

# TOWN COUNCIL MINUTES

June 21, 2010

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of June was called to order by Mayor Pro Tem Bill Anderson at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Bill Anderson, Kent Saltonstall, and Elizabeth Mitchell. Councilmembers Mike Quinn and Tom Whitson and Mayor Carla Nichols had excused absences. Town Administrator Eric Faison, Planner Bill Trimm, Building Official Tom Phillips and Clerk-Treasurer Joyce Bielefeld were also present.

**APPROVAL OF MINUTES:** Following minor amendments, *Councilmember Saltonstall* moved to approve the minutes of June 7, 2010 as amended. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Saltonstall* moved to approve Claims Warrants #7392 through #7402 for the total amount of \$33,998.35. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Schaffer Smart was attending tonight's meeting to achieve a Boy Scout badge.

**COUNCIL REPORTS:** **Councilmember Mitchell** reported on the Snohomish County Emergency Radio System (SERS) meeting she attended in Councilmember Saltonstall's absence. SERS is attempting to have Congress designate 10 MHz of bandwidth for use by public safety. However, a bill currently in Congress dealing with this request is not expected to pass.

**Councilmember Saltonstall** reported on a letter from the attorney representing the South Snohomish County Communications Agency (SNOCOM) union employees to Mayor Haakenson, Chair of SNOCOM, regarding an ongoing controversy between management and the employees' union.

**MAYOR REPORT:** **Mayor Pro Tem Anderson** reported the Snohomish County Tomorrow (SCT) meeting included discussion regarding the update of the Countywide Planning Policies. At the meeting, he inquired whether a proposed revision to the language in the Joint Planning Policy section regarding cross county annexations would make it easier for Shoreline to annex Pt. Wells and was told it would. Mr. Faison reported Mayor Nichols is planning to work with SCT to request the language not be changed and if that cannot be achieved, work with Snohomish County Council to request the language not be changed.

Councilmembers asked for a copy of that paragraph in the draft Countywide Planning Policies. Mr. Faison explained Snohomish County's current policy is to require a negotiated agreement prior to submission of an annexation petition; the proposed language would recommend rather than require a negotiated agreement.

## TOWN ADMINISTRATOR'S REPORT

Mr. Faison reported on a Snohomish County Manager's meeting he attended. The Council packet includes the presentation made by the South Snohomish Chamber of Commerce. Several Chambers are considering combining their efforts and forming one large Chamber. The meeting also included discussion regarding the upcoming legislative session and anticipation of

a multi-billion dollar deficit. There is some discussion about the potential elimination of state shared revenues with cities. A subgroup of managers in Snohomish County cities is planning to meet to discuss developing a unified position on that matter. A joint legislative agenda may be presented to the Council in the future. There is also discussion regarding the hiring of a countywide lobbyist to represent all Snohomish County cities.

Mr. Faison reported a meeting is scheduled on June 30 with Fire District 1 to discuss the future of the Town's contract and the rates.

#### **ORDINANCE 10-522: UPDATE TO ZONING CODE**

Building Official Tom Phillips reported in the past the Town has allowed swimming pools to be exempt from lot coverage requirements. Many cities exempt low lying structures from lot coverage requirements. Following the recent installation of a swimming pool, Mayor Nichols suggested staff review the zoning code regarding that topic as well as others. He highlighted proposed changes to the Zoning Code as a result of staff's review:

- Swimming pools exempted from lot coverage requirements
- The method for height calculation for buildings was changed
- The requirement that a secondary building cannot be larger than 75% of the primary structure was removed. A secondary building would now be regulated via the overall lot coverage and by square footage limits for guesthouses and garages
- All fences are limited to 6 feet in height, game court fencing allowed to be 12 feet
- The permit requirement for interior fence was removed as long as it did not exceed 6 feet in height
- Flagpoles are not allowed in the setback
- Swimming pool fences – reference adopted State building code

The Council identified flagpoles as an allowed use in the setback as a possible future agenda topic.

**ACTION:** *Councilmember Mitchell* moved to adopt Ordinance No. 10-522, amending Title 14 of the WMC related to zoning provisions. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

#### **ORDINANCE 10-523: UPDATE TO BUILDING CODE**

Mr. Phillips explained every three years the State adopts new codes as part of the State Building Code process which all cities and counties are required to enforce. The Town is allowed to amend the codes provided they are not less restrictive than the state code and anything that affects single family homes must be approved by the State Building Code Council. This update adopts the International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code and International Fire Code. The National Electrical Code was also updated.

Mr. Phillips explained the biggest issue was whether to require fire sprinklers in new construction. The International Residential Code (IRC) now requires fire sprinkler in all new construction but the State of Washington did not adopt that provision and allowed jurisdictions to make that decision at the local level.

Fire Marshal John Westfall, Fire District 1, explained the Master Builders Association is concerned with the additional cost of construction particularly in this economy. However, due to

the advantages sprinklers provide, he recommended Woodway require fire sprinklers in new construction.

Mr. Phillips explained one version of the ordinance adopts the International Residential Code including Appendix S regarding fire sprinklers and the other version does not include Appendix S. Fire Marshal Westfall explained fire sprinklers are currently required when access is limited or when a remodel exceeds the 7,700 square foot threshold. He described the benefits of sprinklers, the estimated cost of a sprinkler system (\$4,510 for a 2,000 square foot home or \$2.25/square foot), the annual cost of testing the cross connection (\$75-100/year) and the annual cost to test the sprinkler system (\$75-\$100/year). He advised sprinklers would not be required for remodels below the 7,700 square foot threshold.

Discussion followed regarding the number of sprinklers needed in a room, the option for sprinklers in existing homes versus the requirement for new construction, removing barriers with water districts regarding fire sprinklers such as the requirement for separate meters and backflow devices, other states that require fire sprinklers in new construction, increased fire hazard in larger structures, and fire hazards on larger lots with trees.

Mr. Phillips concluded if the Council was not comfortable with requiring fire sprinklers in new construction, the Council could adopt the State Building Code without Appendix S and discuss fire sprinklers at a future Council meeting. He reviewed the changes made to the International Building Code and International Mechanical Code:

- Added a clearing and grading permit expiration date
- Added a list of exemptions
- Exempted interior fences less than 6 feet in height
- Adopted the National Electrical code.

Fire Marshal Westfall reviewed revisions made to the International Fire Code:

- Added a section regarding department of Fire Prevention
- Added a section regarding modifications
- Added a section regarding assistance from other agencies
- Added a section regarding required permits
- Added a section regarding violation penalties
- Added a section regarding fire apparatus access roads
- Added a section regarding where aboveground gas and liquefied petroleum gas (LPG) tanks are prohibited in residential areas
- At the Governor's request, the State Building Code Council postponed adoption of the new energy code

**ACTION:** *Councilmember Saltonstall* moved to adopt Ordinance No. 10-523 without Appendix S, amending the State Building Code. *Councilmember Mitchell* seconded the motion.

A brief discussion followed regarding other cities that are considering a square foot limit for the sprinkler requirement and a suggestion to discuss the fire sprinkler requirement at a future Council meeting when all Councilmembers were present. The motion carried unanimously.

## **DISCUSSION – INTERLOCAL AGREEMENT WITH OLYMPIC VIEW WATER AND SEWER**

Mr. Phillips reviewed the Interlocal Agreement for Cross Connection Control between Woodway and Olympic View Water District. He explained the Town currently tracks the installation and inspection of backflow prevention devices. With the adoption of this Interlocal Agreement, the

Town will provide applicants Olympic View's requirements and Olympic View will track the installation and inspection. A brief discussion followed regarding the difference between premise backflow prevention devices and in-premise devices and the benefits of the Interlocal Agreement to the Town.

**ACTION:** *Councilmember Saltonstall* moved to adopt the Interlocal Agreement regarding cross connection control. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** None

**GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS**

**EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION**

At 8:38 pm, Mayor Pro Tem Anderson recessed the Council to a 30 minute Executive Session regarding potential litigation. The meeting was reconvened at 9:13 pm.

**ADJOURNMENT OF PUBLIC MEETING:** The meeting was adjourned at 9:14 p.m.

Respectfully Submitted,

**APPROVED BY THE TOWN COUNCIL**

---

Joyce Bielefeld, Clerk Treasurer

---

Bill Anderson, Mayor Pro Tem

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