

# TOWN COUNCIL MINUTES

August 11, 2008

## 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 Robert Schillberg, Bill Anderson, Kent Saltonstall, and Kevin Fiske (arrived 7:10 p.m.). Councilmember Mike Quinn had an excused absence. Scott Snyder; Ogden Murphy Wallace; Public Works Director Terry Bryant; Building Official Tom Phillips and Clerk-Treasurer Joyce Bielefeld were also present.

**APPROVAL OF MINUTES:** None

**APPROVAL OF VOUCHERS:** *Councilmember Saltonstall* moved to approve Claims Warrants #6478 through #6489 for the total amount of \$171,611.28. *Councilmember Anderson* seconded the motion. The motion carried unanimously. (Councilmember Fiske was not present for the vote.)

*Councilmember Anderson* moved to approve Payroll Warrants #9506 through #9538 for the total amount of \$44,551.35. *Councilmember Schillberg* seconded the motion. The motion carried unanimously. (Councilmember Fiske was not present for the vote.)

**AUDIENCE COMMENTS:** Scott Jacobson, 11126 239<sup>th</sup> Place SW, asked where the proposed play structure would be located. Mayor Nichols described the location, west of the gate into the Reserve where a portion of the fence would be moved 55 feet south into the Reserve. She assured the Reserve would still be fenced and children would be unable to enter the Reserve from the play area. She explained this location avoids any homes looking directly onto the playground and provides access to restrooms at Town Hall. She also described plans for split rail fences at the ends and benches along the front for parents to observe their children. She advised a meeting was scheduled on August 12 at 4:00 p.m. at Town Hall to discuss the play equipment.

**COUNCIL REPORTS:** Councilmember Anderson thanked Mayor Nichols for the reception she hosted with the owners of Paramount Petroleum last week. Mayor Nichols explained last Thursday she hosted an afternoon reception with six representatives of the new owners of Paramount Petroleum, Councilmembers, the Planning Commission Chair and the Town Administrator. This served as an informal opportunity for Paramount to learn about Woodway's values and governance.

**MAYOR REPORT:** **Mayor Nichols** reported on a meeting she attended last week in Edmonds regarding options for fire service including possibly creating a Fire Authority whereby residents who receive fire services are billed directly by the Fire Authority rather than funded via the municipality's annual budget. She explained a few years ago the Legislature approved legislation providing a structure that would allow communities to create a Fire Authority governed by elected officials from each municipality receiving services. She explained Edmonds was currently providing the Fire Department with general fund monies and they fear municipal services would need to be cut to maintain fire services. She summarized the formation of a Fire Authority was very exploratory at this time and offered to provide Councilmembers a memo from Mayor Haakenson regarding the organizational structure. She suggested scheduling further discuss at the Council's August 18 meeting; Edmonds Mayor Haakenson has asked for response from Woodway regarding their interest in participating. A brief discussion followed regarding the governance of a Fire Authority, possible reductions in duplicate administrative costs, and who the other entities were who attended the Edmonds' meeting.

Mayor Nichols suggested the Community Fair include a booth regarding the Town's future with regard to finances, Paramount Petroleum's plans to pursue a Comprehensive Plan change, etc. Staff will provide a handout. She suggested each Councilmember BBQ for an hour and staff the booth for an hour.

With regard to the playground, Mayor Nichols explained the group has been researching equipment that looks natural like Woodway. She circulated a photograph of a wood structure and a play structure in earthy tones, commenting on the increased maintenance and shortened lifespan of an all wood structure. She described plans to include a large manmade rock designed for climbing. She remarked on the dilemma of finding equipment that looked like Woodway but was designed to last.

**TOWN ADMINISTRATOR'S REPORT:** Mayor Nichols referred to Mr. Faison's report. Mayor described the Clerk-Treasurer's and Deputy Clerk's efforts to improve efficiency for staff, Council and residents; for example they are scanning all the building plans that have been submitted with permits. The plans will be stored electronically which will free up a great deal of space in Town Hall. They will also contact the residents to offer them a copy of the plans. The Clerk-Treasurer also arranged to have the Town's ordinances posted on the website as well as negotiated an agreement with the State's printing vendor to provide the Town printing at a substantially lower rate. Mayor Nichols recognized staff for their efforts.

Councilmember Anderson reported seeing an unmarked police car on loan from Edmonds while the Town's police vehicle was having its final equipment installments, remarking the unmarked vehicle was less visible to speeders and suggested the Town consider an unmarked vehicle in the future. Mayor Nichols commented a marked police car may deter criminals who observe the Town's police coverage. She suggested discussing the advantages/disadvantages of a marked/unmarked police vehicle with the Police Chief.

#### **DISCUSSION: FRANCHISE AGREEMENT WITH VERIZON**

Mayor Nichols introduced Scott Snyder, Ogden Murphy Wallace and Emma Zavala-Suarez, Stoel Rives, who assisted Verizon with negotiations and Denise Reddy, Franchise Manager, Verizon. Mayor Nichols explained Verizon was in the process of upgrading its existing telecommunications facilities in the Town by installing fiber optics. Because Verizon planned to provide cable television service throughout southwest Snohomish County, the Town joined with other cities to collectively negotiate a franchise agreement.

Mr. Snyder described the negotiation process, the importance of negotiating in a cost-effective manner, and ensuring competitive equity for this franchise as well as in the franchise negotiations with Comcast in the future. He explained negotiations proceeded in two steps, first via the consortium Verizon agreed to negotiate a template and then negotiated individually with each community. The end result was the Town's negotiation process was cost effective and the Town received as good a deal as any other city in Snohomish County. He noted this franchise allowed the Town if they chose in the future to levy an Educational Governmental fee to fund or participate in funding broadcast of Town meetings via Edmonds Community College. He concluded the Town received a very professional product for a very reasonable amount.

Discussion of many topics followed including plans to create a similar consortium to negotiate a franchise agreement with Comcast, descriptions of cable and internet services Verizon will offer, the Verizon franchise covering cable services only, installation of fiber optics in the right-of-way, the Town's obligation to renew a franchise if they are in substantial compliance with the terms of the agreement, advantage to residents of competitive franchises, revenue the Town receives from cable TV versus none from Direct TV, and Edmonds' efforts to develop a communications IT system to serve governmental entities via existing and new fiber optics.

Mr. Snyder advised under state law, franchise agreements require two readings. Mayor Nichols advised a public hearing and action was scheduled on next week's Council agenda.

### **FULLY CONTAINED COMMUNITIES (FCCs)**

Mayor Nichols recalled the Snohomish County Council Chair inquired regarding the Town's position on FCCs. At the Council's direction, Planner Bill Trimm drafted a letter describing the Council's position.

**ACTION:** *Councilmember Anderson* moved to authorize the letter from the Town to the Snohomish County Council Chair regarding Fully Contained Communities. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

### **DISCUSSION ON CODE CHANGES TO BUILDING CODE RELATED TO HOT WATER HEATERS AND BONDING REQUIREMENTS FOR SINGLE FAMILY BUILDING PERMITS**

Mayor Nichols referred to a memo from Building Official Tom Phillips regarding the permitting process for water heaters in response to the Council's earlier discussion on permit fees. She suggested continuing to have a permit available for hot water heaters at a cost of \$75 on a voluntary basis to allow residents to have an inspection if they wished.

Mr. Phillips assured the codes regarding installation would not be changed; residents could obtain a permit if they wished to have an inspection. Discussion followed regarding the \$75 fee, publicizing the availability of an inspection, and safety concerns with the installation of gas water heaters. Mayor Nichols offered to have staff research the appropriateness of the \$75 permit.

**ACTION:** *Councilmember Saltonstall* moved to instruct staff to revise the code so that water heater permits were voluntary rather than required. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

Mayor Nichols offered to confer with the Town Attorney regarding whether a public hearing was necessary.

With regard to bonding requirements, Mayor Nichols relayed contractors' objection to the requirement to obtain a bond for a single family home. She noted a bond was typically required for a subdivision or short plat. Building Official Tom Phillips commented larger short plats usually affected the Town's right-of-way which was one of the reasons for the bond. He was not aware of any other city/town that had that bonding requirement for a single family building permit.

**ACTION:** *Councilmember Anderson* moved to remove the requirement for bonding for single family building permits. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

### **RATIFY AND CONFIRM MAYOR'S EXECUTION OF EASEMENT**

Mayor Nichols explained Christopher and Cheryle Hirst are building a home on Woodhaven. The property has an existing easement on the north portion; PACE Engineers recommended the easement be widened to allow for maintenance of the stormwater pipe.

**ACTION:** *Councilmember Schillberg* moved to ratify the utility easement agreement between the Town and Christopher and Cheryle Hirst. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

## **ORDINANCE NO. 08-491 – EXTENDING TIME PERIOD FOR TITLE REPORTS**

Mayor Nichols relayed the Planning Commission's request to revise the code to allow up to 30 days for title reports versus the current 10 days.

**ACTION:** *Councilmember Saltonstall* moved approval of Ordinance No. 08-492, extending the time period for title reports from ten to thirty days. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

## **ORDINANCE NO. 08-492 – AMENDING PERSONNEL POLICIES AND PROCEDURES**

Mayor Nichols advised Mr. Faison's memo identifies the major changes including updated legal requirements, reducing the amount of sick leave for which an employee can be compensated upon termination and increasing the amount of vacation and sick leave employees are able to accrue. Discussed ensued regarding rationale for increasing accrued vacation and sick leave, research of other municipalities, a suggestion to establish a vacation schedule to ensure coverage during vacations, ensuring the policies allow the police to have firearms on the premises, and amount of termination notice that employees should be required to provide.

Mayor Nichols offered to determine whether the police staff were covered by the personnel policies, whether the Town could require 4 weeks resignation notice, and to draft further verbiage regarding scheduling of vacations. It was agreed to discuss the policies and procedures and possibly take action at the next meeting.

## **ORDINANCE NO. 08-493 – DELETING 12.04.043 BOND PREREQUISITE FOR RIGHT-OF-WAY PROJECTS**

Mayor Nichols advised the proposal was to delete the bond prerequisite for right-of-way projects. The fee schedule would reflect the elimination of the \$250 deposit which did not cover the costs and an increase in the fee and the requirement to pay costs.

**ACTION:** *Councilmember Anderson* moved for approval of ordinance No. 08-493, deleting bond prerequisite for right-of-way permits. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously.

## **ORDINANCE NO. 08-494 – PAVEMENT MITIGATION**

Mayor Nichols recalled the Council discussed pavement mitigation at a previous meeting. Public Works Director Terry Bryant advised road cuts reduced the life expectancy of a road by up to 40%; the pavement cut fee and the mitigation fee, contained in the fee schedule, are based on amount of pavement removed.

**ACTION:** *Councilmember Schillberg* moved for approval of Ordinance No. 08-494, amending WMC Title 12 to create a new Right-of-Way Use Code, Road Cut Permit, and Pavement Mitigation. *Councilmember Fiske* seconded the motion.

Councilmember Saltonstall proposed and the Council agreed to amend Section 1, paragraph K as follows: ...and in the event that the road ~~would~~ needs to be cut the following conditions shall be applied: A 100 ft, (50 ft in each direction from the edge of the cut) ~~would~~ shall be overlaid. If the cut is contained to one lane then only that lane ~~would need to~~ shall be overlaid. If the cut transverses into both lanes then the entire width of the road ~~would need to~~ shall be repaired. The 50 ft in either

direction ~~would~~ shall require a grinding down 1½ to 2 inches and a tapered inlay replacement. The replacement ~~would~~ is to be to the current standards in the right of way standard conditions with one exception. The exception from the standard conditions ~~would~~ shall be to expand the one...If the road surface is in the Town's six year street plan for an overlay or reconstruction, the requirement ~~would~~ may be waived."

The motion as amended carried unanimously.

#### **ORDINANCE NO. 08-495 – AMENDING FEE SCHEDULE**

Mayor Nichols reviewed changes in fee schedule, advising the criteria for obtaining a business license has not yet been revised. The fee would remain as recommended in the fee schedule. A brief discussion followed.

**ACTION:** *Councilmember Saltonstall* moved approval of Ordinance No. 08-495, amending Chapter 3.32.010 and 3.32.020 updating a schedule of fees for various permits and licenses, including building permits, land use development fees, business license fees and pavement mitigation; providing for payment and responsibility for fees. *Councilmember Fiske* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** None

#### **GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS**

**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 8:41 p.m.

Respectfully Submitted,

**APPROVED BY THE TOWN COUNCIL**

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Joyce Bielefeld, Town 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.)