

TOWN COUNCIL MINUTES

January 8, 2007

CALL TO ORDER, FLAG SALUTE, ROLL CALL

The first Council meeting for the month of January 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, and Henry Veldman. Councilmember Bill Anderson had an excused absence. Town Administrator Eric Faison, Ken Nilsen, PACE Engineering, Public Works Director Randall Burns and Clerk-Treasurer Cindy Thomas were also present.

APPROVAL OF MINUTES:

November 27, 2006

The following amendments were made to the minutes:

- Page 2, fourth paragraph from the bottom, revise the second sentence to read, "It was agreed to have the Olympic Reserve property ~~surveyed~~ reviewed by a surveyor."

Councilmember Saltonstall moved to approve the minutes of November 27, 2006 as amended. *Councilmember Block* seconded the motion. The motion carried unanimously.

December 4, 2006

Following grammatical corrections, *Councilmember Veldman* moved to approve the minutes of December 4, 2006 as amended. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

APPROVAL OF VOUCHERS: *Councilmember Schillberg* moved to approve Claims Warrants #5616 through #5632 for the total amount of \$26,359.08. *Councilmember Veldman* seconded the motion. The motion carried unanimously.

Councilmember Block moved to approve Claims Warrants #5591 through #5611 for the total amount of \$16,990.28. *Councilmember Veldman* seconded the motion. The motion carried unanimously.

Councilmember Saltonstall moved to approve Payroll Warrants #8889 through #8919 for the total amount of \$38,414.80. *Councilmember Veldman* seconded the motion. The motion carried unanimously.

AUDIENCE COMMENTS: Sister Barbara Stanek, Rosary Heights, reported there had been no recent slides on the bluff portion of their property other than a minor slough to the south. She advised no trees were lost on their property during the windstorm.

COUNCIL REPORTS: Mayor Nichols requested Councilmembers advise her of any legislative priorities to be submitted to Snohomish County Cities and Towns.

Councilmember Schillberg reported on the December 28 South Snohomish Cities meeting that included discussion with the Snohomish County Building Official regarding Low Density Multi Residential (LDMR) that utilizes multifamily regulations to develop single family residential. Mayor Nichols advised in late December the Snohomish County Council passed a docket of

land use changes that included an expansion of the UGA in the Bothell area including 93 acres zoned LDMR. Although all the cities and towns in South Snohomish County submitted resolutions requesting the Council address this issue, SCT submitted a recommendation to establish a moratorium on LDMRs and Executive Reardon's staff recommended against approval, and still the County Council approved it. During a meeting with Executive Reardon regarding annexation principles; he offered, if the City representatives could get the Council to agree to a friendly veto, to veto the amendments and resubmit the items he supported. Mayor Nichols did not believe the veto occurred.

Councilmember Block asked for Executive Reardon's response regarding annexation principles. He spoke in favor of the yearly calendar of Council meetings, commenting the code required if a holiday occurred on a Monday, the meeting be held on the following Tuesday.

ACTION:

Councilmember Block moved to suspend the Town Ordinance regarding meetings following holidays for the upcoming Martin Luther King, Jr. holiday and hold the meeting on January 22, 2007. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

Councilmember Block suggested the Council consider allowing an absent Councilmember to vote by telephone under certain conditions. His research via a MSRC attorney indicated this was permissible but required the Council pass an ordinance and the Council Chambers would need to be equipped with a speaker phone. He found ordinances from 2-3 cities that do this including Bothell. Due to the importance of the vote on the stormwater issue and his plans to be absent from the March 5 and likely the February 19 meetings, Councilmember Block advised he would like to participate in the vote in this manner. Mayor Nichols requested he provide staff the ordinances and the matter would be scheduled on next Council agenda.

Councilmember Saltonstall displayed a telephone book in a plastic bag that was distributed to driveways in the Town, noting some had not yet been picked up. He suggested investigating whether the distributor could be fined for littering and how to prevent this from occurring in the future. Mayor Nichols suggested staff research how this issue could be addressed.

MAYOR REPORT: **Mayor Nichols** confirmed the January 29 retreat from 6:00 to 8:00 p.m. at Rosary Heights in their new conference room on the lower level. Clerk Treasurer Cindy Thomas reported tomorrow and Wednesday staff would be closing out December in the old accounting system and begin transferring the BARS codes into new system. She described training and upcoming accounts payable and payroll dates using the new system. Staff continues to research vendors for networking the system and new hardware.

Mayor Nichols referred to a report from the Town Arborist in the packet regarding the State grant. She advised the application to be Tree City USA was submitted; the Town will be informed by February whether the designation would be granted. She advised of her plans to develop a calendar of issues to be addressed during the year including revisiting the noise ordinance, traffic calming devices, etc. She reported on the Edmonds Center for the Arts grand opening, remarking it was an impressive facility and a wonderful resource for the community.

Mayor Nichols advised during the power outage there was fire at the Malinowski residence caused by a malfunctioning gas generator. Emergency vehicles had difficulty accessing that area due to down trees and wires, not realizing they could access the area via Pine and Nootka. She planned to send a memo to the Fire Chief to remind them of that access. She also

planned to include an article in the *Woodway Whisper* regarding the importance of keeping fire extinguishers charged as the Malinowskis had fire extinguishers but they were not charged. Councilmember Veldman suggested having the Fire Department demonstrate the use of fire extinguishers at the Community Fair.

PROPERTY TAX LEVY RESOLUTION 06-314A AND 06-316

Clerk-Treasurer Thomas explained one resolution was initially prepared; however, two were required, one for the regular levy and a second for the EMS levy.

ACTION:

Councilmember Saltonstall moved to approve of Resolution 06-314A, approving a 1% increase in the regular property tax levy. *Councilmember Block* seconded the motion. The motion carried unanimously.

ACTION:

Councilmember Saltonstall to approve Resolution 06-316, approving a 1% increase in EMS levy. *Councilmember Schillberg* seconded the motion. The motion carried unanimously.

CONFIRMATION OF PLANNING COMMISSIONER

Mayor Nichols referred to a memorandum from Kevin Fiske expressing his interest in serving on the Planning Commission and briefly described his background.

ACTION:

Councilmember Saltonstall moved that the Council confirm Kevin Fiske's appointment to the Planning Commission. *Councilmember Veldman* seconded the motion. The motion carried unanimously.

PROPOSAL FOR STATE CAPITAL FACILITIES FUND

Town Administrator Eric Faison explained what began as discussion among staff regarding heating in Town Hall and rewiring for the computer system, evolved into a discussion regarding ADA accessibility, lack of insulation, etc. While staff was discussing funding options, the State announced a budget surplus this year and their ability to fund one-time items in their capital budget. The Town currently has approximately \$55,000 set aside for improvements to Town Hall; staff plans to submit a request to the State for \$350,000 to \$500,000 to retrofit or replace Town Hall. He estimated the cost for a slightly larger building to be \$600,000. He acknowledged the funding request was a long shot. Mayor Nichols and he plan to meet with the Town's legislators on January 10 to make this request.

Discussion following regarding use of REET funds for capital improvements, requesting the entire amount versus a portion, the limited size of the existing building, ADA accessibility, and seismic issues.

STORMWATER PRESENTATION

The Council agreed to take public comment following Council discussion of stormwater.

Town Engineer Ken Nilsen, PACE Engineering, described the stormwater hydrologic cycle. He reviewed stormwater in natural conditions: 37.4% evaporation/transpiration, 36.6% groundwater, 0.3% surface runoff and 25.7% interflow. He then reviewed stormwater in developed conditions: 25% evaporation/transpiration, 30% surface runoff, 15% groundwater and 30% interflow, pointing out the largest increase as a result of development was surface water runoff.

Mayor Nichols explained for the past several months the Council had been discussing a rate structure for the stormwater utility. Mr. Faison recalled the last time the Council discussed stormwater rates, the Council requested a rate structure that illustrated the small lots paying approximately about 1/3 of what the large lots paid. He reviewed the following rate structures:

- Modified Landau which most closely meets the request that the small lots paying 1/3 of what larger lots pay
- 1/3 roads and 2/3 impervious surface – roads account for 1/3 of the Town's impervious surface
- 1/2 roads and 1/2 impervious surface – recognizes significant impact of road runoff on water quality
- Flat rate
- Mayor's proposal – apply flat rate to developed lots based on the average fee in each zone

Mr. Faison advised the memo also included information regarding vacant parcels and ability to opt-out. He recommended the Council focus on the rate tonight.

COUNCIL DISCUSSION OF STORMWATER

The Council agreed roads should be included in the rate calculation.

Discussion followed regarding support for a technical basis for the rate structure, the rate structures, the location and cost of capital stormwater projects (small lot zones versus larger lot zones); the stormwater rates discussed prior to the vote to establish the stormwater utility; irrelevance of zones as the majority of projects were related to street runoff; assumptions in the Landau approach; flat rate used by other cities due to commonality of lot size; support for a simple structure; and political, legal and technical components of the fee structure.

Mr. Nilsen reviewed assumptions for small and large lots based on GIS information, the lot/disconnect correction factor that gives credit to larger lots for infiltration, and responded to a list of questions posed by Councilmember Saltonstall regarding stormwater in developed versus natural condition, other engineered flow control and water quality elements, which flows are actually captured by Woodway's stormwater system, why subsurface interflow was greater for developed conditions than natural conditions, whether subsurface interflow could be converted to surface runoff, permeable and impermeable portions of a forested canopy, ability to measure the use of a stormwater system, and whether impervious surface was a suitable proxy for stormwater system use in Woodway.

AUDIENCE COMMENTS: Gil Holtzmeier, 110th in Twin Maples, commented the stormwater projects to be completed over a 12-year period were primarily old road-related stormwater projects. When he voted on the stormwater utility, he understood he was voting on a stormwater piping/containment system. He questioned why the Town did not continue to fund these road-related stormwater projects via property taxes. Mayor Nichols explained all

stormwater and road projects were currently funded with property taxes. As police and fire services represented 60-70% of the budget, the Town needed to identify other funding sources for stormwater projects. Mayor Nichols pointed out by 2010 the Department of Ecology would require the Town demonstrate it was managing its surface water. Mr. Holtzmeier suggested residents could have approved a property tax increase instead.

Dr. John Wright, 10919 Algonquin Road, explained his 2 $\frac{1}{3}$ acre lot was part of the solution as it sloped away from road, less than 10% of the lot was impervious and 60% of the lot was forested. He objected to being charged three times as much as a small lot.

Mike Quinn, 22906 Woodway Park Road, explained when he voted in favor of establishing a stormwater utility, his decision was based on information in the voter pamphlet and the rate discussed at that time. He objected to the rate being discussed that was based on a 3:1 ratio as it represented a significant increase and was substantially different than the rate originally described. He pointed out water infiltrates on his 3 acre parcel and very little flows onto the road. Because most stormwater was primarily related to roads, he supported a flat rate or Mayor Nichols' proposal which was closer to what voters thought they were agreeing to.

Mayor Nichols advised the Council would discuss the stormwater rates at the next meeting, and at that meeting or the next, to try and narrow down the options for the rate structure and then hold at least two public hearing prior to adopting a final rate structure. She advised notice of the public hearings would be provided to all Town residents.

Sister Barbara Stanek, 23920 Woodway Park Road, expressed concern with the financial impact the stormwater fee would have on their on their 14 $\frac{1}{2}$ acre property, property that was supported by the congregation. She noted their property taxes had doubled in last two years. She pointed out their parcel was primarily forested and water from the road entered their property.

George Stead, 10915 North Deer Drive, commented the Stormwater Management Plan identified ten projects; only one was the result of failure on private property, all the others were problems with the conveyance system. He noted none of his neighbors currently used the storm sewer on the opposite side of North Deer Drive and none had had any flooding problems other than the puddling he was experiencing as a result of the new paving. He did not support a rate based on zone/lot size and recommended either a flat rate or a one-time per household assessment.

Jim Ange, 11110 Algonquin, explained he supported the establishment of a stormwater utility based on his view that although he was not contributing to stormwater, it was a necessary part of a community. He was concerned when he learned the Council was considering something other than a flat rate. He urged the Council to adopt a flat rate or a one-time per household assessment rather than a rate based on zone/lot size.

Mayor Nichols advised the Council would continue their discussion regarding rates at the next meeting.

POINT EDWARDS

Mayor Nichols recalled when an issue arose regarding the above ground utility poles on Pine Street, the developer of Port Edwards verbally and in writing agreed the poles would be

removed and the utilities would be underground. She recently met with Ross Wood, Pt. Edwards, regarding the potential for a lookout at Pt. Edwards and he expressed interest if the Town paid all maintenance and design costs. When she raised the issue of the utility lines, he said the utilities did not have to be underground to serve Pt. Edwards and he had made a decision not to underground them. He acknowledged he made a verbal and written agreement but was now not willing to underground the utilities. She proposed writing a letter to Mr. Wood reminding him of the Town's support of the project and expressing the Town's concern with his not honoring this prior agreement.

The Council discussed whether there was any legal basis to require the project to underground utilities and contacting the Town residents who were the real estate agents for the project to suggest they discuss this issue with Mr. Wood. The Council agreed Mayor Nichols would research the matter with Town Attorney Wayne Tanaka and draft a letter to Mr. Wood for Council review.

GENERAL COUNCIL DISCUSSION – COUNCIL CHOICE OF TOPICS

ADJOURNMENT OF PUBLIC MEETING: *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Block* seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:54 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.)