

TOWN COUNCIL MINUTES

September 20, 2010

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of September was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were, Kent Saltonstall, Elizabeth Mitchell, Mike Quinn and Tom Whitson. Councilmember Bill Anderson had an excused absence. Town Administrator Eric Faison, Clerk-Treasurer Joyce Bielefeld, and Ken Nilsen, PACE Engineering were also present.

APPROVAL OF MINUTES: Following minor amendments, *Councilmember Saltonstall* moved to approve the minutes of September 7, 2010 as amended. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Mitchell* moved to approve Claims Warrants #7496 through #7503 for the total amount of \$12,947.32. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: Marianne Zagorski, Port of Edmonds, reported the Port Commission is in the process of preparing their budget. The Commission will hold three public hearings on the budget and the public hearing schedule is available on the Port's website.

COUNCIL REPORTS: **Councilmember Whitson** reported Seattle passed an ordinance that is allowing more chickens per lot, banning roosters and grandfathering existing roosters.

Councilmember Saltonstall referred to his report at the last Council meeting regarding debris dumped on the southeast end of the bridge, advising the trash has not been removed. Ms. Bielefeld responded staff's research found the debris is on private property. Mayor Nichols suggested a telephone call to inform the property owner.

In response to an inquiry by Councilmember Saltonstall, Commissioner Zagorski reported a brewery is locating in Harbor Square Building 4. She advised the occupancy rate in Harbor Square has improved from 69% to 73%.

MAYOR REPORT: **Mayor Nichols** reported on the recent installation of speed limit enforcement signs at all entrances to the town. These additions are in response to residents' concerns regarding traffic.

TOWN ADMINISTRATOR'S REPORT

At council's request, Mr. Faison advised the council's packet included a list of revenue and expenses related to the Community Fair. The packet also included a traffic study conducted on Woodway Park Road that revealed drivers generally obey the speed limit. Councilmember Saltonstall requested the Council have an opportunity to speak with the Public Works Director regarding the Woodway Park Road traffic study, commenting there may be a methodological error in the study due to the location of traffic counter and road work in the area.

Mr. Faison distributed a summary of the meeting with Snohomish County Planning and Development Services staff and the Snohomish County Prosecutor regarding the draft Interlocal Agreement related to Pt. Wells. Snohomish County's position is the Interlocal Agreement exceeds the allowable scope for an Interlocal Agreement. Their specific concerns

relate to substantive elements in the Interlocal Agreement such as limitations on heights, traffic count, etc. Their interpretation was the Interlocal Agreement could only address design guidelines such as screening of trash dumpsters, treatment of blank walls etc., and not design standards. Town Attorney Wayne Tanaka suggested the code be amended to specifically state an Interlocal Agreement could address more substantive items. Snohomish County's attorney stated that such a provision would not be legal. Options for next steps include:

1. More aggressively pursue litigation.
2. Ask the Snohomish County Council to amend the code to reduce the allowable height, traffic, and density.
3. Take no action.

Shoreline's response to Snohomish County's interpretation was the same as Woodway.

Mayor Nichols reported the Pt. Wells developer will hold the second of two community meetings on Thursday, September 23 at the Shoreline Conference Center.

Councilmember Saltonstall requested the Council have an opportunity to speak with the Public Works Director regarding the Woodway Park Road traffic study, commenting there may be some discrepancies in the study due to the location of traffic counter and construction in the area.

RESIDENT REQUEST – POOL COVER

Dyan Edison, 11108 239th Place Southwest, distributed signatures from five neighbors stating they did not object to the installation of a temporary, inflatable pool cover.

Mayor Nichols explained although Ms. Edison's neighbors do not object to the pool cover, in the future another resident may request a cover on a pool in the setback and use this decision to establish precedence.

Mr. Faison explained the Council cannot address this on a site specific basis; a zoning code amendment would be required to allow certain types of structures such as pool covers in the setback at least in that zone. He clarified the pool is in the setback and a structure cannot be added in the setback.

Discussion followed regarding the location of Ms. Edison's pool adjacent to the Reserve, permanent versus temporary structures, prohibition of structures in the setback, no exception for temporary structures.

Mayor Nichols explained if the Council was interested in a legislative response to Ms. Edison's request, that it could be three months before the Planning Commission had an opportunity to conduct their review and recommend code language to the Town Council.

PARTICIPATION IN INTERJURISDICTIONAL HOUSING PROGRAM

Mayor Nichols reported a taskforce of several cities in Snohomish County is requesting individual cities participate in an inter-jurisdictional demonstration project. It is patterned after an organization in King County that is supported by several jurisdictions rather than each city addressing the issue individually. She offered to obtain additional information and report to the Council.

DISCUSSION ON IMPACTS OF INITIATIVES 1100 AND 1105 (PRIVATIZATION OF LIQUOR SALES) ON LOCAL GOVERNMENT

In response to the Council's request for information regarding passing a resolution supporting/opposing one or both Initiatives 1100 and 1105, Mr. Faison explained State law allows the Council to make a recommendation. He explained both initiatives eliminate profits from the sale of liquor from State liquor stores. The profits are currently divided 50% to the State, 10% to the County and 40% to cities. The cities' portion is distributed on a per capita basis. The distribution to cities was intended to assist with policing the effects of liquor sales and stores. Liquor excise tax is charged on the production/distribution of liquor; the State receives a higher percentage. If both initiatives pass, the impact to Woodway's budget would be approximately \$15,000. Passage of the initiatives would have a significant effect on larger cities' budgets.

Discussion followed regarding AWC's inability to take a position, television ads opposing the initiatives, and benefits citizens receive via funding provided from liquor profits and excise taxes. It was the consensus of the Council for staff to develop a list of questions and answers including the impact of the initiatives to Woodway's budget that would be on the Town's website.

DISCUSSION ON FIRE SERVICE

Mr. Faison explained Shoreline Fire Department is interested in providing fire service to Woodway. EMS is a countywide tax in King County of \$0.30/\$1000. Whenever that service is provided outside the county lines, the Fire Department/District is required to charge the jurisdiction on an assessed value basis. Those funds are collected by the county. In addition to that required charge, Shoreline would also charge for the services they provide. Shoreline's proposal to provide fire/EMS service to Woodway is \$491,000/year for 3 years.

He explained the cost of Fire District 1 providing service is approximately \$431,000 in 2010; \$473,000 in 2011 and \$515,000 in 2012 or an average of \$475,000 over 3 years. Shoreline has approached King County regarding cross-county provision of service and expects that King County will make adjustments to lower the rate, but that process will take several months. A brief discussion followed regarding transport fees.

It was the consensus of the Council for staff to propose to Shoreline a longer contract term at the stated rate. Mr. Faison relayed Shoreline's contract includes a caveat of 70 fire/EMS calls per year; calls over that amount would be charged at a rate of \$5,000/call. The current annual average is 40-42 calls. Another caveat is if there is a charge for BLS transport and the patient does not pay, the Town would be responsible.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Quinn* moved to adjourn the meeting. *Councilmember Saltonstall* seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:22 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.)