

# TOWN COUNCIL MINUTES

May 5, 2008

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of May was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Bill Anderson, Kent Saltonstall, and Kevin Fiske. Councilmembers Robert Schillberg and Mike Quinn had excused absences. Town Administrator Eric Faison, Building Official Tom Phillips; Public Works Director Terry Bryant and Clerk-Treasurer Joyce Bielefeld were also present.

**APPROVAL OF MINUTES:** The following amendment was made to the April 21, 2008 minutes: Page 2, delete "controversial" from the first sentence of Councilmember Schillberg's report.

*Councilmember Fiske* moved to approve the minutes of April 21, 2008 as amended. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Anderson* moved to approve Claims Warrants #6343 through #6365 for the total amount of \$12,567.01. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

*Councilmember Saltonstall* moved to approve Payroll Warrants #9418 through #9448 for the total amount of \$46,924.76. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Elizabeth Mitchell, 23611 Woodway Park Road, was pleased the Council would be voting on regulations to allow horse arenas in the setback. She inquired how the 25 foot height limit was established; noting tree houses were limited to 30 feet or the height of the primary residence and suggested the same height regulations for horse arenas. Mayor Nichols suggested the Council discuss this with Building Official Tom Phillips during that agenda item.

Mayor Nichols introduced Public Works staff Scott Kopick and Bryan Thomas, relaying that there had been many compliments from residents recently regarding the appearance of the Town. Public Works Director Terry Bryant expressed his thanks to both Mr. Kopick and Mr. Thomas for their efforts. Councilmembers Anderson, Saltonstall and Quinn echoed Mayor Nichols' compliments.

**COUNCIL REPORTS:** **Councilmember Saltonstall** reported Edmonds Fire Marshall John Westfall had been called to active military duty; Edmonds would be assigning someone to that position during his absence.

**Councilmember Anderson** requested an excused absence on June 23. Mayor Nichols reminded the second Council meeting in June had been rescheduled for the fourth Monday.

**MAYOR REPORT:** **Mayor Nichols** advised she would be absent from the May 19 and June 2 Council meetings. She requested someone represent the Town at the South County electeds meeting on June 15 which would include discussion regarding the possibly formation of a Transportation Benefit District.

Mayor Nichols explained in the past the Edmonds Fire Chief has represented Woodway at Emergency Services Coordinating Agency (ESCA) meetings. She suggested a Councilmember attend ESCA meetings to evaluate whether Woodway needed to be represented on the ESCA Board. She envisioned in the event of a disaster, the Edmonds Fire Chief would be busy in Edmonds and Woodway would be on its own. Councilmember Saltonstall reiterated the recommendation he made previously that the Town did not need to have its own representative on the ESCA Board as the Town's emergency services were provided by Edmonds. Councilmember Anderson advised he would consider attending.

Mayor Nichols reported on the Reality Check workshop she attended sponsored by the Urban Land Institute. The workshop was attended by 250 participants from various organizations and stakeholders in regional planning and included exercises in distributing projected population and employment growth throughout jurisdictions in King, Snohomish, Kitsap and Pierce counties.

She relayed a notice from Brightwater that the west tunnel contractor would be locating utilities and installing settlement monitoring points in the vicinity of 205<sup>th</sup> and Richmond Beach Drive NW prior to commencement of tunneling activities. Next, she referred to her memo summarizing her efforts with a group of residents regarding the community playground. She hoped to have a site plan completed and displayed at the community fair.

She referred to an update that would be sent to Woodhaven residents regarding their stormwater project. She recalled at the community meeting, the residents asked the Town to consider other ways to convey stormwater off bluff. Routing stormwater to the north was not a viable solution due to the cost. PACE Engineering recommended the Town cover the cost of contracting with the property owner to the south's engineer, David Evans and Associates, to identify a solution. As an interim measure, the Town will refurbish the French drain on private property to help dissipate groundwater.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Faison referred to the Town Operations Status Report in the packet that outlined staff activities during the past month. In response to the Council request for a status report on Snohomish County forming a countywide Transportation Benefit District (TBD), he reported the Snohomish County Council passed resolution stating would not pursue a countywide TBD at this time and will continue discussions with Snohomish County Tomorrow. In response to the Council's question whether the Town could establish a TBD and not charge a fee, Town Attorney Tanaka pointed out the Town would have a great deal of notice if Snohomish County established a countywide TBD.

Mr. Faison advised Verizon had submitted two of four right-of-way permit applications. Mayor Nichols anticipated the next *Woodway Whisper* would include notice to residents regarding Verizon's installation of fiber optics.

## **STRUCTURES IN SETBACKS**

In response to Ms. Mitchell's question during public comment regarding the height of an arena, Building Official Tom Phillips explained he included the R43 zone height limit of 25 feet as riding arenas in the R87 zone must comply with the setback regulations for the R-43 zone. Following discussion of the proposed dimensions of the Mitchell's arena, screening and the impact of a

five foot decrease in the height on the horse and rider, the Council agreed to retain the 25 foot height limit for arenas in setback.

Councilmember Saltonstall suggested adding the following as #10 in Section 2: "Hives and houses for beneficial pollinating insects such as, but not necessarily limited to, honeybees (*Apis Mellifera*), orchard mason bees (*Osmia Lignaria*) and bumblebees (*Apis Bombus*) are allowed anywhere in the R-87 zoning, including in the setbacks." He also cited problems bees are encountering as reported in "Bee Culture Magazine" and repercussions in horticultural activities due to the decline bee populations.

Mayor Nichols suggested allowing bee hives/keeping as an allowed use in all zones due to the scientific information provided by Councilmember Saltonstall. It was agreed to duplicate Section 4, paragraph U (Bee hives and bee keeping are allowed anywhere in the XX zoning included in the setbacks) in the appropriate sections for the R43, 14.5 and UR zones. Discussion followed regarding the size of bird houses and bat houses, allowing bee hives in the setback, concern with expanding the use of setbacks, and concern that the language regarding screening of tree houses (Section 5.R.3) was too vague.

Mayor Nichols reviewed topics on which the Council had reached consensus:

- Landscaping features would not be included as an exception
- Height of arenas remain at 25 feet
- Add bee hives/keeping as an allowed use in each zone
- Add the language provided by Councilmember Saltonstall regarding beneficial pollinating insects

**ACTION:** Councilmember Saltonstall moved to adopt Ordinance 08-489 as amended. Councilmember Fiske seconded the motion.

Councilmember Anderson advised he would vote no due to his interest in protecting the setbacks and not give preferential treatment to one particular zone. The motion carried (2-1), Councilmember Anderson opposed. Mayor Nichols requested once the ordinance was effective, Mr. Faison communicate the specifics to the residents interested in the riding area and tree houses.

## **DISCUSSION ON RV/VEHICLES IN SETBACKS**

Mayor Nichols distributed Building Official Tom Phillips' research of regulations in other communities. Mr. Phillips reviewed options: treat RVs over a certain size as structures, not allow RVs in the setback, allow RVs in the setback with screening or regulate screening regardless of where an RV was located on the property.

The Council agreed to discuss this further at the next Council meeting including giving direction to staff regarding an ordinance for a public hearing.

## **DISCUSSION ON PENALTIES FOR LATE PAYMENT ON STORMWATER BILLS**

Mayor Nichols advised the original ordinance did not include penalties for late payment. Ms. Bielefeld advised there were approximately 30 late payments. Mr. Faison suggested adopting an ordinance that imposed a \$5/month penalty until the fee was paid. Discussion followed regarding when residents received the bill and when it was due, whether the residents who had

not paid the fee had received a bill, a suggestion to send a certified letter and a suggestion to offer a small discount for paying the entire fee at the beginning of the year.

**ACTION:** *Councilmember Saltonstall* moved for approval of Ordinance No. 08-490, amending Chapter 11.01.130, Stormwater Utility, adding a penalty for late payments. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

## **DISCUSSION ON FEE SCHEDULE**

Mayor Nichols advised the Council packet contained the Town's fees as well as a comparison of other cities' fees.

Discussion followed regarding the need for a permit for maintenance items such as a new hot water heater, furnace or roof. Mayor Nichols reported she had requested input on the Town's permit forms/policies from a developer and planned to discuss his input with Building Official Tom Phillips. She advised staff would provide a recommendation at the next meeting.

## **BUSINESS LICENSE POLICIES**

Mayor Nichols explained a business license was currently required for any person, company or firm engaged in construction contracting, home building, building tradesmen, landscaping services and other such related occupations doing home improvement business within the Town. She questioned whether this was a policy the Council wished to enforce, recognizing a \$50 business license may be a hardship on small businesses. She proposed requiring a business license if a permit was required. Mr. Faison suggested exempting maintenance companies. It was agreed to have staff research other jurisdictions and return with proposed language.

**AUDIENCE COMMENTS:** Elaine Jorgensen commented it was nearly impossible to adequately screen RVs and boats, the screen would likely be as bad as boat/RV. She recommended not allow RV/boats to be stored on lots at all, pointing out there were storage lots available. She also expressed concern with the bus parked on Timber Lane.

Steve Sutton, 110<sup>th</sup> Place West, pointed out his neighbors have a boat in their front yard and was concerned if they were required to move it out of the setback, they would move it into middle of yard. He agreed a ban would be necessary to address the problem of RV/boat storage as many properties did not have sufficient space to store RV/boats. He expressed his thanks to the Council, Mayor and staff for efforts on structures in setbacks. He acknowledged it was necessary to balance community's values.

## **GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS**

**ADJOURNMENT OF PUBLIC MEETING:** *Councilmember Anderson* moved to adjourn the meeting. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

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Joyce Bielefeld, Town Clerk-Treasurer

**APPROVED BY THE TOWN COUNCIL**

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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.)