

# TOWN COUNCIL MINUTES

November 15, 2004

## CALL TO ORDER, FLAG SALUTE, ROLL CALL

The second Council meeting for the month of November was called to order by Mayor Nichols at 7:00 p.m. at Woodway Town Hall. Councilmembers present were Robert Schillberg, Kent Saltonstall, Peter Block, Steve Abel, and Kerin Steele. Planner Bill Trimm, Public Works Director Randall Burns, and Clerk-Treasurer Lorraine Taylor were also present.

**APPROVAL OF MINUTES:** The following changes were made to the November 1, 2004 minutes:

- Page 2, first paragraph, revise the first sentence to read, "Councilmember Block expressed concern with the Committee's recommendation in light of the report by Greg Easton., ~~and pointed out the attendance at the Pt. Wells Advisory Committee meeting where the recommendation was made was not reflective of the Committee's membership.~~"
- Page 2, third paragraph, revise the third sentence to read, "Discussion followed regarding ... the history of coyotes in Woodway, whether to extend the permit for one more month ~~to demonstrate the Town's responsiveness,~~ increased visibility of coyotes recently, and the advice from the State to protect domestic animals at night."
- Page 4, fourth paragraph, revise the first sentence to read, "Discussion followed regarding ... setbacks protecting privacy, limiting the number of trees to be removed and establishing a maximum for variances.

*Councilmember Steele* moved to approve the minutes of the November 1, 2004 Council meeting as amended. *Councilmember Abel* seconded the motion. Motion carried unanimously.

**APPROVAL OF VOUCHERS:** *Councilmember Schillberg* moved to approve Claims Warrants #4388 through #4412 for the total amount of \$18,611.71. *Councilmember Steele* seconded the motion. Motion carried unanimously.

## AUDIENCE COMMENTS:

Mary Lou Block, 23821 115<sup>th</sup> Place W, Port of Edmonds Commissioner, explained the Port had participated in the Pt. Wells Advisory Committee as well as contributed to the cost of the planner assisting that committee. She recalled the Planning Commission's recommendation of Alternative C, water related/water dependent industrial uses, as the most appropriate land use for the western portion of the site. She noted Port Executive Director Chris Keuss sent a letter to the Town on behalf of the Commission asking that a marina be allowed as a water related/dependent industrial use. She recalled the Planning Commission was receptive to that designation.

Scott Neely, 23611 Woodway Park Road, informed the Council about the pilferage of political signs during the recent election. Several audience members as well as the Council and Mayor agreed this was a concern.

**COUNCIL REPORTS:** **Councilmember Saltonstall** reported the Town will receive a \$7,000 refund from Snohomish County Emergency Response System's (SERS), a return of capital from Phase 1 pursuant to the agreement that any remaining funds would be returned to participating jurisdictions. Councilmember Saltonstall also reported he observed a coyote nonchalantly standing in the street when driving through a residential area of Edmonds recently, evidence that coyotes were everywhere. Mayor Nichols advised Edmonds Animal Control indicated they follow the Department of Fish & Wildlife's advice and do nothing.

**Councilmember Block** distributed a map that resident Dr. Ed Simons, a Snohomish County Planning Commissioner, received with regard to the EIS for the Edmonds Crossing project. He advised the EIS was available on CD at Town Hall. Councilmember Block then referred to the Great Western Sports fact sheet regarding the proposed NASCAR racetrack, commenting the Council may want to weigh in on the issue at some point after Snohomish County completes its study.

**MAYOR REPORT:** **Mayor Nichols** shared a narrative of a recent police incident to illustrate the issues the police are encountering with cut-through traffic. With regard to the copy machine, Mayor Nichols recalled the Council agreed to purchase a copier with 2004 funds but the model had not yet been agreed upon. A brief discussion followed regarding copier features.

**ACTION:** *Councilmember Steele* moved to authorize the purchase of the Savin (Ricoh) copier as described in chart prepared by the Clerk-Treasurer using 2004 funds. *Councilmember Schillberg* seconded the motion. Motion carried unanimously.

#### **RESOLUTION NO. 04-285 – 1% EMS LEVY INCREASE**

**ACTION:** *Councilmember Saltonstall* moved for approval of Resolution No. 04-285, authorizing an increase in the EMS property tax levy for the 2005 levy in the amount of \$1,883, a 1% increase from the previous year. *Councilmember Block* seconded the motion.

Councilmember Saltonstall pointed out the proposed 1% increase did not even cover the 5% increase in the contract with Edmonds to provide emergency medical service but a 1% increase was the most the Town could levy annually, under voter-initiated state law.

Motion carried unanimously.

#### **PUBLIC RIGHTS-OF-WAY ON 236<sup>TH</sup> STREET & 112<sup>TH</sup> PLACE**

Mayor Nichols explained the intent tonight was not for the Council to take action but to explore options.

Public Works Director Randall Burns distributed and reviewed an aerial photograph of the area and identified the undeveloped right-of-way on 236<sup>th</sup> Street between 112<sup>th</sup> Place and Woodway Park Road being considered for a walking trail (Area 1). His research indicated this area was a replat of the Puget View addition to Richmond Beach in 1964 and had been dedicated to the Town. He explained the half the area was currently landscaped by the adjacent homeowner and the remainder was undeveloped. He noted there was no walkway on Woodway Park Road on that side of the street.

Mr. Burns also identified the section of 236<sup>th</sup> from 112<sup>th</sup> Place to Timberlane (Area 2) where consideration was being given to removing the existing asphalt and creating a natural planting area. He explained closing this street would eliminate the blind corner at the intersection of Timberlane and 236<sup>th</sup> Street. He explained the only other way to improve visibility at the intersection would be to drastically trim or remove the existing hedge. He commented on the potential to use this area for underground stormwater retention, an issue that would be addressed as part of the Stormwater Comprehensive Plan.

Mayor Nichols expressed her appreciation for the letters provided by residents in the area including Howard Winnem, Maggie Barlament-Winnem, Gwen Johnson, Lindsey Echelbarger, Scott Neely, Kerri Bumgardner, Elizabeth Mitchell, Norma Boyce, Kirk/Susan Storer, Ronald Boyce, Jan/Pat Anderson. A letter signed by several additional residents (Lee Miller, Joseph Shanks, John/Terry Parker, Harry/Peggy Purdy, Diane Broderick, Aurel/Patti Kajlich, Sherry Broderick, Karen Caldwell, Duane Olberg, and Ellis Buli) was presented to the Council during this discussion.

Discussion followed regarding limited visibility at the intersection of 236<sup>th</sup> and Timberlane, a suggestion to make 112<sup>th</sup> one-way to eliminate the sight distance problem and make the other half of the roadway a walkway that would connect the neighborhood to Timberlane, cost to maintain open space, a suggestion to determine whether the area would be needed for stormwater retention before making a decision, cost to install a walkway, a suggestion for staff to provide a cost analysis of the options, and limited impact on the Fire Department's ability to access this area.

Gary Poulsen, 23709 112<sup>th</sup> Place W, recalled an attempt 12 years ago to close the street to access from 112<sup>th</sup> was unsuccessful because the Mayor requested 100% approval from the neighborhood and one resident could not be contacted; all the remaining neighbors were supportive of making 112<sup>th</sup> Place West a cul-de-sac as a way to reduce vandalism occurring in the neighborhood. Although he did not oppose trail or walkway, he urged the Council to consider risk factors associated with activities that may occur in such a secluded area. He expressed concern with a trail that would lead pedestrians onto Woodway Park Road where there was no walkway or crosswalk. He supported the road closure but questioned the wisdom of installing a trail.

Lynn Olberg, 23615 112<sup>th</sup> Place W, spoke in opposition to the road closure. She agreed it was a dangerous corner but felt it could be rectified by trimming or removing the hedge to improve visibility. She was also opposed to the trail, questioning why the Town would replace the greenbelt with a trail when there were streets on both sides.

Ronald Boyce, 23606 112<sup>th</sup> Place W, expressed his opposition to the trail for the reasons stated in the letter signed by all the adjacent neighbors (creates a safety, security and policing problem due to its location, the unusual location connecting 112<sup>th</sup> Place West with Woodway Park Road, the steep grade and potential for increased water runoff, and adverse affects on seclusion and privacy). He concluded the adjacent property owners unanimously opposed the trail and were generally in favor of the street closure due to the traffic hazard at that intersection. He noted if Area 2 were closed, one neighbor wanted to ensure he would continue to have access to his backyard.

Kerri Bumgardner, 23600 Woodway Park Road, property owner adjacent to the undeveloped right-of-way, expressed her opposition to a trail adjacent to her property. She expressed the

neighborhood's concern with safety and security associated with opening a public trail. She pointed out the potential cost of installing a trail particularly due to the steep grade and the potential for increased runoff. She was also concerned that the trail would lead pedestrians onto a busy intersection on Woodway Park Road where there was no walkway or crosswalk.

Scott Neely, 23611 Woodway Park Road, recounted a few instances of misuse that have occurred in the neighborhood including beer cans in the holly hedge, beer cans and evidence of vagrancy in a large yew (later removed to install a fence), and graffiti spray painted on their fence. He concluded the trail was an invitation for mischievous behavior.

Harry Purdy, 11 Woodhaven Place, expressed concern with the potential for runoff from a trail surface onto their and their neighbor's property. He reiterated the concern with the safety of a trail that would lead pedestrians onto Woodway Park Road as well as with security issues created by a trail. With regard to the closure of Area 2, he did not have any concerns other than the cost and maintenance.

Norma Boyce, 23606 112<sup>th</sup> Place W, pointed out the ongoing cost to maintain a public pathway.

Mr. Poulsen commented the roadway was immediately adjacent to the property owner with the hedge which prevented them from doing anything to improve visibility at that corner. Conversely, the property line of the property on the other side of the street was back 10-15 feet, allowing visibility to the south.

Councilmember Block reviewed his research that indicated there were no safety or vandalism concerns expressed by residents adjacent to a walkway in the Town (at the end of Kulshan leading to SR-104) and a walkway in Edmonds (at the end of North Deer Drive between 106<sup>th</sup> and 108<sup>th</sup>). He also read from a study of the Burke-Gilman trail that concluded concerns regarding decreased property values, increased crime and lowered quality of life due to construction of multiuse trails were unfounded. He concluded the concerns expressed by residents, although not unreasonable, were not supported by the facts.

Discussion continued regarding the Council's proposal in the 1980's for a network of trails that was scaled down to the current walkways, disruption to adjacent property owners from a trail, and safety of pedestrians entering onto Woodway Park Road from a trail. Councilmembers requested additional information regarding whether the holly could be trimmed to improve visibility, the cost/benefit of converting Area 2 a one-way street, and the cost to remove the asphalt in Area 2.

Mr. Boyce encouraged the Council to research the history of Area 1, recalling there were problems when that area used to be more open.

Bruce Amy, 112<sup>th</sup> Place W, commented they were neutral with regard to the pathway but felt strongly regarding the intersection at Timberlane, recommending the hedge be trimmed to improve visibility or the road closed.

Councilmember Block relayed comments from Bob Knapp, 112<sup>th</sup> Place W, who was neutral on the path.

Mayor Nichols advised staff would conduct further research relating to Area 1 (potential street closure and report back to the Council. It was agreed that this issue may take a few months to

resolve. The decision regarding Area 2 (walking path) would be discussed and Council would take action at the next Council meeting on December 6<sup>th</sup>.

## **INTRODUCTION OF DRAFT COMPREHENSIVE PLAN**

Planner Bill Trimm explained the Growth Management Act (GMA) required all cities and counties to review and update their Comprehensive Plans by December 2004. The Planning Commission has been working on the update since March 2004 and has held a total of 11 meetings between March and October. He explained the intent of this item was to provide the Council with background information on the revisions to the Comprehensive Plan as well as the Pt. Wells subarea which is included in the Comprehensive Plan Land Use Element.

Mr. Trimm explained two planning processes have occurred concurrently, the update of the Comprehensive Plan last adopted in 2000 and the Pt. Wells subarea plan. He described the approximately five year process to develop the Pt. Wells subarea plan, culminating in the Pt. Wells Advisory Committee's consideration of six land use alternatives and a recommendation to the Planning Commission of low density residential as the most appropriate land use for the upper bluff and industrial for the lower portion of the site. The Planning Commission accepted the Pt. Wells Advisory Commission's recommendation and directed staff to prepare policies specific to Pt. Wells. The Planning Commission conducted a public hearing on November 10 and will be forwarding a resolution recommending approval of the Comprehensive Plan update including the Pt. Wells subarea plan.

Mr. Trimm reviewed revisions made to each of the five Comprehensive Plan elements required by GMA – Land Use, Conservation, Capital Facilities/Utilities, Transportation and Housing Elements.

Mr. Trimm recognized Public Works Director Randall Burns for the preparation of the maps and Administrative Project Manager Jack Collins who authored the Capital Facilities/Utilities Element. He expressed his thanks to Councilmembers Block and Steele for their efforts as Council representatives to the Pt. Wells Advisory Committee. Mr. Trimm advised the Comprehensive Plan had been forwarded to the Office of Community Trade and Economic Development (CTED) at the end of October per the GMA requirement for a 60 day review. He anticipated a response from CTED and action by the Council in early January.

Planning Commissioner Charlie Fontaine advised in addition to forwarding the Comprehensive Plan to the Council, the Planning Commission also recommended the Council consider changing the zoning of the Town Reserve properties as well as other publicly owned lands to Conservation to reflect the public ownership of those properties. Mr. Trimm recalled in the Port of Edmonds' testimony at the Planning Commission public hearing, they recommended the industrial land use in LU-21 be interpreted to be water related industrial and not preclude the potential development of a marina.

Councilmember Block expressed the Pt. Wells Advisory Committee's appreciation to Mr. Trimm for his guidance and leadership. He also expressed appreciation to the other eight members of the Pt. Wells Advisory Committee for their efforts, Mel Steinke, George Stead, Tom Whitson, Henry Veldman, Bill Anderson, David Willsie, Terry Parker and Bruce Faires. The Council expressed their thanks to Mr. Trimm for his efforts regarding the update to the Comprehensive Plan.

## **PUBLIC HEARING – PRELIMINARY 2005 BUDGET**

Mayor Nichols opened the public hearing on the preliminary 2005 budget at 8:52 p.m. There were no members of the public present who wished to provide testimony and Mayor Nichols closed the public hearing at 8:53 p.m.

Mayor Nichols recalled there was some discussion at the last Council meeting regarding funding for the option lots. She suggested Administrative Project Manager Jack Collins research the concept of a bond issue to purchase the last two lots.

Discussion followed regarding the refund from SERS and the possible need to increase police presence in the Town. It was suggested capital expenditure items such as the police car be accounted for separate from operating expenses as the funds were not from annual revenues but from Fund 104. It was also suggested the Council have a policy discussion in early 2005 regarding whether to increase the police presence in the Town.

She reviewed two distribution scenarios which the Council discussed.

Clerk-Treasurer Lorraine Taylor distributed the forecasting model and assumptions, explaining that unless a change was made to the current distribution of property taxes (63% to General Government – Fund 001, 32% to Transportation – Fund 102, and 5% to Capital Reserve – Fund 104), Transportation Fund 102 would be in the red by 2008. She explained the loss of State transportation revenues necessitate an increase in the revenue to Fund 102 to continue to meet expenses.

Ms. Taylor described two distribution formulas with supporting graphs that illustrated what the long term impacts would be to the three affected funds (General Government, Transportation, Capital Reserve). Discussion followed regarding the two scenarios.

**ACTION:** *Councilmember Abel* moved to authorize redistribution of property taxes in accordance with Scenario #1 assumptions (63% to Fund 001, 37% to Fund 102, and 0% to Fund 104 in 2005, and 55% to Fund 001, 45% to Fund 102, and 0% to Fund 104 in 2006). *Councilmember Steele* seconded the motion. Motion carried unanimously.

## **RESOLUTION NO. 04-286 – 1% PROPERTY TAX LEVY**

**ACTION:** *Councilmember Block* moved for approval of Resolution 04-286, authorizing an increase in the regular property tax levy for the 2005 levy in the amount of \$3,940, a percentage increase of 1% from the previous year. *Councilmember Saltonstall* seconded the motion. Motion carried unanimously.

## **DISCUSSION – Coyote Problems**

Mayor Nichols referred to Councilmember Block's research regarding coyotes and information from the Washington Department of Fish and Wildlife's website, "Living with Wildlife in Washington."

Councilmembers and Mayor Nichols discussed sending out an informational mailing to residents, research that indicates indiscriminate trapping is not effective, coyotes as a natural occurring phenomena rather than a problem, lack of natural enemies and increased daytime

activity, the wildlife corridor provided via the railroad tracks, whether the coyotes were a public safety issue, and a suggestion to invite a wildlife biologist to address issues specific to Woodway and field questions from residents. Mayor Nichols suggested, with the council's concurrence, that the Town will invite a Department of Fish and Wildlife representative or other recognized expert to a Council meeting along with Chief Hansen prior to preparing a mailing. It was also suggested residents document coyotes' actions.

**AUDIENCE COMMENTS:**

Charlie Fontaine, 11500 S Dogwood Lane, commented there was information in the last newsletter regarding how to discourage coyotes. He commented he has seen more coyotes on his property over the last two years and found it disturbing to hear reports that coyotes were not afraid of humans. He suggested it be reported that these were not a pack of runaway dogs.

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

Councilmember Saltonstall reported he contacted Rabanco after seeing oil spilled from a Rabanco truck and they indicated it would be taken care of.

**ADJOURNMENT OF PUBLIC MEETING:** *Councilmember Saltonstall* moved to adjourn the meeting. *Councilmember Steele* seconded the motion. Motion carried unanimously. The meeting was adjourned at 9:43 p.m.

Respectfully Submitted,

**APPROVED BY THE TOWN COUNCIL**

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Lorraine Taylor, Town 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.)