls by month and type of calls as a percentage to total calls. He distributed and reviewed the Police Activity Report for the first quarter of 2008. He and Mayor Nichols advised of plans to include information on the Town's website regarding police activity and to alert residents to personal safety activities.

Discussion followed regarding the time of day/night that car prowls occur, using two police officers on traffic patrol, concern that the time of the 911 call did not reflect the time that crimes occur, insufficient traffic in Woodway to justify red light cameras, and Woodway's recognition on the web as a speed trap. Chief Hansen reviewed revenue from traffic and alarm fines. He advised Public Safety expenditures reflected an increase in detention costs due to incarceration of individuals cited for DUI.

STRUCTURES IN SETBACKS

Mayor Nichols reviewed Ordinance 08-489 amending Title 14, advising Section 1 defines game court and riding arena; Section 2 identifies exceptions allowed in setbacks – fences, utility poles, light poles in compliance with Town codes, mailboxes, rockeries, driveways and landings at doors not more than 18 inches above grade; Section 3 allows one riding area in the two acre zone, and states allowed height and regulations in effect regarding distance from property line; and repealing Sections 5, 6 and 7 which included conflicting language concerning allowable uses.

It was agreed to add a requirement to effectively screen horse arenas which would be enforced by the Building Official.

ACTION: *Councilmember Saltonstall* moved to approve ordinance 08-489. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

Mayor Nichols reviewed Alternate #2, advising the only addition to the list of exceptions allowed in setbacks was #8 (landscape sculptures, benches, flowerbed frames, fountains and ponds, provided they do not exceed three feet in height and do not make unreasonable noise that is disturbing to a neighbor as determined by the building official). Discussion followed regarding concern with adding to the list of exceptions, raised flower/vegetable gardens that were not maintained and were very visible, examples of existing objects in the setback, and potential safety issues with allowing objects in the setbacks.

ACTION: *Councilmember Fiske* moved to eliminate #8 from the list of exceptions. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

Discussion followed regarding the difference between a raised flower/vegetable garden structure and mounded soil used for a garden bed; an elevated vegetable garden that would be allowed as part of a retaining wall; compost pile and firewood not considered a structure; a suggestion to add housing/feeders for wild birds/bats and beneficial pollinating insects as an allowed secondary use; and use of the International Property Maintenance Code to address areas not being maintained.

Mayor Nichols reviewed the setbacks for the 2 acre, 1 acre, 1/3 acre, and 1/4 acre zones. A majority of the Council agreed to the following:

- Add play structures to the code as a secondary use on the interior of lot
- Allow play structures to be placed in the setback in the 2 acre and 1 acre zones and not in the 1/3 acre or 1/4 acre zones
- Use the game court setbacks in the 2 acre and 1 acre zones with the following conditions:
 - Height (measured from ground to roof) 15 feet but no higher than the primary residence
 - Dimensions – 120 square feet in area
 - Electricity – not lighted
 - Line of sight – Building Official to consider the line of sight of adjoining properties living space and ensure adjoining property's line of sight is not compromised
 - Screening – adequate screening and/or sufficient existing
 - Temporary – play structure removed if property sold unless new owner wants to retain it
 - No utilities, woodstove open fires
 - No regular adult use such as storage of non play items, pet shelter, gazebo or entertainment

Mayor Nichols cautioned that it would be difficult to monitor the “temporary” status requirement. Tom Phillips reported that the Town could only enforce this issue after the fact. When a property sold, the new owner would have the option to keep the structure. The Town would be saying “you must remove this structure unless you want to keep it. If the response was positive, the structure stays; if they didn't want it, they would remove it on their own.

Mayor Nichols advised staff would draft an ordinance that included the above conditions and add housing/feeders for wild birds/bats and beneficial pollinating insects as an allowed secondary as well as include a size for birdhouses.

HORSE ARENAS IN SETBACKS

This was discussed under Structures in the Setback agenda item.

RESOLUTION 08-328, MILITARY FAMILY FRIENDLY

ACTION: *Councilmember Quinn* moved to adopt Resolution No. 08-328, Declaring Woodway to be Military Family Friendly and Encouraging Area Businesses to become a Military Family Friendly Employment Partner. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

BUSINESS LICENSE POLICIES

Due to the late hour, this item was postponed until the next meeting.

QUARTERLY FINANCIAL REPORT

Mr. Faison reviewed General Tax revenue, advising a large amount of property tax was expected in May and that lower than expected REET revenue was reflective of market conditions. He also reviewed Fees and Permits revenue, advising plan check fees were lower than expected as they were collected on new construction.

Clerk-Treasurer Joyce Bielefeld reviewed general government expenses, advising all accounts and funds are on target with actual appropriations, with the exception of benefits.

Public Works Director Terry Bryant reviewed Public Works and Lands summary, advising operation expenses were up due to the repair of the Kubota tractor. Mr. Faison referred to the Public Works Quarterly Update that contained highlights of Public Works' efforts this quarter.

Ms. Bielefeld described activities undertaken by the Clerk's office during the first quarter including replacement of the phone system, review of phone bills and cancellation of some services, and installation of a new server. She advised all the Town's ordinances and resolutions had been scanned and would be stored on the server.

Discussion followed regarding establishing a penalty for unpaid stormwater utility fees, the need to update the Town's website, a suggestion to have the Town's server provider re-quote their price, and recent investments in technological upgrades. The Council commended staff for operating Town Hall very professionally and recognized Mr. Bryant for Public Works' efforts.

AUDIENCE COMMENTS: Steven Sutton, 23825 110th Place West, advised the title report states the property located behind his home is .51 acres, yet they are referred to a 1/4 lots. Mayor Nichols clarified the 1/4 acre zone was actual the UR zone which includes all the lots in Woodway Highlands regardless of their size. In response to a Councilmember's comment that 66% percentage of the larger lots were in setback, Mr. Sutton pointed out the homes in his neighborhood were on septic, therefore much of the available space was unbuildable due to the location of their septic drainfields/tanks. He expressed interest in the installation of sewers in his neighborhood. Mayor Nichols advised that discussion would occur in the future as part of the Twin Maples stormwater project.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

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 9:40 p.m.

Respectfully Submitted,

Joyce Bielefeld, Town 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.)