

TOWN COUNCIL MINUTES

June 22, 2009

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of June was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Bill Anderson, Kent Saltonstall, Elizabeth Mitchell, Mike Quinn and Tom Whitson. Town Administrator Eric Faison; Public Works Director Terry Bryant; Land Use Attorney Scott Missall; Elana Zana, Ogden Murphy Wallace; Planner Bill Trimm; and Clerk-Treasurer Joyce Bielefeld were also present.

APPROVAL OF MINUTES: *Councilmember Saltonstall* moved to approve the minutes of June 1, 2009. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Anderson* moved to approve Claims Warrants #6915 through #6939 for the total amount of \$38,384.93. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: Sister Barbara Stanek, Rosary Heights, reported Olympic View Water District has requested the well on their property be removed. She planned to dispute their request.

COUNCIL REPORTS: Councilmember Anderson reported the recent Snohomish County Tomorrow meeting included discussion regarding urban centers. Also at the meeting, the members approved a list of transportation projects for South Snohomish County totaling approximately \$14 million for submission to Puget Sound Regional Council (PSRC) for the distribution of federal funds. The members also approved performing a feasibility study for low income housing programs.

Councilmember Saltonstall reported the new director of the South Snohomish County Communications Agency (SnoCom) will start in July. He requested the agenda and minutes of Olympic View Water District's meetings be posted on Town bulletin boards.

Councilmember Quinn reported the South Snohomish Cities meeting included a presentation by the Snohomish County Sheriff and members of his staff regarding their commitment to working with cities on jail services. The South Snohomish Cities group is planning a dinner meeting with Legislators and Snohomish County Council Members in September. Each city was asked to identify topics they will present to the Legislators and/or County Council at the meeting.

Councilmember Mitchell reported the 32nd District Democrats meeting was a panel discussion with Shoreline Mayor Cindy Ryu, Snohomish County Councilmember Mike Cooper, King County Councilmember Bob Ferguson and Edmonds Councilmember Bernheim. Shoreline's Mayor was adamant Shoreline should be allowed to annex Pt. Wells. There was concern expressed by some about the impacts of a large development at Pt. Wells. She communicated the Woodway Council's preference for a maximum of 800 units at Pt. Wells.

Councilmember Whitson reported on his tour of Rosary Heights.

MAYOR REPORT: **Mayor Nichols** welcomed Tom Whitson to the Council. She thanked Councilmember Anderson for serving as Mayor Pro Tem in her absence and Councilmember Mitchell for representing the Town at the 32nd District meeting.

Mayor Nichols referred to a letter the Town received stating Verizon has sold their wireless internet services and residential telephone operations to Frontier. Councilmember Anderson expressed concern Verizon was not upfront about the sale when discussing the franchise agreement with the Town.

Mayor Nichols reported on construction of the playground structures, noting feedback from the parent group has been very positive. She referred to a letter from a resident expressing concern with noise caused by a neighbor's rooster. Following a brief discussion, the Council voiced their preference for developing a common sense solution versus a regulatory approach.

TOWN ADMINISTRATOR'S REPORT

Public Works Director Terry Bryant reported while doing selective tree removal on Woodway Park Road, PUD also removed a great deal of vegetation. He planned to meet with PUD tomorrow to discourage them from removing vegetation in the future and to request they replant with native vegetation.

Mr. Bryant reported Arborist Elizabeth Walker confirmed 13 trees in the upper Reserve, primarily Douglas Firs, have root rot. If they are removed and the stumps ground, it may be possible to stop or slow the spread of root rot to other trees. The cost to remove the trees and grind the stumps was estimated at \$7,000.

DRAFT INTERLOCAL AGREEMENT WITH SNOHOMISH COUNTY – POINT WELLS

Land Use Attorney Scott Missall explained the proposed Interlocal Agreement was developed in the context of Snohomish County's recent action to designate Pt. Wells as an urban center which requires amendments to their Comprehensive Plan and corresponding changes to their Development Code to implement the Comprehensive Plan. The proposed Interlocal Agreement is intended to enable the Town to contribute to the design guidelines and the development regulations that will be adopted by Snohomish County. He reviewed the proposed Interlocal Agreement, explaining it needed to be integrated with Snohomish County's ongoing process.

Planner Bill Trimm distributed proposed amendments to Snohomish County General Policy Plan Related to Paramount of Washington at Pt. Wells, Woodway Municipal Urban Growth Area (MUGA), which he recommended the Town provide as testimony at the Snohomish County Council public hearing on July 8 regarding changes to the Comprehensive Plan in Docket 13. He explained the Interlocal Agreement Mr. Missall reviewed needs to be enabled by official County policy. The ordinance the Snohomish County Council will consider on July 8 recognizes Pt. Wells and Cathcart as urban centers as well as changes the existing policies in the County Comprehensive Plan to ensure the land use designations of Pt. Wells and Cathcart meet Snohomish County policy. However, the ordinance does not include a policy enabling local jurisdictions to enter into an Interlocal Agreement regarding design guidelines.

Mr. Trimm recommended the Town's testimony to Snohomish County Council on July 8 request Ordinance 09-038 be amended to include the following two policies:

- **LU-4.B.3** – Based on the foregoing objectives (LU-4.B.2), the County encourages cities to prepare design guidelines to provide guidance to property owners, surrounding neighborhoods and development interests for those urban centers situated within respective city MUGAs. Enactment and implementation of such design guidelines and governance and service issues shall occur through an Interlocal Agreement between the city affiliated with the unincorporated urban center and Snohomish County.

- **LU-4.B.4** – Implementation of the Pt. Wells Urban Center shall occur through the application of the Urban Center Zone District. In addition to the defined use and bulk requirements, the district text should also include the following provisions: a) specific design standards based on the design guidelines implemented pursuant to LU-4.B.3, b) a development agreement be used to bind the parties to the approved conditions of a development master plan, and c) administrative design review panel composed of qualified design professionals be created to recommend design-related elements to the approving authority.

Discussion followed regarding Snohomish County's replacement of the requirement for a transit station with requirements that an urban center only be served by a transit route, other cities with unincorporated urban centers in their MUGA that would support the proposed amendment to the ordinance, specifics that would be addressed in an Interlocal Agreement, history of the urban center designation, and designation of Pt. Wells as urban center with the Snohomish County Council's adoption of Docket 13.

ACTION: *Councilmember Mitchell* moved to authorize the Mayor and staff to include these two policy recommendations as well as the draft Interlocal Agreement and design guidelines as part of the Town's testimony to Snohomish County Council on Docket 13. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

PROPOSED OPERATING BUDGET FOR ROSARY HEIGHTS/RESIDENT'S LETTER

Mayor Nichols reviewed a proposed letter to residents regarding upcoming ballot issues. Several changes were made to the letter by the Council.

Discussion followed regarding how proceeds from the sale of Town Hall would be used, assumptions used in determining facility rental revenue, Rosary Heights' current rental rates versus rates charge by other municipalities, adding a statement that the intent of the Council is for the operations of Rosary Heights to be breakeven or better, and staff developing additional detail regarding possible revenue as well as a budget for building and grounds maintenance.

The Council agreed staff would mail the letter this week. Council requested staff develop supporting detail regarding revenues/expenditures for Town operations at Rosary Heights that would be available to the public.

OPTION AGREEMENT FOR ROSARY HEIGHTS

Elana Zana, Ogden Murphy Wallace, reviewed changes made to the Option Agreement. Sister Lee Cooney, Adrian Dominican Sisters, and Sister Barbara Stanek, Rosary Heights, participated in the discussion.

The Council requested further information regarding Olympic View's request to remove the well on the Rosary Height property, what inspections have been conducted in the past and what inspections need to be conducted now.

Ms. Zana reviewed changes made to the Real Estate Purchase and Sale Agreement. The Council discussed whether the language regarding the deed restriction was broad enough to allow the Town to partner with a not-for-profit organization in the future.

Ms. Zana also briefly reviewed the Restricted Coventry Agreement and Statutory Warranty Agreement. Sister Cooney advised the Adrian Dominican Sisters' governing body needed to review the documents before authorization could be provided.

ACTION: *Councilmember Quinn* moved to approve Resolution 09-336, Authorizing the Mayor to Exercise an Option Agreement for the Purchase of Rosary Heights. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

VERIZON FRANCHISE CONSORTIUM INTERLOCAL AGREEMENT

Ms. Zana advised letters from each member of the consortium will be sent to Verizon expressing disappointment that the transfer to Frontier was unexpected and unappreciated and that Verizon and Frontier would be expected to pay for the cost of the transfer. She explained this was a new consortium to represent ten cities in the transfer. The cost to the Town of the consortium is slightly over \$2,000 which she was hopefully would be reimbursed by Verizon/Frontier. The purpose of the Franchise Consortium Interlocal Agreement was to ensure Frontier has the technical, legal and financial capability to operate the system.

ACTION: *Councilmember Anderson* moved to approve the Interlocal Agreement to join the consortium for negotiation of the transfer of cable franchise agreement from Verizon Northwest, Inc. to Frontier Communications Corporation. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

AMENDMENT TO INTERLOCAL AGREEMENT – COMCAST FRANCHISE

Ms. Zana advised the City of Sammamish has asked to join the consortium which reduces the cost to the Town. Sammamish will reimburse their pro rata share of the costs incurred by consortium to date.

ACTION: *Councilmember Quinn* moved to approve the amendment to the Interlocal Agreement for the Comcast Franchise. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

AUTHORIZE MAYOR TO SIGN UTILITY EASEMENT

Mr. Faison explained the Council previously approved an easement for Jeffrey and Shelli Critchlow to allow them to discharge stormwater via a pipe over the bluff. In the interim, the legal description of the drainage easement was corrected and Mr. Critchlow asked to upsize the pipe to allow connection by neighbors with the caveat the easement was revocable and the Town would share in any revenue from connection to the pipe Critchlows receive from neighbors.

ACTION: *Councilmember Mitchell* moved to approve the Revocable Utility Easement substantially in the form as presented as it relates to the Critchlow property. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

REPRESENTATIVES TO REGIONAL ORGANIZATIONS

Due to the late hour, this item was delay to a future meeting.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

ACTION: *Councilmember Anderson* moved to add a five minute Executive Session regarding potential property acquisition. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

At 9:40 p.m., Mayor Nichols recessed the Council to Executive Session in accordance with the above motion. The meeting was reconvened at 9:45 p.m.

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 9:46 p.m.

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.)