

# TOWN COUNCIL MINUTES

May 4, 2009

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of May was called to order by Mayor Carla Nichols at 7:05 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Bill Anderson, Kent Saltonstall, Elizabeth Mitchell and Mike Quinn. Town Administrator Eric Faison; Ken Nilsen, PACE Engineering; and Public Works Director Terry Bryant were also present.

**APPROVAL OF MINUTES:** Following several amendments, *Councilmember Anderson* moved to approve the minutes of April 20, 2009 as amended. *Councilmember Quinn* seconded the motion. The motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Saltonstall* moved to approve Claims Warrants #6865 through #6884 for the total amount of \$47,476.00. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

*Councilmember Schillberg* moved to approve Payroll Warrants #9794 through #9821 for the total amount of \$44,055.71. *Councilmember Mitchell* seconded the motion. The motion carried unanimously.

**AUDIENCE COMMENTS:** None

**COUNCIL REPORTS:** **Mayor Nichols** reported on the meeting Mr. Faison, Councilmember Anderson and she had with Paramount representatives and their attorney. Paramount assured they had no specific development plans for Pt. Wells and did not plan to develop it with 3500 dwelling units. Their immediate goal was to change the Comprehensive Plan designation of the property.

**Councilmember Anderson** was pleased with Paramount's openness, commenting they appeared to be sincere, forthright and honest. They agreed that developing the site with 3500 dwelling units was not realistic and they intend to hire a new architect to assist them with planning for the site. He noted Paramount's primary objective seemed to be developing a quality project.

Councilmember Anderson advised there was also discussion with Paramount at the meeting regarding annexation and the possibility of developing the site with a lower number of units. Mayor Nichols advised Paramount was provided the development regulations that were submitted to Snohomish County.

**Councilmember Saltonstall** referred to Shoreline's indication that they would not issue Paramount right-of-way permits in an effort to protect their city from traffic impacts as a result of development and suggested staff investigate whether the Town's code needed to be revised. Mayor Nichols suggested reviewing other cities' right-of-way codes via Municipal Research Service Center (MRSC). Mr. Faison suggested contacting the Town Attorney after researching MRSC. The Council agreed with this strategy.

Councilmember Saltonstall requested the following be added to the list of topics to discuss with Olympic View Water District Commissioners: whether the Town's stormwater system constitutes an accessory water source.

**MAYOR REPORT:** Mayor Nichols reported she provided testimony to the Snohomish County Planning Commission last Tuesday regarding the proposal to establish an Urban Center Zone, the zone under which Pt. Wells would be developed. She provided them with the Town's proposed design guidelines for the site and requested the optional Interlocal Agreement in the code between Snohomish County and the city adjacent to an Urban Center be a requirement. She also testified for Snohomish County Tomorrow who supports requiring an Interlocal Agreement.

Following public comment, the Snohomish County Planning Commission made only minor changes including limiting the height of buildings in an Urban Center to the distance from the property line; they did not make the Interlocal Agreement a requirement and did not accept the design guidelines. She noted the development regulations developed by County staff are very insubstantial. Mr. Faison and she have met with four of the five Snohomish County Councilmembers and they are receptive to requiring an Interlocal Agreement. Planner Bill Trimm and Land Use Attorney Scott Missall are drafting an Interlocal Agreement for the Council's review which would then be forwarded to the Snohomish County Council.

Mayor Nichols reported on the pavilion structure constructed in the Reserve, funded by Snohomish County and built by Public Works staff. She suggested volunteers serve as Reserve stewards who would unlock/lock the access to that area. Public Works Director Terry Bryant described the trail in the Reserve, advising a recent Eagle Scout project extended the trail and installed three garbage cans. It was suggested the Council have a further discussion regarding how access would be administered.

Mayor Nichols relayed information from the Snohomish County Executive's Office that nine possible cases of H1N1 influenza have been identified in Snohomish County. A business continuity plan for the Town is being developed and will be posted on the Town's website in the event Town operations must be restricted.

Mayor Nichols reported a list of questions the Council planned to pose to Olympic View would be provided to the Council at the next meeting for final approval. The meeting between the Council and Olympic View Commissioners is tentatively scheduled for June 22.

Mayor Nichols requested an excused absence from the next two meetings, advising Councilmember Anderson would serve as Mayor Pro Tem in her absence

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Faison recognized Public Works staff for constructing the pavilion, advising their efforts saved the Town over \$11,000.

Mr. Faison advised his report included vote totals from all neighborhood meetings for each of the three questions 1) a property tax increase to support continuation of existing Town services, 2) annexation of Pt. Wells, and 3) a property tax increase to purchase Rosary Heights. The vote totals indicate strong support for the two proposed tax measures and divided opinions on Pt. Wells.

## COMCAST SURVEY RESULTS

Mr. Faison explained the survey of residents regarding cable television services is complete. This public outreach was a requirement of the contract negotiations on the Comcast franchise agreement.

## MAKAH ROAD DRAINAGE

Public Works Director Terry Bryant explained a resident on Makah approached the Town regarding a continuous stream of stormwater between their property and 11400 Makah that drains onto the sidewalk in front of their property. Amie Broadsword, PACE Engineers, determined the simplest remedy would be to install a catch basin adjacent to the sidewalk and a short section of pipe to the existing stormwater system. Mr. Faison explained Council approval was required for this project as it was not included in the Stormwater Work Plan. Ken Nilsen, PACE Engineers, estimated design and construction costs of approximately \$10,000 - \$13,000.

**ACTION:** *Councilmember Schillberg* moved to add the Makah Road Drainage project to the existing Stormwater Work Plan with plans to obtain construction bids. *Councilmember Anderson* seconded the motion. The motion carried unanimously.

## ORDINANCE 09-503, ENVIRONMENTALLY SENSITIVE AREAS.

Mayor Nichols advised the Council held a workshop prior to tonight's meeting with the Town Planner and the consultant who audited the current code to identify revisions necessary to bring the code into compliance with Best Available Science.

**ACTION** *Councilmember Saltonstall* moved for approval of Ordinance No. 09-503, Environmentally Sensitive Areas. *Councilmember Mitchell* seconded the motion.

Mayor Nichols relayed discussion in the workshop regarding amending 16.10.620(b)(2) to reinstate the strikeout so that it reads, "The Town shall refer the proposed project to the Town Council for review and approval." She noted this was in regard to development on very high landslide areas.

Discussion followed regarding the difference between high and very high hazard landslide areas. Mayor Nichols suggested changing the language in 16.10.620(b)(2) and discussing with the Town Planner whether the same type of review would be appropriate for high hazard areas. She commented the Planning Commission had worked on these revisions for nearly a year and held community meetings with bluff owners as well as a public hearing.

The motion carried unanimously with the amendment in Section 16.10.620(b)(2).

## ELECTION SCHEDULE

Mayor Nichols recalled the Council discussed the election schedule at the last Council meeting and it was scheduled on tonight's agenda to ensure the entire Council was in agreement. A resolution must be submitted to Snohomish County by May 26 to place the measures on the August primary.

**ACTION:** *Councilmember Anderson* move to place both issues on the primary ballot on August 18 and to direct staff to prepare resolutions for both measures, the town operations levy at \$0.50/\$1000 of assessed valuation and Rosary Heights in an amount equivalent to the total purchase price. *Councilmember Saltonstall* seconded the motion.

Following discussion regarding pros and cons of having the operations levy and the Rosary Heights bond on the same ballot, the motion carried unanimously.

**AUDIENCE COMMENTS: None**

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

Councilmember Schillberg submitted a letter of resignation that also contained his observations regarding the Town's past, present and future. Mayor Nichols relayed the Town's appreciation to Councilmember Schillberg for his service.

Councilmember Anderson expressed his appreciation to Councilmember Schillberg for his comments, history and perspective.

Councilmember Quinn expressed his appreciation for the time Councilmember Schillberg devoted to the Planning Commission and Town Council. He recognized Councilmember Schillberg's service to the community, commenting he had learned a lot from him.

Councilmember Mitchell commented she found Councilmember Schillberg very helpful and kind and she would miss him.

Councilmember Saltonstall thanked him for his lengthy, productive service to the Town, both on the Planning Commission and the Town Council. He thanked Councilmember Schillberg for the observations he provided that would guide the Town Council in future. He also recognized his dedication to the Woodway Reserve and his leadership in acquiring and maintaining the Reserve property.

Councilmember Schillberg summarized he had enjoyed being on Council and encouraged the Town Council to think ahead.

Discussion followed regarding the process to fill Councilmember Schillberg's position. It was the consensus of the Council to mail a postcard to all Town residents tomorrow advising of the vacancy and to solicit letters of interest. The letters of interest and the questions used to interview Council candidates in the past would be included in the Council packet and interviews would be conducted at the May 18 meeting. Mayor Nichols advised the person selected would run for the position in the next election.

**ADJOURNMENT OF PUBLIC MEETING:** *Councilmember Schillberg* moved to adjourn the meeting. *Councilmember Mitchell* seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,

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Joyce Bielefeld, Clerk-Treasurer

**APPROVED BY THE TOWN COUNCIL**

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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.)