

TOWN COUNCIL MINUTES

August 2, 2010

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of August 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 Tom Whitson. Councilmembers Elizabeth Mitchell and Mike Quinn had excused absences. Town Administrator Eric Faison, Clerk-Treasurer Joyce Bielefeld, Tom Phillips, Building Official; Public Works Director Terry Bryant; and Police Chief Doug Hansen were also present.

APPROVAL OF MINUTES: Following minor amendments, *Councilmember Saltonstall* moved to approve the minutes of July 19, 2010 as amended. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Anderson* moved to approve Claims Warrants #7439 through #7450 for the total amount of \$6,764.43. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

Councilmember Saltonstall moved to approve Payroll Warrants #10244 through #10261 for the total amount of \$45,992.44. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: None

COUNCIL REPORTS: **Councilmember Anderson** reported on an Emergency Services Coordinating Agency (ESCA) meeting he attended. ESCA anticipates the Town's 2011 assessment will be the same as 2010 or slightly lower. He reported on the public meeting regarding development at Pt. Wells that he and Mayor Nichols attended. The meeting was the first of two meetings required by Snohomish County. The meeting included stations with information but no opportunity for public discussion.

MAYOR REPORT: **Mayor Nichols** reported the Shoreline City Council will be reviewing the draft Interlocal Agreement between Shoreline, Woodway and Snohomish County regarding development at Pt. Wells at their August 9 meeting. Woodway's Town Council will review the Interlocal Agreement at their August 16 meeting. The Interlocal Agreement is between Shoreline, Woodway and Snohomish County. The next Pt. Wells meeting hosted by the developer is Thursday, September 23 at the Shoreline Conference Center.

Mayor Nichols plans to have a booth at the Community Fair with information regarding the Interlocal Agreement and potential development at Pt. Wells. She will be seeking residents to write letters and/or testify at the Snohomish County Council meeting in support of the Interlocal Agreement.

Mayor Nichols reminded the Council of the August 14 Community Fair. A postcard will be mailed to all residents this week and there will be signs posted at the Town's entrances.

TOWN ADMINISTRATOR'S REPORT

Mr. Faison referred to the July Town Operations Status Report. A contract has been negotiated with former Shoreline Fire Chief Marcus Kragness to analyze the potential of Woodway forming

its own Fire Department. GGLO has agreed to analyze fire station building costs at no additional charge.

Mr. Faison reported he is updating the financial forecast to reflect the increased cost if the Town continues contracting with Fire District 1. Because the 1% cap on property tax increases does not keep pace with increases in other expenses, a periodic voter approved property tax increase will be required. He anticipated an increase would be required in 2016 and approximately every 6-7 years thereafter.

RESIDENT REQUEST – POOL COVER

Dyan Edison, 239th in Twin Maples, explained she has an illness and her doctor recommends daily swimming. Ms. Edison's husband, Les Funderburg, explained they would like to extend the swimming season via the installation of a temporary inflatable cover on their pool for 2-3 months in the spring and 2 months in the fall. However, they are prohibited from installing such a structure in the setback. Mayor Nichols referred to a schematic drawing of the Edison's property that was included in the City Council packet.

Building Official Tom Phillips explained the inflatable cover is a structure by definition and is not included in the list of items allowed in setback. Pools are not allowed in the setback; the Town has no permit history on the Edison/Funderburg's pool. The pool currently encroaches 13 feet into the 20 foot setback; adding a cover would increase the encroachment. The options are to, 1) have the property owner request a variance from the Hearing Examiner; Mr. Phillips did not believe the cover would meet the criteria for a variance; or 2) change the code to allow temporary structures in the setback for a limited duration; or 3) deny the request.

Discussion followed regarding the height of the inflatable cover, Ms. Edison's inability to use public pools due to her compromised immune system, the importance of setbacks to Woodway residents, use of the cover by a subsequent occupant of the house, potential requests from other pool owners, the Town's inability to develop site specific regulations and the approximately six week process to amend the code.

The Council requested Ms. Edison and Mr. Funderburg ask their neighbors to provide a written reaction to their request for a temporary pool cover and request a recommendation from her oncologist regarding daily swimming. The Council agreed to provide direction at the next Council meeting.

DISCUSSION – NOISE ORDINANCE – ROOSTERS

Mayor Nichols referred to a matrix regarding how other communities address animal noise via their nuisance ordinance. The Council was also provided excerpts from Snohomish County, Woodway, Brier's, and other jurisdictions' ordinances. She recalled several residents spoke at a previous Council meeting regarding roosters. Options for the Council's consideration include, 1) changing the Town's code to prohibit roosters, or 2) allowing roosters and utilizing the nuisance ordinance to address problems with the sounds created by individual roosters. Staff is seeking direction from the Council regarding which option to pursue. Councilmember Saltonstall requested the matrix reflect that Mountlake Terrace does not allow roosters.

Discussion followed regarding enforcement of a prohibition on roosters, whether the theory of vesting applies to nuisances, addressing a roosters' repetitive noise via the noise ordinance, other jurisdictions that have recently adopted regulations banning roosters, enforcing the current nuisance ordinance versus creating a new ordinance, whether to consider the number of chickens allowed on a property, and noise created by other fowl.

It was agreed to delay a decision on the topic of roosters until the full Council was present.

Karil Klingbeil, 23715 Woodway Park Road, expressed concern with increased traffic and resultant noise levels from automobile traffic, large trucks, motorcyclists, and bicyclists; and the danger to pedestrians from cars that speed and do not stop at stop signs particularly at 238th. She recommended consideration is given to the following:

- Establish a committee to identify troublesome areas of traffic and noise and provide recommendations to address it
- Speed bumps appropriately placed along Woodway Park Road and Wachusett
- Placement of stop signs at Woodway Park Road and Wachusett going north and south
- Gate the Town to stop unnecessary traffic from the ferry passing through Woodway and to protect the community

She was concerned that development of Pt. Wells would exacerbate traffic issues. She offered to participate on a committee.

A brief discussion followed regarding the inability to gate the community due to public roads in the Town, roundabouts as an option, obtaining residents' signatures in support of a roundabout or speed bumps, and using the speed trailer to slow traffic.

Leslie Parrish, 23129 Wachusett, agreed with Ms. Klingbeil's comments, expressing concern with noise from cars and motorcycles on Wachusett and the potential for increased traffic from development at Pt. Wells. Police Chief Hansen encouraged Ms. Parrish to call 911 when motorcycles or cars were racing on her street to request an officer or to leave a message for a Woodway officer to call.

Mayor Nichols stated that while everyone in Town would like to retain Woodway as it was twenty years ago and Town staff work hard to preserve our present circumstances, the reality of today's traffic patterns reflects the fact that Woodway is located within the metropolitan Puget Sound region. Residents may have to accept a certain amount of traffic as well as changing conditions.

USE OF WOODWAY RESERVE

Mayor Nichols explained the Council needs to determine whether to open the central portion of the Reserve to the public, and if so, whether to lock it at night or leave it unlocked. Discussion followed regarding the proposed Operating Policies for the Reserve and a trial opening during August and September.

ACTION: *Councilmember Saltonstall* moved to adopt the proposed Operating Policies for the Reserve as a trial period from August 1 until September 30. At such time, the Mayor will report back to the Council as to the general state of the Reserve after two months open access by the community. *Councilmember Anderson* seconded the motion.

Mr. Faison relayed staff's recommendation to leave the Reserve open as it would be difficult administratively to close it daily as well as the potential liability of locking someone in.

Mayor Nichols explained staff would open the Reserve at approximately 8:00 a.m. and close it at approximately 4:00 p.m. on weekdays. Woodway Police Officers would open/close the Reserve on weekends when they are available. She also planned to talk with nearby residents about opening/closing the Reserve on weekends during the trial period. The Council agreed to discuss at the next Council meeting whether to keep the Reserve open 24 hours/day.

The motion carried unanimously with an amendment to install no smoking signs and children must be accompanied by an adult signs at both entrances.

SOUTHWEST SNOHOMISH COUNTY COMMUNICATIONS AGENCY (SNOCOM) BOARD – FIRE DISTRICT 1

Councilmember Saltonstall explained Woodway and other member communities are voting members of the SNOCOM Board. The Town's current fire provider, Fire District 1 who purchased the Edmonds Fire Department is currently a contract member and does not have a vote on the Board. Fire District 1 is seeking to become a voting member of the Board. All the members of SNOCOM must approve Fire District 1 becoming a voting member. He described the benefits of having Fire District 1 as a voting member of the Board. A brief discussion followed.

ACTION: *Councilmember Saltonstall* moved to authorize the Mayor to sign an amendment to the Interlocal Cooperation Agreement for the Southwest Snohomish County Public Safety Communications Agency to add Fire District 1 as a voting member. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

GGLO PRESENTATION

Mayor Nichols explained during the budget process, consideration was given to potential inefficient energy usage, outdated equipment, etc. at Town Hall. Rather than just address specific issues such as heating costs, the Town contracted with GGLO, an architectural firm, to examine the structural integrity of the building, the adequacy of the building for current and future needs, repairs/improvements that are needed to the existing building, and the cost of designing an entirely new building for the future.

Tom Sheldon, GGLO Architects, explained a team of structural engineers, a contractor and a landscape architect evaluated the building and prepared a needs assessment of the existing building. They prepared an executive summary and a prioritized list of repair/maintenance needs for the Town's buildings.

David Winans, GGLO Architects, distributed the executive summary that described general observations of the building exteriors and interiors, plumbing systems, electrical systems and site/landscaping. He recommended a geotechnical assessment be conducted prior to making any structural improvements to provide a better understanding of the site's soil conditions. He also recommended a site survey be conducted. He reviewed the prioritized list of repair/maintenance, identifying immediate life safety issues, issues that could cause significant damage if left unattended, personal safety/security issues, required accessibility upgrades, and energy/water improvements.

Mr. Winans explained that the recommended option for providing ADA compliant restrooms and kitchen would be to demolish the existing restrooms and extend the front of the building north of the walkway to add two ADA compliant restrooms and corridors. This improvement would also make the kitchen compliant and create a legal exit for Chambers. These, along with other identified projects, may require the installation of new electrical service. He summarized that the Council could select portions of the above priority projects to finance; however, if all projects were addressed, the estimate was approximately \$ 450,000-500,000 in construction costs, not including soft costs and taxes.

Mr. Sheldon distributed a booklet with project details and estimated costs of the priority repairs. He reported they are still working on the Town Hall program assessment regarding future

needs. Steve Stroming, Rafn Company, is preparing construction estimates for a Town Hall, fire station and Public Works facility.

Mr. Faison explained he requested GGLO prepare several scenarios: remodel of existing Town Hall to make it compliant, a new town hall distinct from a fire station, a separate fire station, and a new joint town hall/fire station.

AUDIENCE COMMENTS: Inger Saltonstall, 22805 Woodway Park Road advised she submitted a formal complaint regarding the rooster noise a year ago. Mr. Faison explained in response to a complaint about a structure in the setback, the resident removed the roof and therefore, the setback complaint was no longer in effect. With regard to the original noise complaint, the issue was addressed informally by the Mayor to an unsuccessful resolution. Mr. Faison apologized on behalf of staff for not appropriately following up on the original complaint when an informal resolution was unsuccessful. He advised that the most effective way to address noise complaints is for residents to call the police.

Les Funderburg suggested the Town focus on the noise that fowl make, not only the noise from a rooster.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

Council briefly discussed funding sources for Town Hall improvements/construction. Mayor Nichols suggest funding options be scheduled as a future agenda item.

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 9:25 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.)