

# TOWN COUNCIL MINUTES

February 17, 2009

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of February was called to order by Mayor Carla Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Kent Saltonstall, Mike Quinn and Elizabeth Mitchell. Councilmember Bill Anderson had an excused absence. Town Administrator Eric Faison; Clerk-Treasurer Joyce Bielefeld; Public Works Director Terry Bryant; Planner Bill Trimm; and Amie Broadsword, PACE Engineers were also present.

**APPROVAL OF MINUTES:** The following amendment was made to the January 27, 2009 minutes:

- Replace the last sentence on the first page (Snohomish County does not have the authority to deny their application) with, "Snohomish County is required to negotiate in good faith with the airlines as a condition for retaining federal airport improvement funds."

*Councilmember Saltonstall* moved to approve the minutes of January 27, 2009 as amended. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Schillberg* moved to approve Claims Warrants #6750 through #6777 for the total amount of \$162,369.45. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

*Councilmember Schillberg* moved to approve Payroll Warrants #9706 through #9733 for the total amount of \$46,041.97. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

## AUDIENCE COMMENTS:

Cindi Jay, Whitcomb Place, advised she was on the Executive Board of the 32<sup>nd</sup> District Democrats and invited Councilmembers to contact her with any questions. She asked what regional Boards Woodway participated on. Town Administrator Eric Faison offered to provide her the list.

Mayor Nichols requested the following revisions to the agenda: move the Draft EIS for Pt. Wells up on the agenda to follow the Comcast Public Hearing and to add Review and Approval of Utility Easements to the agenda.

**ACTION:** *Councilmember Saltonstall* moved to modify the agenda as Mayor Nichols requested. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**COUNCIL REPORTS:** **Councilmember Saltonstall** disclosed he communicated separately with Councilmembers Quinn and Mitchell about an Olympic View Water District matter and he recommended it be discussed by the Council. Mr. Faison advised Councilmember Saltonstall's questions were forwarded to Town Attorney Wayne Tanaka

**MAYOR REPORT:** **Mayor Nichols** suggested scheduling training by Washington Cities Insurance Authority (WCIA) prior to a Council meeting on the following topics: Council Do's and Don'ts, City Council Roles in Land Use Decision Making, Legal Claims over Municipal Land Use Decision, and Vested Rights.

Mayor Nichols advised each Councilmember received minutes of the joint meeting with the Port of Edmonds. She referred to a January 29, 2009 letter to Shoreline from Snohomish County Director of Planning and Development Services detailing the county's policies regarding cross annexation and development. She also referred to a letter she sent the Adrian Sisters regarding the Rosary Heights property.

Mayor Nichols reported on the number of people that attended the February 9 community meeting and their thoughts regarding the following topics: Town finances, annexation/development of Pt. Wells, creation of a Regional Fire Authority and a potential partnership with Rosary Heights on an environmental education center and Town Hall. The next community meeting is February 23. The Woodway Highlands meeting has been rescheduled to Saturday, April 18. Council requested a summary of the polling done at the meetings regarding each topic.

Mayor Nichols reported Councilmember Mitchell, Mr. Faison, she and several Cities and Towns representatives will attend a dinner with Legislators in Olympia tomorrow. Mayor Nichols relayed Brightwater has hired an outside consultant to address complaints from residents on Berry Lane about vibration occurring at night.

**TOWN ADMINISTRATOR'S REPORT:** Mr. Faison distributed an *Enterprise* article regarding Edmonds' plans to submit a levy increase to voters this fall of approximately \$0.58-0.59 per \$1,000 of assessed value.

Public Works Director Terry Bryant explained the Woodway Park Road storm water project was put out for bid after very low bids were received for Makah Road and Chinook Road projects due to the economy. A similarly low bid was received for the Woodway Park Road project and he anticipated that project would be completed in approximately three weeks. A question was raised about damage to the grass from trucks cutting the corner on the west side of 238<sup>th</sup>.

Amie Broadsword, PACE Engineers, reported the Pt. Edwards right-of-way restoration is substantially complete; the site will be hydroseeded in April. Once the as-built drawing is submitted, the fine paid, and the two-year maintenance bond is in place, she will release their performance bond. She described the grade that was approved for the site.

**PUBLIC HEARING: COMCAST (What has been your experience with Comcast and what services do you think Comcast should provide)**

Mayor Nichols opened the public hearing at 7:39 p.m. Mr. Faison explained the Town was in negotiations with Comcast for renewal of their franchise agreement. That process requires outreach regarding the public's opinion on the services they currently receive from Comcast as well as any new services they desire. He advised a survey will also be posted on the Town's website. It was suggested an announcement regarding the online survey be included in the March *Woodway Whisper*.

There were no members of the audience present who wished to provide testimony and Mayor Nichols closed the public hearing at 7:43 p.m.

**DRAFT SNOHOMISH COUNTY EIS FOR POINT WELLS**

The Council took a brief recess to read a memo prepared by Planner Bill Trimm regarding preliminary comments on the Paramount Draft Supplemental Environmental Impact Statement (DSEIS) for Pt. Wells.

Mr. Trimm provided an overview of the DSEIS, explaining the DSEIS was supplemental to the original programmatic Comprehensive Plan EIS issued for the general policy Comprehensive Plan in 2002. The DSEIS is programmatic (non-project specific) and addresses the request by Paramount to amend the Snohomish County Comprehensive Plan for the lower portion of Pt. Wells from Urban Industrial to Urban Center and to implement the Urban Center designation via zoning of Planned Community Business District. The Planned Community Business zoning will be implemented with an Urban Center Demonstration Project.

He explained the DSEIS looks at two alternatives, 1) no action - continuation of the existing asphalt plant, and 2) proposed action - development of 3,500 dwelling units and approximately 6,400 residents, and 60,000-70,000 square feet of office and commercial space. The DSEIS evaluates environmental impacts of each alternative based on 15 environmental elements.

The Snohomish County Planning Commission is conducting a public hearing on February 24 to take preliminary comments on the DSEIS. The 45 day comment period on the DSEIS extends through March 23. At the conclusion of the comment period, Snohomish County develops a final EIS (FEIS) that responds to the comments and questions received during the 45 day comment period. Once the FEIS is issued, the Snohomish County Council may act on the proposal and amend the Comprehensive Plan. When a project application is submitted, there is also opportunity for further environmental review. He referred to the summary of environmental impacts outlined in the memo.

Discussion followed regarding the projected rise in sea level in the next ten years, contaminants on the site and clean-up that would be necessary, local impacts identified in the transportation section of the EIS, transportation impacts to the City of Shoreline, impacts that would be considered at the time a specific proposal was submitted, estimated traffic volumes, rating of intersections in Woodway and Shoreline by level of service, administrative approval allowed for Urban Center Demonstration Projects, and other Urban Center Demonstration Projects in Snohomish County.

Paramount Representatives in the audience emphasized the DSEIS was not project specific and it would be a number of years before any development occurred.

## **REVIEW AND APPROVAL OF UTILITY EASEMENTS**

Mr. Faison explained the property owner has proposed to pipe stormwater down the bluff to the railroad tracks in an effort to avoid degradation of the bluff. The property owner has obtained approval from BNSF and is requesting the Town's approval of a revocable easement to construct the stormwater pipe.

Mr. Faison advised the property owner was required to provide a \$2 million general liability insurance policy and pay \$75/year for the easement. Discussion followed regarding surface visibility of the pipe, attachment of the pipe at the top of the bluff, discharge area adjacent to BNSF property, plans to have the pipe peer-reviewed by Landau Associates, and existing discharge of stormwater at the top of the slope.

**ACTION:** *Councilmember Saltonstall* moved to authorize Mayor Nichols to negotiate and execute an easement substantially in the form proposed. *Councilmember Mitchell* seconded the motion.

Mr. Faison clarified the sequential process for permit approval starting with review and approval by Landau Associates, review of Landau's approval and the easement by Town Attorney Wayne Tanaka, then approval of the easement by Mayor Nichols and PACE approval of the permit.

The motion carried unanimously.

## **2008 YEAR END FINANCIAL REPORT**

Mayor Nichols explained this was an effort to compare budgeted, yearend forecast versus actual amounts for revenues and expenses. She reviewed revenues and expenditures that were over and under projections. Overall, budget estimates were only 4% over the actual budget. She briefly reviewed the 2008 yearend investment report and Ms. Bielefeld distributed the January 2009 investment report.

Mr. Faison reported banks are reconsidering whether to accept public deposits due to the recent closing of the Bank of Clark County. They are verifying whether deposits up to \$250,000 are covered by FDIC and if so, they will accept deposits up to that level. It was agreed to schedule this on the Council's next meeting agenda.

The Council asked how many homes sold in Woodway during the past year. Clerk Treasurer Bielefeld stated she had a report on Real Estate Excise Tax (REET) and would bring the information to the next council meeting.

## **SNOHOMISH PUD HAZARDOUS TREE REMOVAL**

Mayor Nichols reported Public Works Director Terry Bryant was able to negotiate with PUD to save four of the five trees they proposed to remove due to their proximity to high power lines. The fifth tree, a Giant Sequoia on the corner of Woodway Park Road and 238<sup>th</sup>, is half on private property and half on the right-of-way, the cost to remove the tree is \$5,000; an engineering solution that would save the tree will cost \$14,100. PUD will subtract the cost to remove the tree, leaving \$9,100 and has asked the Town to pay half of that amount if the Town wants to preserve the tree. Mr. Bryant relayed the property owner would like to preserve the tree. It was agreed Councilmembers would look at the tree and make a decision at the next Council meeting.

Mayor Nichols relayed Mr. Bryant negotiated with PUD to pay for the removal of 15 trees PUD identified as hazardous in the north end of Town, thereby providing the Town with a savings of tree removal costs.

## **ORDINANCE 09-502: TREE PRESERVATION CODE AMENDMENT**

Mr. Faison reviewed proposed amendments to the Tree Preservation code to include a definition of landmark tree (over 28 inches in diameter); not allowing a landmark tree to be removed as a result of routine maintenance and establishing enforcement penalties equal to the appraised value of the tree as determined by a standardized industry formula. Discussion followed regarding whether to have a landmark tree designation and the size/species of landmark trees. It was agreed to scheduled further discussion on a future Council agenda.

## **PRIORITIZATION OF UPCOMING STORMWATER CAPITAL PROJECTS**

Mayor Nichols referred to the original stormwater projects priority and the list as updated April 7, 2008. She suggested the Council consider identifying projects that could be put out to bid quickly due to the favorable bidding climate due to the recession. Mayor Nichols and Ms. Broadsword reviewed the projects.

Following discussion, it was the consensus of the Council for staff to prepare the necessary documents to put the Twin Maples, North Deer and 226<sup>th</sup> projects out to bid.

**AUDIENCE COMMENTS:** Cindi Jay, Whitcomb Place, asked about traffic revisions at SR 104 and Pine Street. Mayor Nichols advised Edmonds and Washington State Department of Transportation (WSDOT) had discussed traffic revisions but WSDOT made the changes without informing Edmonds. WSDOT has agreed to eliminate the arrows on SR 104 near QFC but the modifications at Pine Street will remain.

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

**EXECUTIVE SESSION FOR APPROXIMATELY 30 MINUTES TO DISCUSS PROPERTY ACQUISITION**

At 9:10 p.m., Mayor Nichols recessed the Council to Executive Session for approximately 30 minutes to discuss property acquisition. The meeting was reconvened at 9:48 p.m.

**ADJOURNMENT OF PUBLIC MEETING:** The meeting was adjourned immediately following 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.)