

TOWN COUNCIL MINUTES

June 23, 2008

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 Robert Schillberg, Kent Saltonstall, and Kevin Fiske. Councilmembers Bill Anderson 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 June 2, 2008 minutes:

- Page 2, revise the second sentence in the third full paragraph to read, "He pointed out the third runway and Sound Transit light rail to SeaTac would be operational next year, large public investments ~~that the region has not yet had the opportunity to access their impacts on air travel in the region~~ whose impacts on air travel in the region have not yet been assessed."

Councilmember Saltonstall moved to approve the minutes of June 2, 2008 as amended. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Saltonstall* moved to approve Claims Warrants #6399 through #6427 for the total amount of \$75,011.33. *Councilmember Fiske* seconded the motion. Mayor Nichols highlighted voucher #6412 to HDR Engineers, advising Councilmembers were provided details regarding each project including which projects were reimbursable, Public Works support, survey work, general services, and stormwater utility work. The motion carried unanimously.

AUDIENCE COMMENTS: Randy Previs, 22819 Woodway Park Road, inquired about the definition of structure and whether a horse fence was allowed within the 50-foot setback. Mayor Nichols advised the Building Official would be present later and could answer those questions.

Ralph Olsen, 113th Place West, asked the purpose of the Town inventorying/surveying rights-of-ways. Mr. Faison advised some survey work was being done in areas where improvements were being installed such as the stormwater and overlay on Wachusett. Mr. Olsen advised there was a tree in front of his property that was in the Town's right-of-way. Mr. Faison acknowledged the Town had received requests to cut trees in the right-of-way primarily for view; the Town currently did not allow trees in the right-of-way to be cut for view and he assured there were no plans to cut the tree in front of the Olsen's home. Mayor Nichols advised several topics related to the tree ordinance such as maintenance would be presented to the Council in the future.

Kurt Davis court, 11010 North Deer Drive, asked about parking in the setback and whether he could locate a basketball hoop in the setback of his property in the 2 acre zone. Mayor Nichols advised the requirement for a gamecourt in the setback in the 2 acre zone was a 30 foot front setback, 20-foot side setback and 20-foot rear setback. Mr. Davis court asked whether could park a car in the setback. Mayor Nichols suggested this be addressed by the Building Official in the agenda item regarding RV/Vehicles in the Setbacks.

Mayor Nichols requested an agenda item be added after the Town Administrator's Report entitled, "Stormwater Expenditures."

ACTION: *Councilmember Schillberg* moved to add Stormwater Expenditures as an agenda following the Town Administrator's Report. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

COUNCIL REPORTS: **Councilmember Schillberg reported** the South Snohomish Cities (SSC) group has scheduled a dinner meeting with Snohomish County Councilmembers and State Legislators on September 25 at the Lynnwood Convention Center. Mayors and Councilmembers are invited to attend. Each city will have an opportunity to present specific topics at the meeting and SSC representatives were asked to poll their Councils/staffs regarding items to be presented to the County Council and State Legislators. Mayor Nichols and Councilmembers agreed to contact Councilmember Schillberg by Thursday with any potential topics they would like to have presented.

Councilmember Saltonstall reported oil and piles of ground glass had been deposited in the right-of-way on Dogwood Lane by the Allied Waste recycle truck on June 16 and requested the Public Works Director investigate.

Mayor Nichols recalled this spring the Council wrote to the Department of Ecology (DOE) to request they impose a monetary penalty if there were any further complaints as well as requesting a formal reply to the Town's letter. Public Works Director Bryant advised DOE had not responded. Mayor Nichols suggested this be identified as a problem at SSC dinner, documented violations that a State agency (DOE) does not respond to. Councilmember Fiske recalled after one of the Town's complaints, Allied Waste used a new truck that did not leak. Mayor Nichols suggested drafting a letter to Allied Waste requesting they use a new, non-leaking truck for their route in Woodway.

MAYOR REPORT: **Mayor Nichols** thanked Councilmembers for filling in during her absence and commended staff on their efforts during her absence.

Mayor Nichols invited a Councilmember to participate in interviews for a new Hearing Examiner, advising the Town's Hearing Examiner passed away unexpectedly last month. Councilmember Schillberg offered to participate. Mayor Nichols circulated Public Sound Regional Council's annual report.

Mayor Nichols asked Building Official Tom Phillips to respond to questions raised during Audience Comments:

- Whether a basketball hoop could be sited in the setback – Mr. Phillips referred to the gamecourt setbacks.
- Whether a car could be parked in the setback – Mr. Phillips answered the Town has traditionally allowed vehicles and driveways in the setback.
- Definition of structure – Mr. Phillips responded the current definition in the Town's code, taken from the Uniform Building Code, defines nearly anything manmade as a structure. A recently proposed update to the code specifies items that are allowed in the setback.
- Is a fence a structure and are they allowed in the setback – Mr. Phillips answered interior fences as well as perimeter fences were allowed in the setback. Mr. Previs asked whether a 6-foot interior cyclone fence was allowed in the setback. Mr. Phillips advised it was allowed.

Mayor Nichols advised the Town reviewed a letter from the Previs and asked whether they were requesting a hearing. Mr. Previs answered they were requesting a hearing. He clarified the problem was with the definition of structure. Mr. Phillips advised the Notice and Order stated the violation was the roof structure and Previs' letter states the roof has been removed. Mrs. Previs commented her concern was keeping animals in the setback and fencing/protecting them adequately. Mr. Faison offered to schedule a meeting with Mr. Phillips, Mr. and Mrs. Previs, and himself.

TOWN ADMINISTRATOR'S REPORT

Mr. Faison had no report.

STORMWATER EXPENDITURES

Mayor Nichols recalled the Council recently approved moving up the Wachusett stormwater project so that it could be done this summer before the overlay of Wachusett, Mayor Nichols clarified the intent was to do the stormwater project before the overlay to avoid cutting into the new overlay in the future. She advised the bids received for the Wachusett stormwater project were significantly higher than expected.

Public Works Director Bryant advised the project was originally sent out to bid to six different companies, only one responded and their bid was quite high. The project was modified and resubmitted to 17 companies and 2 responded, still significant higher than the project estimates. He recalled HDR estimated the project cost to be \$36,000 and PACE Engineers estimated the cost to be \$112,000; the lowest bid was \$168,000 and the highest bid was \$199,000.

Mayor Nichols recommended the Council approve the \$168,000 expenditure funded by the stormwater utility, advising a budget amendment would be required at year end. Discussion followed regarding PACE Engineers' review of the bids, lack of space for overnight equipment storage, impacts on funding of other projects, and reasons for the difference between the estimates and bids. Mr. Bryant noted the bid amount might be higher because of the stipulation that the road would be closed during the day while work was being done with local access only, which required equipment be relocated at the end of each work day. He advised legal contracting requirements obligate the Town to inform bidders by tomorrow.

ACTION: *Councilmember Schillberg* moved to approve increasing the allocation for the Wachusett Stormwater Project to \$168,000. *Councilmember Saltonstall* seconded the motion. Motion carried (2-1), Councilmember Fiske opposed.

Mr. Faison advised this was an advisory vote; the Council approved the 2008 budget and expenditures have not exceeded that dollar amount. A budget amendment would be required at year end if the dollar amount was exceeded. Councilmember Fiske suggested rebidding the project with the road closed during the entire project.

Mr. Bryant explained the Town must adhere to strict bidding practices. Any change in the project would require rejecting the bids and rebidding the project with the road closed during entirety of project. Mr. Faison offered to investigate whether there were any cost reductions

possible. Mr. Bryant advised staff would also need to determine whether the Town's ordinances allowed a road to be closed.

PORT OF EDMONDS FINANCE REPORT

Mr. Faison reviewed a letter from the Port of Edmonds that included responses to specific questions Councilmembers asked regarding the Port's finances. The Port also provided a copy of their 2007 annual report.

Following a brief discussion, Mr. Faison suggested the benefits Woodway residents could receive from the property taxes they contributed to the Port be discussed with the Port in more detail. Councilmember Saltonstall advised he and other Councilmembers had additional questions for the Port and suggested scheduling this item on a future agenda when all Councilmembers were present.

DISCUSSION ON RV/VEHICLES IN SETBACKS

Mayor Nichols referred to the decision at a previous meeting to delay discussion on this topic until her return and for Councilmembers to talk to their neighbors.

Sara Carter, 22438 Dogwood Lane, described the view from their home of a 35-foot motorhome on an adjacent property, commenting it was an eyesore and embarrassing when friends visited. She anticipated the value of their property suffered due to the view of the motorhome. She pointed out the problem was more than setbacks, anticipating that moving the motorhome into the interior of the adjacent property would not solve the problem. She noted in many other neighborhoods, the Covenants, Conditions, and Restrictions (CC&Rs) do not allow recreational vehicles to be stored on residential property.

Mayor Nichols advised Building Official Tom Phillips had provided the Council sections of codes from Yarrow Point, Hunts Point, and Bellevue regarding storage of recreational vehicles.

Randy Previs suggested the Town requiring screening.

It was agreed to delay this topic until all Councilmembers were present. Mayor Nichols requested Councilmembers consider conditions that could be imposed to allow storage of RVs/vehicle in the setback and/or on property.

DISCUSSION ON PAVEMENT MITIGATION AND FEE

Mr. Bryant explained industry standards indicate that service and utility trenches cut into the asphalt road may reduce the life expectancy of the road by as much as 40%. His research of other municipalities found many have a moratorium on road asphalt cuts of five years for a road that has been overlaid and seven years on new roads as well as a pavement mitigation fee. He noted the moratorium was revoked in an emergency. He proposed requiring a pavement cut permit and a pavement mitigation fee based on the square footage of asphalt removed and the age of the road.

Discussion followed regarding the definition of an emergency and Verizon's installation of fiber optics in the Town via boring under the road and not trench cutting of pavement. Mr. Bryant

advised the Town's Six Year Street Plan would be provided to utilities annually to allow them an opportunity to do road cuts prior to an overlay without mitigation.

It was the consensus of the Council to pursue a pavement mitigation fee. Mayor Nichols advised this would be included in the fee ordinance that will be presented to Council at a future meeting.

DISCUSSION ON BUSINESS LICENSES

Mayor Nichols reviewed revenue projections and actual for business licenses in 2006 and 2007, acknowledging businesses licenses were a revenue source. She proposed for any activity in the Town that required a permit, the business be required to obtain a business license. She felt it too onerous for the businesses and property owners to require all businesses such as tree services, window washers, etc. to obtain a permit. Mayor Nichols referred to a comparison of business license, home occupation license and solicitor/peddler permits in other cities. She recommended real estate agents be required to obtain a permit.

It was agreed to delay further discussion until all Councilmembers were present.

AUDIENCE COMMENTS: Mrs. Previs inquired about emergency access if Wachusett were closed during construction of the stormwater project. Mayor Nichols assured emergency access would be allowed.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Schillberg* moved to adjourn the meeting. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:21 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.)