

# TOWN COUNCIL MINUTES

July 6, 2010

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of July 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, Tom Whitson and Mike Quinn. Town Administrator Eric Faison; Public Works Director Terry Bryant; Ken Nilsen, PACE Engineers; and Clerk-Treasurer Joyce Bielefeld were also present.

**APPROVAL OF MINUTES:** Following minor amendments, *Councilmember Saltonstall* moved to approve the minutes of June 21, 2010 as amended. *Councilmember Mitchell* seconded the motion. The motion carried (4-0-1), Councilmember Quinn abstained.

**APPROVAL OF VOUCHERS:** *Councilmember Anderson* moved to approve Claims Warrants #7403 through #7422 for the total amount of \$115,532.99. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

*Councilmember Mitchell* moved to approve Payroll Warrants #10221 through #10243 for the total amount of \$45,861.90. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Jack Bode, Katie Previs, and Holly Hedges indicated they were present to listen/comment on the discussion regarding roosters.

Gordon Hunter, 21901 Makah Road, referred to a letter he submitted inquiring about the status of cell towers in the Town. Town Administrator Eric Faison advised staff had not yet completed their research on that topic.

**COUNCIL REPORTS:** **Councilmember Anderson** recalled the Council discussed cell towers at a recent retreat, not dead zones but as a possible revenue source. He suggested a discussion regarding cell towers be scheduled on a future agenda.

Councilmember Anderson reported Mr. Faison and he attended a meeting with Fire District 1 to discuss the Town's contract. Mr. Faison will provide further information during his report.

Councilmember Quinn reported the recent South Snohomish Cities meeting included discussion regarding Brier's nuisance regulations which they are in the process of updating. He provided a copy of Brier's draft regulations to staff.

**MAYOR REPORT: None**

**TOWN ADMINISTRATOR'S REPORT:** Mr. Faison reported Fire District 1 Chief Ed Whiddis will make a presentation to the Council at the next meeting. He relayed a proposal provided by FD1 a few months ago that would have increased the cost of the contract for fire/emergency medical service (EMS) to the Town from approximately \$400,000/year to approximately \$700,000/year, an amount determined by applying the formula used for other contract agencies. When the Town expressed concern with that amount, FD1 reduced the proposed amount by 20% (to \$515,000) to reflect the 20% slower response time to Woodway as compared to other areas they serve. FD1's final proposal was a 10% per year increase over the current contract amount until the \$515,000 amount was reached in three years and a 5% per year increase thereafter. FD1's primary concern is justifying the rate provided to Woodway with their other contract cities as well as the District's Board.

Mr. Faison relayed his plans to meet with Fire Chief Whiddis to discuss whether there were other factors that could reduce the contract amount. Mr. Faison clarified the 5% per year increase is based on the approximate increase in personnel wages. Mayor Nichols advised the annual increase in the Town's contract with Edmonds in the past for fire/EMS reflected the wage increase that was negotiated with the union.

Discussion followed regarding the percentage of the Fire District 1 contract represented by wages, other options for the provision of fire protection/EMS, and concern with FD1 agreeing to a 5% per year wage increase for fire personnel.

Mr. Faison reported on a meeting with Shoreline and Paramount to discuss an Interlocal Agreement between Woodway, Shoreline and Snohomish County that would apply more stringent zoning regulations to development at Pt. Wells.

Mr. Faison reported the Snohomish County Managers and Administrator's meeting included discussion regarding the upcoming legislative session, specifically the anticipated multimillion dollar deficit. One of the potential strategies the legislature is considering is eliminating state shared revenue with cities. The Managers and Administrators group is considering the creation of a joint legislative agenda as well as hiring a lobbyist to represent Snohomish County cities. In addition, because of the ballot initiative to eliminate the State's authority to operate liquor stores which will impact the state-shared liquor taxes, the legislature is considering an increase in liquor taxes.

**Mayor Nichols** reported on the farewell event held for Edmonds Mayor Haakenson.

**ACTION:** *Councilmember Saltonstall* moved to amend the agenda to move the Second Quarter Financial Report prior to the Public Hearing to adhere to the time published for the public hearing. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

## **SECOND QUARTER FINANCIAL REPORT**

Mayor Nichols reviewed second quarter revenues and expenses. She also reviewed the monthly investment report as of June 2010 that reflects the bank, term, fund total, maturity date and interest rate for CDs and the fund total for the Town's Local Government Investment Pool (LGIP) account.

**ACTION:** *Councilmember Anderson* moved to renew the CD that matures in August and purchase a 12-18 month \$250,000 CD from funds currently in the LGIP fund and to authorize the Clerk Treasurer to proceed if they are able to secure an interest rate of 1% or higher. *Councilmember Quinn* seconded the motion.

Following discussion regarding CD interest rates and financial institutions in which public funds can be invested, the motion carried unanimously.

## **PUBLIC HEARING – SIX YEAR STREET PLAN**

Mayor Nichols opened the public hearing at 7:54 p.m.

Public Works Director Terry Bryant reviewed the 2011-2016 Six Year Street Plan that identifies the project, roadway width and length, whether there are walkways, estimated cost, last date paved, and pavement condition rating (PCR). The Plan reflects overlays of streets where stormwater work was done the prior year such as on Algonquin and Bella Coola. A brief discussion followed regarding

plans to widen Algonquin Road to increase the walkway width and final Council approval of street overlay expenditures during the budget process.

There were no members of the public present who wished to provide testimony. Mayor Nichols closed the public hearing at 7:59 p.m.

## **RESOLUTION NO. 10-350 – SIX YEAR STREET PLAN**

**ACTION:** *Councilmember Anderson* moved to approve Resolution 10-360. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

## **DISCUSSION – NOISE ORDINANCE, ROOSTERS**

Mr. Faison referred to a comparison of other jurisdictions' regulations, explaining some govern the keeping of fowl via their nuisance ordinance and others address it via an animal ordinance.

Mayor Nichols explained this topic arose as a result of complaints regarding the noise created by chickens and roosters. She offered audience members an opportunity to comment:

Holly Hedges explained one of the reasons her parents originally moved to Woodway was the ability to keep fowl and other livestock. She finds a rooster's crow charming. She described the benefits of backyard chicken coops that include reducing yard waste, insect control and the production of eggs.

Kathryn Strecker described the pleasant experience caring for the Hedges' chickens and roosters. The crowing of roosters does not bother her and she finds it blends in with other sounds.

Johna Hendrickson, North Dogwood Lane, who owns chickens, roosters and goats, relayed she has never had any complaints regarding the sounds created by her animals.

Randy Previs liked the sound of roosters and feels the rural, agrarian feel of Woodway should include the crowing of roosters.

Katie Previs, 22819 Woodway Park Road, submitted several emails from her neighbors regarding her chickens and roosters. She enjoys her animals and enjoys living in Woodway.

Jack Bode, Timber Lane, commented chickens and roosters attract coyotes, raccoons, fox and dogs.

Jane Barker, South Dogwood Lane, reported she has had chickens and roosters although acquiring the roosters was unintentional as it is difficult to tell their gender when they are chicks. She does not like the noise created by roosters and feels noise should be a consideration in Woodway.

Ruth Day, South Dogwood Lane, relayed they have had chickens, roosters, sheep, ducks, and other animals in the past. She does not like the sound of roosters crowing and was disturbed by a rooster that was crowing all afternoon during a neighbor's 4<sup>th</sup> of July party. She is unable to open her windows in the morning due to roosters crowing a fair distance from her home. She suggested the Town's noise ordinance be enforced with regard to the noise created by roosters.

Inger Saltonstall, Woodway Park Road, commented the chicken coop in their neighbor's yard impacts their ability to enjoy their backyard. She does not object to hens but finds the crowing of roosters disruptive and out of place in Woodway's suburban setting. She supported controlling the sound made by roosters via the noise ordinance or via a new animal ordinance.

Discussion followed regarding whether the objection to roosters was the time of day they crow, a preference for reaching a solution between neighbors, differences in perception, ways to prevent roosters from crowing, neighbors respecting each other's privacy, and Woodway's current noise ordinance that prohibits frequent, repetitive or intermittently continuous sounds made by any domestic animal.

It was the consensus of the Council to discuss the noise ordinance and roosters at the first meeting in August. A public hearing regarding regulation of roosters may be scheduled in the future following Council direction regarding an ordinance.

**AUDIENCE COMMENTS:** Inger Saltonstall complimented staff on the condition of the Town's roads.

Jack Bode complained about drivers not stopping at stop signs. A brief discussion followed regarding hours Woodway police are on duty and backup provided by the Edmonds Police Department when Woodway officers are not on duty.

### **GENERAL COUNCIL DISCUSSION – Council Choice of Topics**

Councilmember Saltonstall played a recording of a rooster crowing and chickens' clucking that was made approximately 20 feet from his property line.

Councilmember Mitchell inquired about a sign on Woodway Park Road at a residence announcing a corporation.

As he was unable to attend the last Council meeting, Councilmember Whitson requested the Council meet in executive session to brief him on the discussion during the executive session held at that meeting.

**ACTION:** *Councilmember Whitson* moved to amend the agenda to add a 10 minute executive session regarding potential litigation. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION: Potential Litigation**

At 8:45 p.m., Mayor Nichols recessed the Council to a 10 minute executive session regarding potential litigation. The meeting was reconvened at 8:59 p.m.

**ADJOURNMENT OF PUBLIC MEETING:** The meeting was adjourned at 9:00 p.m., immediately following the conclusion of the executive session.

Respectfully Submitted,

**APPROVED BY THE TOWN COUNCIL**

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Joyce Bielefeld, Clerk Treasurer

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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.)