

TOWN COUNCIL MINUTES

April 7, 2008

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of April 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, Kevin Fiske and Mike Quinn. Town Administrator Eric Faison, Ken Nilsen, PACE Engineering, Public Works Director Terry Bryant, Building Official Tom Phillips, and Clerk-Treasurer Joyce Bielefeld were also present. Other guests included Marianne Burkhart, Port of Edmonds Commissioner.

APPROVAL OF MINUTES: The following amendments were made to the March 17, 2008 minutes:

- Page 1, under Councilmember Saltonstall's report, add to the last sentence the name of the car dealerships - Carter Subaru Saab Volkswagen and Lynnwood Honda.
- Pages 3, second paragraph from the bottom, change "Woodway" in the first sentence to "the region."
- Page 4, under report from Ms. Rogers, revise second sentence to read, "She explained the average length of stay at civilian jobs was similar to..."

Councilmember Saltonstall moved to approve the minutes of March 17, 2008 as amended. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

Councilmember Saltonstall moved to approve the minutes of March 28, 2008. Councilmember Quinn seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Anderson* moved to approve Claims Warrants #6295 through #6327 for the total amount of \$180,941.99. *Councilmember Saltonstall* seconded the motion. Mayor Nichols advised approximately \$169,000 was the semi-annual payment to Edmonds for fire suppression and EMS. Following discussion of several warrants, the motion carried unanimously.

Councilmember Saltonstall moved to approve Payroll Warrants #9369, #9370, and #9393 through #9417 for the total amount of \$38,774.24. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

COUNCIL REPORTS: **Councilmember Anderson** recommended the Council schedule adoption of a resolution supporting the Military Family Friendly Employment Partnership on the next Council agenda. He acknowledged Woodway had no commercial activity but as a town in Snohomish County, residents benefit from military families and this was an important matter to military families. The Council agreed to schedule a resolution on the next agenda.

Councilmember Anderson reported Mayor Nichols and he visited a property in Twin Maples today to view the problem of privacy between Twin Maples homes and a play structure in Woodway Highlands. Mayor Nichols advised two adjacent neighbors also joined them.

Councilmember Schillberg referred to the minutes of the South Snohomish Cities meeting in the packet that contained information regarding Transportation Benefit Districts (TBD) and the potential to enact a \$20 license fee per vehicle. Mr. Faison explained Snohomish County had

until May 22, 2008 to form a countywide TBD, if they did not, cities could then form their own TBD.

AUDIENCE COMMENTS: Tom McDermott 23817 110th Place West, Twin Maples, reported on a treehouse on the property behind him in an area that was previously a fire road when the property was owned by Standard Oil. He was also concerned that a row of trees planted in the setback along the eastern fence boundary would damage the fence as well as drop branches into his yard. Ms. McDermott clarified this area was an easement. Mr. McDermott suggested the adjacent property owner who planted the trees be required to move the trees out of the setback.

Mayor Nichols recalled the fire lane was required when there were tanks in that area and questioned whether the fire lane still existed once the property had been rezoned for single family residences. She read language on a title report for a Twin Maples property regarding granting the licensee (Woodway Highlands Inc.) the rights to use and occupy a 15-foot strip of land that directly adjoins the licensee's property.

Regarding the tree planting next to the fence Mayor Nichols advised the Town had not established any limitations regarding where trees could be planted with regard to property line and thus, could not dictate where trees are planted on private property.

Mr. McDermott questioned to whom the 15-foot easement for the fire road would revert if the easement were vacated. Mr. Faison commented this was not an easement; it was a license which typically was revocable. He recommended the property owner seek the advice of attorney. Mr. McDermott advised the adjacent property owner had extended his fence and steps over the easement and connected with Mr. McDermott's fence.

Marsha McDermott, 28317 110th Place West, inquired who owned the green fence. Mayor Nichols advised that was the back fence between the Woodway Highland and Twin Maples properties.

Ken Nielsen, PACE Engineering, suggested obtaining a copy of the Woodway Highlands plat documents, commenting if the easement was relinquished, it would have been part of the plat. Mayor Nichols offered to research the plat documents in the Town's records and report back to the Council and the residents.

MAYOR REPORT: **Mayor Nichols** pointed out new maps had been hung in Council Chambers that included Woodway Highlands. She also pointed out a framed original plat map advertising properties for sale in the original Woodway Park development that was donated by long time resident, Kevin Hendrickson.

She referred to a proposed resolution establishing a policy for memorials, trophies, plaques or gifts not to exceed \$200 in recognition of service to the Town, employees, elected officials and community volunteers. She advised AWC recommends a \$200 limit and read from RCW 41.60.150 which provides authority for municipalities to recognize employees and described types of gifts. Following discussion, it was agreed to replace "gifts" in the resolution with "cash awards."

ACTION: *Councilmember Anderson* moved to approve Resolution 08-327 as amended. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

Mayor Nichols reported Public Works and the Beautification Committee positioned several large logs, donated by George Stead, along the west side of Woodway Park Road north of bridge to deter vehicles leaving the road in that area. Further north on the east side of Woodway Park Road, with the permission of the property owner, Public Works cleared blackberry bushes to expose a split rail fence.

She advised revisions to the business license ordinance would be on the April 21 agenda to ensure businesses conducting business in Town such as roofing, landscaping, etc. obtained a business license.

She reminded Council members of the joint meeting with the Planning Commission on Wednesday, April 16 at 7:00 p.m. to discuss future development in Woodway

TOWN ADMINISTRATOR'S REPORT

- **STREET NAME/ZIP CODE CHANGE – RICHMOND BEACH**

Mr. Faison explained consistent with Council direction, staff was not pursuing a street name change, however, the city for the 4-5 houses on Richmond Beach Drive would be changed from Shoreline to Woodway. The post office confirmed this had been accomplished.

- **PT. EDWARDS RIGHT-OF-WAY VIOLATION**

Mr. Faison reported Mayor Nichols, Public Works Director Bryant and he visited this area. He provided photographs, advising it was their understanding before the grading was done and the rocks placed, the area was primarily brush. Pt. Edwards subsequently cleared the property and changed the grading so that water that previously flowed onto the Pt. Edwards property now flowed onto Woodway property and created a discharge point at the bottom of the road and over the bluff. Pt. Edwards acknowledges the violation; several remedies have been explored and it appears the most appropriate remedy would be to return the area to its previous, undeveloped condition. After consulting with the Town's attorney and other resources knowledgeable of stormwater liability issues, it was determined that the risk with uncontrolled runoff down the bluff due to this development activity was too significant for the Town to accept. He offered to provide further information to the Council following discussions with the property owner.

Mr. Faison referred to information in the packet regarding investment rates and reviewed rates for Local Government Investment Pool (LGIP) and other banks. Discussion followed regarding the Town's balance in LGIP, expected revenues and expenditures and the policy to maintain \$200,000 in LGIP.

ACTION: *Councilmember Anderson* moved that the Town buy a \$150,000 one-year City Bank CD maturing in one year. *Councilmember Saltonstall* seconded the motion.

Councilmember Anderson described his rationale; 1) he anticipated rates would not change significantly, 2) provides diversification via different institutions and 3) continues the ladder portfolio regarding maturity rates. Following discussion regarding rates, the motion carried unanimously. It was agreed to hold an Investment Committee meeting in early May to discuss investment policies.

DISCUSSION ON STRUCTURES IN SETBACKS

Mayor Nichols explained this topic arose after two play structures/tree houses were identified within setbacks. The Council discussed the matter and subsequently held several public hearings to gather public input. During that process other structures in setback were identified such as horse arenas. The public hearings are now closed; the Council packet contains letters from Steven Sutton and Stephen Clifton. Today Councilmember Anderson and she conducted a site visit to view impacts of a play structure in Woodway Highlands from a Twin Maples backyard.

She referred to options provided by Town Building Official Tom Phillips and his earlier presentation that indicated there were fences, driveways, utility poles, etc. located in the setbacks that a strict interpretation of the Town's regulations would not allow. Mayor Nichols suggested Option 4 which would improve the existing ordinance with a definition of structure and specify what structures would be allowed in the setback.

Discussion followed regarding sports courts allowed in all four zone districts with reduced setbacks; property owners' right to use their property versus others' right to privacy; allowing play structures of a regulated height in certain zones; enforcement via complaint; requiring additional screening; setbacks affecting placement of play structures; differences between zones; importance of privacy; trees that provide screening but also block sunlight; existing structures in the setback such as mailboxes, fences, etc.; and concern with potentially prohibiting RV/boats in the setback.

Mayor Nichols proposed the following definition of structures, "*Anything constructed or erected on the ground or any improvement built up or composed or parts joined together in some definitive manner and affixed to the ground including patios and decks of any height. Structures shall not include fences and fences walls; utility poles and vaults; light poles in compliance with this code; mailboxes; landscape fountains, ponds, sculptures, benches and flowerbed frames; rockeries and retaining walls that support a cut in the grade, driveways, sidewalks and grade level steps, landings at doors not more than 18-inches above grade.*" Discussion continued regarding this definition which provides a list of exemptions, in other words, items that would be allowed in setbacks. Council members expressed concern with allowing landscape fountains, ponds, sculptures, benches and flowerbed frames as a possible exception.

Mayor Nichols summarized staff would develop an ordinance with a definition of structure and a list of exceptions that would be allowed in the setback. Staff would also provide language for Council consideration with regard to modifying the setbacks in individual zones with regard to the 3 remaining possible exemptions: game courts, play structures and landscape fountains.

DISCUSSION ON HORSE ARENAS IN SETBACKS

Mayor Nichols recalled during the public hearing Elizabeth Mitchell, 23611 Woodway Park Road, provided the Council a letter regarding a proposal to cover an existing horse arena in the setback. Ms. Mitchell responded to Council questions regarding the dimensions of the arena, her plans to hire an architect, concern with water runoff and innovative ways to use runoff on the property, plans for a 5-foot wooden fence around the structure in addition to the poles and plans to replace vegetation.

Following a brief discussion, it was agreed staff would provide a definition of horse arena and apply the setback regulations for game courts to horse arenas.

STORMWATER UPDATE

Mayor Nichols recalled the Council requested an update regarding projects in the Stormwater Plan including whether the projects were still appropriate, whether the Town could partner on any of the projects and whether any of the priorities had changed. She advised Ken Nilsen, PACE Engineering and Public Works Director Bryant toured the projects; their recommended prioritization is as follows:

1. Completion of Twin Maples Phase 1 punch list items
2. Woodhaven Place LID project - possibly combine with Woodway Park Road
3. Makah Road Drainage Project - verify if downstream upgrades are needed. Possibly combine with Chinook Road.
4. Wachusett Road Phase 1 - this project appears to be larger than recommended in the Comprehensive Plan. Could be combined with North Deer and Algonquin
5. Woodway Park Road - consider combining these improvements with the construction of Woodhaven Place project as a way to reduce overall project cost
6. Town Hall Drainage (new project)
7. Map Town's drainage system (new project)
8. Chinook Road - this could be combined with Makah Road as a cost savings measure
9. North Deer and Algonquin combined with 10724-226th Street SW
10. Twin Maples Phase 2
11. South Dogwood Lane
12. North Dogwood Lane
13. Wachusett Phase 2

Discussion followed regarding replacement of the stormwater grate on Makah Road and other options such as upstream barriers, concern with water from the right-of-way at Makah and Dogwood flowing onto private property, a suggestion to add catch basins on Algonquin at the entrance to Woodway to eliminate puddling, replacing grates with a type that was not as prone to blockage, potentially combining projects, opportunity to map the Town's drainage system this summer as part of an intern project, and limits on the number of projects that could be accomplished per year due to staff time to manage projects. Mr. Nilsen agreed to prepare an estimate for #7.

ACTION: *Councilmember Saltonstall* moved to approve the PACE Engineering recommendations for capital project prioritization for projects 1 – 8 for 2008, with the exception of #6, Town Hall drainage project, and address the remaining projects in future years. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

EMPLOYEE'S DEFERRED COMPENSATION FROM ING TO INTERNATIONAL CITY MANAGERS/MAYORS ASSOCIATION (ICMA)

Mr. Faison recalled the Council questioned the cost ING may charge to transfer funds. He advised the fee only applied to 12 of the 29 accounts; the remainder could transfer funds with no fee. He advised the proposed ordinance would identify ICMA as the Town's new deferred compensation fund, all new funds would be deposited with ICMA and funds transferable for free would be transferred to ICMA and the remaining funds transferred as the penalties expired over

a 5-year period. Council member Schillberg asked if all employees had agreed to the change and he received an affirmative answer.

ACTION: *Councilmember Anderson* move to approve Ordinance 08-488 amending Woodway Personnel Policies. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

RESOLUTION NO. 08-326, SURPLUS EQUIPMENT

Mayor Nichols briefly reviewed equipment to be surplus.

ACTION: *Councilmember Saltonstall* moved to approve Resolution No. 08-326. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

Mayor Nichols referred to a letter from Gary Ostlund on 226th who submitted photographs of oil leaks from Allied trucks. She read a formal letter of complaint from the Town to the Washington State Department of Ecology (DOE), Section Manager of Spill Preparedness and Response, regarding ongoing petroleum substance releases in Woodway from Allied Waste vehicles and requesting that DOE conduct an investigation of Allied's fleet and assess monetary fines.

Councilmember Saltonstall congratulated the Council on their spirit of debate on important topics.

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Quinn* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:18 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Joyce Bielefeld, Town 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.)