



TOWN COUNCIL MINUTES

April 16, 2007

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second 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, Peter Block, Kent Saltonstall, Bill Anderson and Henry Veldman. Town Administrator Eric Faison, Aimee Broadsword, PACE Engineering, and Police Chief Doug Hansen were also present.

APPROVAL OF MINUTES: *Councilmember Anderson* moved to approve the minutes of April 2, 2007 as amended. *Councilmember Veldman* seconded the motion. The following amendments were made to the April 2, 2007 minutes:

- Page 3, paragraph 3, revise the first sentence to read, "Discussion continued regarding traffic issues once Chinook is reopened either one-way or two-way."
- Page 3, paragraph 3, revise the second sentence to read, "Traffic calming possibilities for Woodway mentioned were..."
- Page 4, first paragraph under Remaining Legislative Decisions for Stormwater, revise second sentence to read, "...whether to allow properties with a private stormwater detention/retention facility to opt out.

Council requested staff investigate whether there any State funds were used for Town roads that would impact the Town's ability to restrict traffic flow. Councilmember Anderson relayed a resident's comments regarding the discussion in the minutes about parking at an estate sale, cautioning the Town not to be too restrictive and to allow adequate parking for parties, service people, etc.

The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Saltonstall* moved to approve Claims Warrants #5763 through #5786 for the total amount of \$4,049.77. *Councilmember Schillberg* seconded the motion. A brief discussion ensued regarding the fines collected for traffic infractions and it was agreed to discuss this further with the Police Chief upon his arrival. The motion carried unanimously.

COUNCIL REPORTS: Councilmember Saltonstall reported there were two trees either in the Town right-of-way or on the Krebs' property (south of the curve before Rosary Heights), one that was dead and constitutes a hazard to traffic and the other will be killed by the ivy and become a hazard unless the ivy is removed. Mr. Faison agreed to bring the trees to the Public Works Director's attention.

Councilmember Saltonstall circulated an article regarding private libraries in other areas and asked the Clerk copy it for the Council.

Councilmember Block reported there was a collection of unused/under-utilized telephone poles within a 3-4 foot diameter at the northeast corner of bridge need to be removed. Councilmember Anderson advised there was another on the north side of Dogwood. Councilmember Block reported the expansion joint on both ends of the bridge needed repair/replacement. There was also some concrete spalling on bridge that needed to be repaired.

AUDIENCE COMMENTS: Leslie Parrish, 23129 Wachusett Road, reported there were several alders in the watershed that have broken branches and are leaning on the fence. She also reported a hazardous tree in the Town right-of-way on the north side of her driveway.

MAYOR REPORT: Mayor Nichols distributed a letter to Al Holdridge, Snohomish PUD, regarding the request for PUD to research changing the main electrical feed into Woodway Estates. In a recent meeting with Mr. Holdridge, he explained changing the feed would require upgrading the existing underground lines in Woodway Park Estates to go down Makah Road. This would be very expensive and he could not guarantee it would reduce the number of outages. Mr. Holdridge advised if the Westgate (Woodway's primary substation) and Maplewood substations were upgraded as part of PUD's 7-year upgrade, it would allow electrical flows to be switched between substations during power outages. Her letter encouraged PUD to perform that upgrade as soon as possible.

Mr. Holdridge also described PUD's aggressive 6-7 year tree pruning cycle, advising Woodway would be included in PUD's tree pruning this year. It was agreed it would be important to have an arborist available to advise PUD when tree pruning began.

Mayor Nichols relayed that Mr. Holdridge's investigation of outages in the past five years found that although there were more outages last winter than any other year, most were due to outages at the Westgate substation. She requested Mr. Holdridge look at the entire Town and consider whether undergrounding the lines on Woodway Park Road from Makah Road toward Edmonds would improve electrical service in the Town. Mr. Faison commented that because undergrounding was not advantageous to the utility, the cost of undergrounding as well as the cost for PUD to determine the cost of undergrounding must be borne by residents (via a LID). Mayor Nichols also referred to another letter to Mr. Holdridge regarding the issue of utility lines and street lights on Pine Street.

Mayor Nichols referred to her letter to Snohomish County regarding efforts to develop standards for air-space condominiums. She reported on last week's public hearing at the Snohomish County Council where several Fire Districts as well as elected officials testified. Mr. Trimm along with other planners in South County cities developed a list of design guideline standards that was submitted to the Snohomish County Council. The County Council meets again on April 18 to finalize an ordinance regulating the air space condos.

Mayor Nichols reported Mr. Faison and she planned to meet with the Dominican Sisters in the coming weeks to carry out the Council's ideas from the retreat. Next, she reported on a meeting with Steve Olencamp, consultant for Paramount Petroleum and Mark Wells, Paramount Petroleum's NW Environmental Manager, regarding current activities on the Pt.

Wells waterfront and the need for a stormwater easement on edge of upper bluff for the Woodhaven stormwater project. Due to Brightwater's purchase of one acre of the waterfront for the Brightwater treatment plant outfall, they are developing a conceptual idea for mixed use residential/commercial similar to Woodway's Comprehensive Plan and have applied to Snohomish County for a zoning change. The County Council will hold a hearing in May to determine items to include on the docket; and if approved for the docket, the rezone would be reviewed with final action taken in the December - March 2008 timeframe.

She advised the Paramount Petroleum owners were coming to Seattle in early May and planned to discuss the idea of future development of the waterfront.

BRIGHTWATER PRESENTATION

Gunars Sreibers, Brightwater Project Manager, King County Wastewater Treatment Division, explained the project was in the construction phase and they were providing updates to surrounding communities. He displayed a map of the existing King County wastewater treatment system, identifying the two existing treatment plants and the areas served. He displayed a map of the future King County waster treatment system with Brightwater and identified the area to be served by Brightwater beginning in 2010, summarizing Brightwater would provide the capacity for growth in the region.

He displayed a drawing of the Brightwater treatment plant and conveyance system and described the 13 mile tunnel to connect to the treatment plant to the Puget Sound discharge via an outfall off Pt. Wells. The project would also provide reclaimed water for industrial irrigation. He summarized the \$1.7 billion project was on schedule to be completed in 2010 with wastewater flow beginning in 2011.

Mr. Sreibers described connection points and flows through the conveyance system. He displayed an aerial of the Pt. Wells site, identifying the easement obtained from Paramount Petroleum, west tunnel and marine outfall point. He described preconstruction activities at Pt. Wells, Snohomish PUD service to Pt. Wells, the Snohomish PUD service route, contract work occurring at Pt. Wells, and options for removing tunneling spoils from site. He displayed photographs of the tunnel boring machine and described the process of removing soil, bringing in materials and the installing the tunnel. He summarized tunneling will be a 24/7 below-ground activity for 2+ years; there will be limited overnight construction activities on the surface.

Mr. Sreibers described the marine outfall and marine protections during nearshore construction. He reviewed the construction schedule at Pt. Wells and described efforts to minimize construction impacts on cities and residents. He encouraged the Town to contact them if residents had any complaints. He planned to provide another update to the Town in six months.

During and following his presentation, Mr. Sreibers responded to Council questions and discussion ensued regarding tunnel depth/diameter, tunnel boring machinery, multiple pipes within the tunnel, segments that are gravity and segments that required pump station for inflow, gravity flow to outfall, consideration given to future increases in sea levels in the design, location of outfall due to eel grass beds, amount of tunneling accomplished per day, no vibration/noise audible to residents, site for disposal of tunneling spoils, construction jobs created, challenge to find labor due to the region's construction boom, and connection charge for new homes throughout the service area to pay for the capital construction of Brightwater.

NOISE ORDINANCE:

Mayor Nichols relayed the Council's earlier question regarding fines the Town collected from traffic tickets. Police Chief Doug Hansen confirmed the fines and court costs were regulated by the State. Mayor Nichols suggested Chief Hansen research whether there was any way to collect a higher amount to ensure the Town's administrative costs were covered.

Mr. Faison recalled at the last meeting the Council reviewed the Town's existing noise ordinance as well as other jurisdictions' noise ordinances and expressed a preference for a public nuisance approach (versus a decibel level) and directed staff to draft an ordinance based on the Mountlake Terrace ordinance. He highlighted proposed changes to the Town's current ordinance, explaining permit applications would also be amended to address special noises things such as vactor truck and require notice to neighbors and establish acceptable hours.

Discussion followed regarding the potential cost of an Edmonds callout and the possibility of recovering the cost of a callout via a fine, inability to regulate unamplified speech, duration of a temporary project, and penalties.

It was agreed to change the requirement of three persons to one person from a separate residence needed to register a formal complaint; investigate whether sounds by a person, group or domestic animal could be added to section 1; reword paragraph A2 of 6.08.030; establish more concise definitions/examples to improve enforceability; ensure regulations continue to be reasonable; ensure the hours of 8:00-6:00 are consistent with other cities' ordinances; and add a preamble that contains a policy statement that residents are encouraged to contact offending neighbor before contacting police.

Mr. Faison encouraged Councilmembers to email any specific examples they wanted cited in the ordinance. It was agreed to hold a public hearing on the changes to the noise ordinance as an opportunity to seek input as well as inform residents of changes. Staff will revise the ordinance for review by the Council at next meeting and schedule a public hearing.

DISCUSSION ON STORMWATER UTILITY

Rate Philosophy

The Council reviewed and agreed to a proposed policy statement that reflects the Council's desire and belief that the adopted rate structure contains sufficient flexibility to meet future needs of the Utility and if not, the Council maintains the ability to and willingness to modify the rate structure.

Exemptions

Mayor Nichols reviewed the exemptions the Council discussed previously, advising the Council needed to determine conditions for exemptions for private property. Discussion followed regarding administrative resources that would be required to determine exemptions, the requirement to have a provision whereby a property could be exempted either totally or from the impervious surface portion of fee if it did not benefit from the system or burden the system and they met the 2005 DOE stormwater manual, how exemptions could impact funds collected by stormwater utility, requiring a resident seeking an exemption to pay for the engineer's certification, future observation by staff to confirm eligibility for an exemption, process for existing homes to qualify for the exemption, assumptions made in establishing the stormwater

utility, impact on the system of vacant lots that are not in natural forested condition, and further work that needed to be done to determine a connection fee.

Suggestions included adding language that if a property's emergency overflow was to the Town's system, that constituted a benefit.

STORMWATER UTILITY CONSOLIDATION SERVICES

Mayor Nichols relayed Mr. Faison learned of an individual who was involved in the creation of Bellevue's stormwater utility and has a wide range of knowledge of the establishment and operation of stormwater utilities. Mr. Faison advised the consultant would provide general advisory services, assist with identifying appropriate projects for Public Works Trust Fund (PWTF) loans and submitting the PWTF applications, and draft the Stormwater Utility ordinance for review by Town Attorney. His proposed scope of work would not exceed \$2500 and would be funded via the utility.

ACTION: *Councilmember Anderson* moved to authorize the Mayor or her designee to execute a Professional Services Agreement with Damon Diesner, ESA, to provide stormwater consultation services, including the drafting of the Stormwater Utility ordinance, in an amount not to exceed \$2500. *Councilmember Veldman* seconded the motion. The motion carried unanimously.

Due to short timeline for submitting PWTF loan applications, concerns with the cost of preparing applications and concern that projects may not be competitive, it was the consensus of the Council to consider applying for PWTF loans next year.

2006 BUDGET SUMMARY

Mayor Nichols reviewed the 2006 budget summary, advising a budget amendment would be presented at the Council's next meeting. Discussion followed regarding restricted revenues. It was suggested the summary include a column containing the 2007 budget.

AUDIENCE COMMENTS: None

GENERAL COUNCIL DISCUSSION – Council Choice of Topics

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Block* moved to adjourn the meeting. *Councilmember Anderson* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Cindy Thomas, 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.)