

**TOWN COUNCIL MINUTES**  
**Monday, December 9, 2013**

**CALL TO ORDER, FLAG SALUTE, ROLL CALL**

The Council meeting for the month of December was called to order by Mayor Nichols at 7:00 p.m. at Woodway Town Hall, 23920 113<sup>th</sup> Place West. Councilmembers present were William Anderson, Elizabeth Mitchell, and Tom Whitson. Councilmember Mike Quinn arrived at 7:14 pm and Councilmember Kent Saltonstall had an excused absence. Town Administrator Eric Faison and Clerk Treasurer Joyce Bielefeld were also present.

**AMEND AGENDA:**

*Councilmember Anderson* moved to amend the agenda and moved the Public Hearing as Item 3 after the Council Reports. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**APPROVAL OF MINUTES:**

*Councilmember Mitchell* moved to approve the minutes of November 18, 2013 as amended. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:**

*Councilmember Anderson* moved to approve Claims Checks #8822 through #8846 including EFT's for the total amount of \$41,866.13. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

*Councilmember Anderson* moved to approve Payroll Checks #10826 through #10832 including EFT's for the total amount of \$46,560.07. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** Greg Hoff commented with respect to Woodway's involvement with the City of Edmonds Point Edwards, Building 10. He suggested that the Council be careful about being too involved in the project, and that the Council should watch the amount of legal costs allocated to this issue.

Dave Watkins, Real Estate Agent, asked how many property owners were involved with respect to eminent domain Ordinance 13-553, being considered later in the agenda. He was informed that there were two property owners.

**COUNCIL REPORTS:**

Councilmember Mitchell stated she had attended the Snohomish County Cities and Towns meeting and the current legislative action items were discussed.

**PUBLIC HEARING-ORDINANCE 13-553, RELATING TO THE ACQUISITION BY EMINENT DOMAIN**

Mayor Nichols opened the public hearing at 7:20 pm. She explained that the Council was considering a variety of actions as they relate to the Town's future role in providing

utilities to properties that are within Snohomish County as well as within the Town's municipal boundaries.

Kinnon Williams, attorney for the Town, explained the content and purpose of the ordinance. He emphasized that Council action did not result in the condemnation of property (which can only be ordered by a court), but instead authorized staff to negotiate the acquisition of the property by negotiation or by eminent domain. He further explained the intent of the proposed acquisition is for the provision of sewer utility services. Lastly, he stated that the ordinance was related to potential acquisition of the land, and would not involve the extinguishment of any easements on the properties.

Ken Nilsen, PACE Engineering, explained that the properties in question are three properties with two property owners. He explained that there is a pump station and force main for sewer owned by Ronald Wastewater currently located on the properties. The Town has been informed that the majority of the residences served by the facility are located within the Woodway Town limits. He explained that the location of the proposed acquisition site is ideal for the provision of services to approximately ¼ of the Town's residences. The facility is not designed, nor appropriately located to serve the Point Wells development.

Doug Luetjen of Karr Tuttle Campbell, Land Use Counsel for BSRE Point Wells, submitted a letter as part of the record. The letter is included in the minutes as Attachment A. Mr. Luetjen stated that his client was not provided adequate notice, the explanation and communication provided by the Town was confusing, the Town was seeking to acquire too much land and the Town was seeking to thwart the Point Wells development through the use of utility services. He stated that BSRE was no longer the owner of the property – it having been transferred by quit claim deed to the City of Shoreline.

Mayor Nichols closed the public hearing at 7:25 pm.

The Council discussed the proposed ordinance.

### **ORDINANCE 13-553, RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF PROPERTY**

**ACTION:** *Councilmember Anderson* moved to adopt Ordinance 13-553 relating to the acquisition by eminent domain of property for public use. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

### **MAYOR'S REPORT:**

Mayor Nichols stated that the City of Edmonds meeting regarding building 10 at Point Edwards was postponed and will happen on December 17 and that all parties have received a summons.

Mayor Nichols suggested having a retreat in early January and asked the council to think about dates that they would be available.

**TOWN ADMINISTRATOR’S REPORT:**

Town Administrator Eric Faison announced that Police Chief Hansen reported that a former resident was the ring leader to a group that was responsible for the recent vehicle break-ins and has been apprehended and arrested. He also reported that an ordinance will be brought to the next meeting regarding dangerous dogs.

**ORDINANCE 13-550, AMENDING SALARY SCHEDULE:**

This Ordinance amends the salary schedule to more appropriately address the Clerk Treasurer’s part time status.

**ACTION:** *Councilmember Mitchell* moved to approve Ordinance #13-550, amending the salary schedule. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

**ORDINANCE 13-551, 2013 BUDGET AMENDMENT:**

This Ordinance amends the 2013 budget to covers unanticipated expenses and ensure the expenditures do not exceed the budgeted amounts.

**ACTION:** *Councilmember Anderson* moved to approve Ordinance #13-551, amending the 2013 budget. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

**TOWN HALL RENTAL POLICY** - This item was tabled for future meeting.

**DESIGNATE REPRESENTATIVE TO HEALTH BOARD FOR 2014:**

After discussion, the Council agreed to leave the current representative from the City of Lynnwood on the Health Board for 2014. The Council would like the representative to come to a future meeting and give an update.

**AUTHORIZE MAYOR TO SIGN INTERLOCAL AGREEMENT-KREBS PROPERTY**

The Krebs family accepted the Towns offer to purchase two lots (lots C and D) on Woodway Park Road for a conservation park. The grant funds received from Snohomish County Conservation Futures will be used to acquire the property.

**ACTION:** *Councilmember Mitchell* moved to authorize the Mayor to sign the Interlocal Agreement with Snohomish County to provide Conservation Future grant funding to purchase property and to ratify and confirm the Mayor’s signature on the offer and sale agreement. *Councilmember Whitson* seconded the motion. The motion carried unanimously.

**ORDINANCE 15-552A, AMENDED 2014 BUDGET –** This item was tabled until further notice.

**GENERAL COUNCIL DISCUSSION - CHOICE OF SUBJECTS**

Councilmember Whitson suggested reviewing the current investment policy.

Council discussed options on getting residents more interested in being involved with town government.

**EXECUTIVE SESSION:**

Mayor Nichols recessed to Executive Session at 8:19 pm for approximately 30 minutes to discuss property acquisition.

Mayor Nichols reconvened the meeting at 8:45 pm.

**ADJOURNMENT:**

*Councilmember Mitchell* moved to adjourn the meeting. *Councilmember Anderson* seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:45 pm.

Respectfully Submitted,

**APPROVED BY THE TOWN COUNCIL**

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Joyce Bielefeld, Clerk Treasurer

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Carla Nichols, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)