

# EDMONDS CITY COUNCIL APPROVED MINUTES

## February 26, 2008

The Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Haakenson in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds. The meeting was opened with the flag salute.

### ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor  
Michael Plunkett, Council President  
Peggy Pritchard Olson, Councilmember  
Steve Bernheim, Councilmember  
D. J. Wilson, Councilmember  
Deanna Dawson, Councilmember  
Dave Orvis, Councilmember  
Ron Wambolt, Councilmember

### STAFF PRESENT

Tom Tomberg, Fire Chief  
Duane Bowman, Development Services Director  
Dan Clements, Administrative Services Director  
Kathleen Junglov, Asst. Admin. Services Dir.  
Mark Correira, Assistant Fire Chief  
Rob Chave, Planning Manager  
Debi Humann, Human Resources Manager  
Scott Snyder, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

Approval of  
Agenda

### 1. APPROVAL OF AGENDA

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

Councilmember Wambolt requested Item D be removed from the Consent Agenda and Council President Plunkett requested Item E be removed.

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE CONSENT AGENDA ITEMS A, B AND C. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

Roll Call

#### A. **ROLL CALL**

Approve  
02-19-08  
Minutes

#### B. **APPROVAL OF CITY COUNCIL MEETING MINUTES OF FEBRUARY 19, 2008.**

Approve  
Claim Checks

#### C. **APPROVAL OF CLAIM CHECKS #102396 THROUGH #102524 IN THE AMOUNT OF \$363,450.68 ISSUED FEBRUARY 21, 2008, AND APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #46231 THROUGH #46274 FOR THE PERIOD OF FEBRUARY 1 - FEBRUARY 15, 2008 IN THE AMOUNT OF \$788,892.17.**

Proposed  
Ordinance re:  
Business  
License  
Procedure

### **ITEM D: ORDINANCE AMENDING THE PROVISIONS OF EDMONDS CITY CODE 4.72.030; ELIMINATING THE FIFTEEN DAY REQUIREMENT FOR A DECISION ON A BUSINESS LICENSE APPLICATION; AND ESTABLISHING GENERAL CRITERIA FOR DENIAL OF A BUSINESS LICENSE.**

For Councilmember Wambolt, City Attorney Scott Snyder explained he recommended this change in 2006 after a liquor license required a very lengthy process for approval. Councilmember Wambolt

observed the existing 15 day requirement for a decision had been effective for 43 years and questioned how often the time limit had been exceeded.

Mr. Snyder responded that a survey on MSRC indicated Kirkland had a 15-day limit; the majority of cities surveyed did not have a time limit and those that did were in the range of 30-45 days. He noted when a liquor license was involved, the delay was often not caused by the City but the Liquor Control Board. He noted in the Tupper case, the license application was submitted shortly after the Council's resolution regarding "quail-gate." As this license involved the keeping of another wild bird, staff took time to review the animal control regulations. He noted those were two situations in the past two years that had taken longer than 15 days.

Mr. Snyder noted if the City was not in compliance with its requirements, it would be difficult to prosecute a business owner for operating without a license. The ordinance also established criteria for denial which was currently lacking. He recommended establishing a time limit longer than 15 days. City Clerk Sandy Chase noted the City Clerk's office coordinates approval of business licenses by various departments; key departments include Planning, Building, Fire and Police. She noted delays were usually due to zoning or need for special permits. The intent of a business license was to ensure code compliance. Mr. Snyder remarked the 15-day time limit was also difficult with the limited number of staff in Edmonds; in comparison, Kirkland who also has a 15-day limit, has approximately 2½ times the number of staff. He offered to include a number other than 15 days or include a procedure for extension.

Councilmember Bernheim suggested the matter be referred to a Council Committee to determine whether an update was necessary. He inquired about the number of business licenses the City processed per month. Ms. Chase answered there were approximately 2,000 business licenses in the City and the City received approximately 300 new applications per year. Mr. Snyder commented in the time since this ordinance of the 1930s, due process laws particularly regarding denials had changed dramatically, thus the inclusion of more process in the ordinance.

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO REFER THE MATTER TO THE FINANCE COMMITTEE.**

Council President Plunkett expressed interest in either a longer period of time or a process for an extension.

Councilmember Dawson agreed with the suggestion to refer to the matter to Council Committee. She commented on the importance of expedited handling of business licenses to encourage businesses to locate in Edmonds. She favored a provision that would allow an extension in extraordinary circumstances.

**MOTION CARRIED UNANIMOUSLY.**

Historic  
Preservation  
Commission  
Members

**ITEM E: CONFIRMATION OF NEWLY APPOINTED HISTORIC PRESERVATION COMMISSION MEMBERS.**

Council President Plunkett advised last week the Council interviewed Susan Bauer and Larry Vogel for appointment to the Historic Preservation Commission.

**COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO CONFIRM THE APPOINTMENT OF SUSAN BAUER AND LARRY VOGEL TO THE HISTORIC PRESERVATION COMMISSION. MOTION CARRIED (6-0-1), COUNCILMEMBER BERNHEIM ABSTAINED.**

3. AUDIENCE COMMENTS

Snohomish  
County  
Councilmember  
Mike Cooper

**Mike Cooper, Snohomish County Councilmember**, advised he was attending the Council meeting in keeping with the commitment he made during his campaign to maintain open communications with City Councils and junior taxing districts like Fire and Water Districts. He was available for conversations regarding how decisions the Snohomish County Council would be making would affect Edmonds including land use decisions in the City's annexation areas particularly land use decisions in an area to the south where the City provides fire protection, Pt. Wells. He recognized decisions the County Council made in the City's urban growth areas affected Edmonds residents and it was his belief that the County should have discussions with cities regardless of the decision the State Legislature made regarding the GMA. He looked forward to working hard to ensure the City passed the proposed EMS levy.

Senior Center  
Boardmember  
Elections

**Roger Hertrich, Edmonds**, corrected information he provided previously regarding the Senior Center boardmember elections, advising the election was March 12 and a Meet the Candidate meeting was scheduled for March 5 at 1:00 p.m. With regard to the code rewrite, he pointed out decisions on items that were moved into Chapter 6 could be made without a public hearing and requested the Council hold a public hearing on any items proposed to be moved into Chapter 6. He objected to several of the changes, finding the overhaul of the code was extreme and likely further than the Council wanted to go. He objected to restrictions on homeowners, citing a requirement for a road to a woodpile to allow access by a fire truck. He summarized many of the requirements were ridiculous and were an imposition of rules and regulations on average citizens that would result in a revolt; a revolt he would lead.

Code Rewrite /  
Chapter 6

Snohomish  
County Council  
Issues / Land  
Use

Council President Plunkett asked Councilmember Cooper what the Snohomish County Council had accomplished in the past two months and upcoming issues. Snohomish County Councilmember Cooper reported he was elected Vice Chair of the Council and was looking forward to improving relationships between the Council and the Executive. He remarked County government was all about land use; there are numerous issues on the upcoming dockets, primarily in rural areas but he anticipated subdivisions and fully contained communities would be highly controversial issues. He anticipated the Planning Commission would soon be forwarding urban design standards to the Council regarding land use in cities' UGAs which would address LDMRs. He reported on ongoing efforts related to housing, homelessness, and preserving mobile home parks, the last unsubsidized low income housing option. He noted here were also a number of Public Works issues including Transportation Benefit Districts (TBD).

Snohomish  
County Council  
Communication  
with Cities

Councilmember Olson thanked Councilmember Cooper for attending the City Council meeting. She recalled one of the biggest issues at the South Snohomish Cities group was poor communication between the County Council and City Councils. Councilmember Cooper commented he planned to attend City Council meetings periodically and encouraged the City to invite him to attend Council work sessions where he could be of assistance on specific agenda items.

Transportation  
Benefit District

Councilmember Wilson recalled the Edmonds City Council's discussion at their retreat regarding forming a TBD in south Snohomish County and asked what that could look like and whether there were any potential pitfalls. Councilmember Cooper was unsure what the TBD would look like. He noted through Snohomish County Tomorrow discussions at the staff level, cities were asked to express interest in forming a TBD; one more city was required to meet the population threshold and then the County Council would make a decision whether to move forward with forming a countywide TBD. Although it was an appropriate discussion, he found the timing unfortunate as several large decisions would need to be made by May to form a countywide TBD. He was unsure whether the County would move forward with a countywide TBD; if they did, he anticipated a great deal of work would be required to determine what projects to put on the ballot, etc.

Snohomish County Council Environmental Stewardship

Councilmember Wilson observed Snohomish County Councilmembers Somers and Sullivan had provided a great deal of leadership on environmental stewardship issues in the past. He recalled approximately three years ago the Conservation Futures revenue was reduced by approximately half, funds that cities could use to purchase property to protect land, etc. He requested the County Council consider increasing that to an optimal level. Councilmember Cooper advised Conservation Futures was a high priority of his and he planned to continue pursuing that financing method.

Transportation Benefit District

Councilmember Orvis expressed interest in proceeding with a TBD. Councilmember Cooper advised now that cities have expressed interest in forming a TBD, the County Council and Executive would need to determine next steps. When he took office in January there had not yet been any discussion at Council Committee regarding whether to move forward with forming a TBD; the next steps would be to have local elected leaders discuss with the Public Works Committee what they envisioned. If the TBD was countywide, cities could expect 56% of the funds to be spent in cities and the remainder in unincorporated areas due to the rough split of car registrations inside and outside cities. A countywide TBD would also require development and approval of Interlocal Agreements with all cities by May.

Councilmember Dawson also thanked Councilmember Cooper for attending the meeting, noting because she works with him at Snohomish County, she had had conversations with him regarding TBD and other topics. She appreciated his willingness to partner and build bridges with cities and found it a great benefit to have him on the County Council.

EMS Levy Lid Lift – May 20, 2008 Special Election

4. **DISCUSSION AND POTENTIAL ACTION REGARDING A PROPOSED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT THE MAY 20, 2008 SPECIAL ELECTION OF A PROPOSITION AUTHORIZING AN EMERGENCY MEDICAL SERVICES (EMS) LEVY LID LIFT TO RESTORE THE REGULAR PROPERTY TAX BY APPROXIMATELY \$.18 (\$1.7 MILLION) TO THE ORIGINALLY AUTHORIZED LEVEL OF \$.50 PER \$1,000 OF ASSESSED VALUATION; AND SUPPLYING A BALLOT TITLE LIMITING THE USE OF THE LEVY TO EMS PURPOSES.**

Mayor Haakenson advised the resolution had a great deal of input from staff and the City Attorney’s Office. In response to Councilmember Wambolt’s request, the resolution included a dollar amount as well as the cents per thousand.

Res# 1166 - EMS Levy Lid Lift – May 20, 2008 Special Election

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO FOR APPROVAL OF RESOLUTION NO. 1166. MOTION CARRIED UNANIMOUSLY. The resolution approved reads as follows:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT THE MAY 20, 2008 SPECIAL ELECTION OF A PROPOSITION AUTHORIZING AN EMERGENCY MEDICAL SERVICES (EMS) LEVY LID LIFT TO RESTORE THE REGULAR PROPERTY TAX BY APPROXIMATELY \$.18 (\$1.7 MILLION) TO THE ORIGINALLY AUTHORIZED LEVEL OF \$.50 PER \$1,000 OF ASSESSED VALUATION; AND SUPPLYING A BALLOT TITLE LIMITING THE USE OF THE LEVY TO EMS PURPOSES.**

Support EMS Levy Lid Lift – May 20, 2008 Special Election

5. **DISCUSSION AND POTENTIAL ACTION REGARDING A PROPOSED RESOLUTION IN SUPPORT OF THE PROPOSITION AUTHORIZING AN EMERGENCY MEDICAL SERVICES (EMS) LEVY LID LIFT.\* THE PROPOSITION BALLOT TITLE READS AS FOLLOWS:**

**SHALL THE CITY OF EDMONDS RESTORE ITS CURRENT EMERGENCY MEDICAL SERVICES TAX LEVY RATE TO THE ORIGINALLY VOTER-AUTHORIZED TOTAL TAX LEVY OF \$.50 PER \$1,000 OF ASSESSED VALUATION RESTORING APPROXIMATELY \$.18 (\$1.7 MILLION) AND INCREASE THE LEVY EACH YEAR THEREAFTER AS ALLOWED BY**

**CHAPTER 84.55 RCW? THIS PROPOSITION IS NOT AN EXCESS LEVY AND IS SUBJECT TO OTHERWISE APPLICABLE STATUTORY LIMITS.**

**SHOULD THIS PROPOSITION BE APPROVED? YES OR NO**

**\*PUBLIC COMMENT WILL BE RECEIVED BOTH PRO AND CON REGARDING THIS PROPOSED RESOLUTION OF SUPPORT**

Mayor Haakenson invited public comment. There were no members of the public present who wished to provide comment.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, FOR APPROVAL OF RESOLUTION NO. 1167. MOTION CARRIED UNANIMOUSLY. The resolution approved reads as follows:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, REQUESTING THE VOTERS SUPPORT A PROPOSITION TO RESTORE THE CITY'S EMERGENCY MEDICAL SERVICES LEVY TO \$.50 PER \$1,000 OF ASSESSED VALUATION.**

Res# 1167 –  
Support EMS  
Levy Lid Lift –  
May 20, 2008  
Special  
Election

**6. ORDINANCE ESTABLISHING THE SALARY RANGES FOR NON-REPRESENTED AND EXEMPT PERSONNEL FOR BUDGET YEAR 2008.**

Establish Salary  
Ranges for Non  
Represented  
and Exempt  
Personnel

Human Resources Manager Debi Humann reviewed the four areas covered by the Annual Compensation Ordinance:

1. Section 1.1 details the updated 2008 Hourly Employee Wage Schedule and accompanying pay grade and title sheets (Exhibit A). She advised the Hourly Employee Wage Schedule was updated annually based on the Washington State minimum wage law. In addition, the titles of hourly positions were reviewed annually and minor changes made.
2. Section 1.2 of the ordinance includes the updated 2008 Non-Represented Employee Pay Schedule (Exhibit B). She recalled non-represented compensation had been the subject of much debate over the past three years. Last year the Council approved a new Non-Represented Employee Policy (NRC). Per the NRC policy, the pay schedule was updated annually through a survey process. The proposed 2008 non-represented employee pay schedule reflects the results of the survey as well as a 3.5% COLA.
3. Section 1.3 of the ordinance authorizes the Mayor to approve merit increases for non-represented employees based on anniversary dates within the band established in compliance with the NRC compensation policy. She noted although this was not a new practice, the ordinance establishes the method by which merit increases are provided.
4. Section 1.4 gives authority to the Mayor to provide additional compensation to non-represented employees who were doing their job along with the duties of an additional vacant position for a period exceeding 30 days.

Ms. Humann advised the ordinance was reviewed by the Finance Committee at their February 12 meeting and was recommended for review by the full Council.

Council President Plunkett asked whether the provision that allowed the Mayor to provide additional compensation under certain circumstances was reviewed by the Finance Committee. Ms. Humann answered yes. Finance Committee member Councilmember Wambolt recalled Mayor Haakenson informed the Committee he would make the proposal to the Council. Ms. Humann agreed it was not included in the ordinance considered by the Finance Committee but it was discussed. City Attorney Scott Snyder advised he drafted the section last week.

Councilmember Bernheim asked whether the Finance Committee members felt that issue had been adequately discussed. Councilmember Wambolt did not recall there was any discussion; the concept was introduced but there was no discussion between Committee members. Mayor Haakenson recalled there was a reporter in the audience and it was decided not to go into detail so that it was not reported in the newspaper before the Council had an opportunity to consider it. Mr. Snyder explained both the union contracts and the City's personnel manual had a similar process when an employee was covering two jobs or working out of class; however, there was nothing similar at the director level. Ms. Humann advised the current City policy and collective bargaining allowed for an additional increase for a staff member working in their position who took on a supervisory role or duties of higher pay grade. She noted at the non-represented level, it was becoming more common that staff were doing their full-time job as well as taking on additional positions that may not be at a higher salary level with no way to provide any compensation. She commented the proposed additional compensation was intended to reward employees performing two jobs in excess of 30 days.

Mr. Snyder commented the Economic Development Director position had been vacant for a substantial period of time and Stephen Clifton had been covering that position as well as Community Development Director. As a non-represented employee, he did not receive overtime and worked a substantial number of hours. He noted a public employee could not be provided a bonus and could not be compensated retroactively. Ms. Humann pointed out repeated efforts to fill the Economic Development Director position had been unsuccessful.

Councilmember Bernheim observed currently directors who worked additional hours were not compensated. Ms. Humann agreed. Mr. Snyder explained for employees covered by collective bargaining that issue was addressed by the contract. A non-represented employee not at a director level was covered by the City's personnel policies; director's compensation was established in bands in the annual salary ordinance. Absent Council authorization, there was no way to provide additional compensation.

Councilmember Bernheim asked about comp time. Mr. Snyder answered comp time was applicable only to those covered by the Fair Labor Standards Act and receive additional compensation. At a director level the individual works as much or as little as necessary to perform his job; in this situation the person is covering two jobs, working in excess of 40 hours per week and there was no way to compensate him.

Councilmember Bernheim clarified his questions were in no way related to the specific staff member, only the ordinance which could apply in other instances. Mayor Haakenson clarified this situation had only arisen twice in the past ten years, both in the last two months. Ms. Humann reiterated this would only apply to a person doing their own job plus another position for a period of over 30 days.

Council President Plunkett observed the policy exists in concept but not for directors. Mr. Snyder agreed. Mayor Haakenson clarified it existed for union bargain units but not non-represented employees.

Councilmember Wambolt referred to the comment that a director was not being compensated for working additional hours and not receiving comp time. Ms. Humann advised directors did not accumulate comp time. Mr. Snyder advised exempt employees' salaries could not be docked; they performed their job or were subject to discharge.

Councilmember Wambolt did not object to compensating a person temporarily assuming a higher level position. In this instance, if the person in question were provided an additional 5%, they would be the second highest paid employee in the City, above the Police Chief. He noted the Economic Development Director position and Community Services Director position had only one person reporting to it.

Observing that the additional 5% would result in a salary of over \$130,000/year, he found that inappropriate and he would not support it. Ms. Humann pointed out an advantage was the City was not paying a salary for both positions. Councilmember Wambolt assured he had nothing against the individual, noting there was likely not a finer employee, but there were only 24 hours in a day to perform his job duties.

Councilmember Bernheim commented if the City could not afford an Economic Development Director, that position should be eliminated and if the position was essential, the City should find the money to fund it. He was willing to approve the ordinance, referring Section 1.4 to the Finance Committee for further vetting such as regarding the issue of comp time. He suggested the Council could also approve Section 1.4 with a 3-month sunset provision and in the meantime refer the issue to the Finance Committee.

Councilmember Wilson commented according to the pay grade and title, an Intern was paid more than a Crime Prevention Officer Assistant and the Chief Information Officer and Wastewater Treatment Plant Supervisor were included in the same band. He observed the City did not seem to have a good sense of what the market paid and based on feedback from staff, the City was not keeping pace with private industry and was doing more with less such as the Community Services Director doing his job as well as the Economic Development Director duties. He asked whether this was a symptom of a larger problem that needed to be addressed.

Mayor Haakenson commented he was amazed at the amount of time spent discussing the non-represented employees' pay when there were 43 non-represented employees compared to 282 total employees. He noted approximately 240 of City employees were covered by union contracts which the Council approves. Staff has developed different ways over the years of conducting salary surveys to ensure the City was paying comparable salaries which he believed the City was, and the Council's policy had been to pay in the mid-range. With regard to Councilmember Bernheim's comment regarding whether an Economic Development Director was needed, Mayor Haakenson explained the Council made a decision to fill the Economic Development Director position, it was a budgeted position, and there was no argument that the City could not afford the position; it was simply that a satisfactory candidate had not been identified and the approximately \$100,000 salary had not been paid for the past two years. The proposal was to pay an already overworked employee approximately \$5,000 to do a second job. He noted last week the Council allocated that much to fund the 2-1-1 call center.

Mayor Haakenson emphasized those 43 people were dedicated, quality employees who were doing their job for far less than they could get if they worked elsewhere. The approximately \$5,000 increase for the period of time that person did both jobs was well worth the savings of not filling the position and he did an amazing job. It was a temporary situation; if it were to become permanent, the job description would need to be rewritten. He summarized the position was funded in the budget and having the employee do both jobs saved the taxpayers approximately \$90,000 a year. He agreed the City's employees did more than employees in other cities, noting Lynnwood had 150 more employees and 10,000 fewer citizens. He emphasized the employees were the City's most valuable commodity and they deserved to be paid fairly; without them, nothing would be accomplished.

Councilmember Wilson assured there was no question of the value of Mr. Clifton to the City and \$5,000 was well worth the cost, noting hiring someone would cost much more than the proposed 5%. He was supportive of the ordinance, but had underlying concerns. For example although he had participated in Executive Session regarding contract negotiations, he felt what was presented was fait accompli. He acknowledged the City's staff was the best, did more with less and deserved to be paid adequately and if the administration felt they needed to be paid more, he would support that including working to pass the EMS levy. He noted even if the EMS levy passed, the City would not have sufficient revenue to fund

services beyond the next biennium which likely would require a general property tax increase, utility tax increases or service reductions.

With regard to comp time, Mayor Haakenson explained if a Director worked 48-50 hours one week and asked to take Friday off, he approved it. He acknowledged that could be considered comp time but he considered it a balancing act.

Councilmember Bernheim commented the proposal was not an increase for Mr. Clifton; if that was the intent, it should be worded in that manner. The proposal was a blanket authorization to the Mayor to provide additional compensation when multiple jobs were performed. He noted he voted against the funding for 2-1-1 and regretted he did not vote against the \$250,000 for a consultant on the Transportation Comprehensive Plan. He wanted to ensure this blanket power was adequately vetted by Council Committee. He did not recall any Council discussion when Mr. Clifton assumed the duties of the Economic Development Director nor was it conditioned on a pay increase. Mayor Haakenson answered there was little point referring the matter to committee when all seven Councilmembers were present and staff was available to discuss the matter. He pointed out although Councilmember Bernheim was not comfortable with providing the Mayor that power in an unusual circumstance, that was the Mayor's responsibility and the Council should be confident he would use it as intended.

Councilmember Bernheim noted his question regarding comp time had been answered two different ways. Mayor Haakenson answered although it was not called comp time, it worked like comp time. Mr. Snyder advised compensatory time under the Fair Labor Standards Act had a very technical meaning; it was money in the bank that could be cashed out at any time and was subject to taxation. What Mayor Haakenson and Councilmember Wambolt were discussing was an exempt employee not entitled to overtime being given flexibility in their hours. He noted an employee could not be paid retroactively outside a union contract. One of the reasons this arose was the situation was unanticipated because it has been assumed the Economic Development Director position would have been filled by now.

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE ORDINANCE NO. 3680.**

Councilmember Dawson commented there were two items in the ordinance; the first was approval of the pay grades for non-represented employees. The information provided indicated the rates were comparable to other organizations and she found it appropriate for the Council to approve those pay rates. With regard to the second issue, allowing the Mayor to provide a 5% interest to a director working out of class, she found it appropriate to institute such a policy rather than acting on a case-by-case basis. She noted represented positions working out of class were paid for the position they were performing. The current situation was unusual in that the employee was performing two jobs, one of which paid less than his current salary. She noted there were two ways to address the situation, 1) the work of the Economic Development Director was not done, noting the Council has agreed they wanted the work of the Economic Development Director done, or 2) eliminate the Economic Development Director position. She found it appropriate the additional 5% would not be paid until the person was performing the additional job for 30 days, noting employees at the executive level often helped out with other positions; however, it was appropriate to compensate an employee expected to perform two jobs for an extended period of time. She summarized the Economic Development Director was an important position for the City to fund and it was appropriate to compensate someone in the interim for doing two jobs.

Councilmember Olson commented on the importance of someone doing the Economic Development Director job, acting as the liaison between businesses and the City and new businesses resulted in increased revenues.

For Councilmember Wambolt, Mayor Haakenson assured Mr. Clifton had not requested the additional compensation and in fact knew nothing about it as he was on vacation. Mayor Haakenson explained although Mr. Clifton may benefit from the policy, the reason it was proposed was to provide additional compensation when appropriate. Councilmember Wambolt commented there was nothing more emotional for employees than the fairness of their compensation. He noted the amount of Council discussion regarding this issue was not the amount of money but the principle. He pointed out a person earning \$130,000 a year was not paid for the hours they worked; they were paid for their skills. He could support the proposal if it was to compensate a person performing a higher level position such as when the Assistant Police Chief performed the duties of the Police Chief.

Councilmember Wilson commented there may be some broader policy issues related to personnel and fairness that the Finance Committee may want to discuss. He found the proposed policy sufficiently narrow, empowering the Mayor with another tool, noting he trusted Mayor Haakenson and a majority of the citizens trusted him.

Councilmember Dawson commented she was not suggesting that an executive level employee be paid by the hour; she was recognizing that it would take an executive doing two jobs longer to do both jobs well and therefore additional compensation was appropriate. She noted few people could do two executive positions well or do them at the same time. For those who could, it was appropriate to provide them additional compensation. She noted the City had the tools to pay an employee working above their level but not for an employee performing two separate jobs at the same time for over 30 days.

Council President Plunkett observed since neither of the two Finance Committee members indicated the process violated the responsibilities of the Committee, he would support the motion.

**UPON ROLL CALL, MOTION CARRIED (4-3), COUNCIL PRESIDENT PLUNKETT AND COUNCILMEMBERS OLSON, WILSON AND DAWSON IN FAVOR; AND COUNCILMEMBERS BERNHEIM, ORVIS AND WAMBOLT OPPOSED. The ordinance approved reads as follows:**

**ORDINANCE NO. 3680 OF THE CITY OF EDMONDS, WASHINGTON, ESTABLISHING THE SALARY RANGES FOR NON-REPRESENTED AND EXEMPT PERSONNEL FOR BUDGET YEAR 2008, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

Ord# 3680  
Salary Ranges  
for Non-  
Represented &  
Exempt  
Personnel

7. **VERIZON FRANCHISE - CONSORTIUM**

Verizon  
Franchise -  
Consortium

City Attorney Scott Snyder explained the City's franchise with Comcast for cable television expired in three years; therefore, under federal statute the City was entering the three year negotiation period, a process that could be formal or informal. Comcast is a Section 6 cable provider under the Telecommunications Act that also offers Section 2 phone services as part of their triple-play service. Verizon is in the process of installing fiber throughout the region and the nation to offer the same triple-play service and will be a Section 2 telephone company offering Section 6 cable communication service.

Under new FCC regulations, cities are required to have in place a 90-day process for competitive franchises. When Verizon files an application the City will have 90 days to consider their application; therefore, any decisions regarding process were extremely time sensitive. He noted a competitive situation was one in which there was already an existing cable franchisee, in this case Comcast. Under level playing field requirements, when Verizon files an application, they are entitled to a franchise. Therefore, although the City was about to renegotiate their franchise with Comcast, Verizon would get the same franchise. He noted this was occurring in a very unstable setting; every year over the past three years the Telecommunications Act has been under scrutiny in Congress and cynics believe it would have

passed but for the election year needs of candidates enjoying lobbying contributions that represented the largest amount ever contributed to any congressional act under consideration.

Mr. Snyder advised Mr. Clifton and he had been working on the cable franchise including gathering copies of recently enacted franchises that included a franchise from Multnomah, Oregon where a cable consortium negotiated a state-of-the-art franchise. With Mayor Haakenson's permission Mr. Clifton and he contacted Snohomish County and north King County and south Snohomish County cities to gauge their interest in forming a group to negotiate with Verizon as a consortium. He noted as a negotiator the City wanted to get the best deal possible for the citizens of Edmonds in a manner that was cost effective; however, because Verizon would be contributing directly with Comcast, there was no additional money for the City; the city was already receiving the maximum 5% franchise fee.

He suggested the City may want to consider the assistance of a national consulting firm that specializes in cable TV franchises, a cost that could be reduced by several cities sharing a consultant. He explained Edmonds had taken the lead role in a series of meetings with cities and the county; at the present time Snohomish County (for its urbanized area), Mountlake Terrace, Kenmore, Brier, Woodway, and Mukilteo have expressed interest. He noted if the tools of the franchise were consistent, it would make that one less issue to be addressed at the time of annexation of UGA. He noted items of common interest include customer service standards, technical standards, right-of-way use, and public education governmental issues. He summarized the goal of the cities was to share information and costs and via an Interlocal Agreement negotiate as a consortium.

Mr. Snyder questioned if the Council was interested in creating a consortium to negotiate with Verizon. He noted Verizon was presenting the same negotiating template to each city and the flaw and benefits of the proposal would be nearly the same for each city; the more consumers the consortium negotiates on the behalf of, the greater the leverage and the lower the cost. The group met today in Mountlake Terrace and Mountlake Terrace has begun interviewing consultants. He has been working on a draft Interlocal Agreement that he will discuss with the Snohomish County Prosecutor's Office and attorneys from the other cities if the Council indicates a desire to proceed.

Mr. Snyder indicated the City's portion of a \$30,000-\$50,000 consultant contract would be approximately 20%. For cities that did not participate in the consortium, the Interlocal Agreement would serve as a joint purchasing agreement.

Mayor Haakenson commented the cost savings alone were worth the effort. He referred to the Verizon template that was provided to each city, noting it was the goal to develop a city template and the strength in numbers would resolve many issues.

Councilmember Dawson agreed strength in numbers was important. She supported forming a consortium, noting it was difficult for cities to negotiate franchise agreements with cable companies on their own. She relayed commendations from an individual in the Snohomish County Executive's Office who previously negotiated cable franchises for the City Everett, for the work done by Mr. Snyder and Mr. Clifton in this process and his comments that it was a pleasure to work with these professional, knowledgeable people.

Councilmember Wilson asked if there were any major arguments against negotiating with Verizon as a consortium. Mr. Snyder answered only if there were unforeseen issues with the cost share. He noted the 5% franchise fee each city receives was levied for the purpose of supporting this effort. For most cities, it was deposited into their General Fund. He recalled when negotiating cable franchises 25 years ago, the cable franchising companies paid cities' costs; that was no longer done. He noted the draft Interlocal Agreement was structured to allow a city to opt out at any time.

Councilmember Wilson inquired about the impact on the City's fiber optics. Mr. Snyder answered the rules that were established would apply to all franchises because a level playing field was required.

For Councilmember Wilson, Mr. Snyder assured the Council would approve a franchise agreement for Edmonds and would be the ultimate arbiter of the terms. The intent of negotiating together was to have greater leverage with the cable company. Because Verizon would have hundreds of franchises in Washington and thousands nationally, there was an advantage for them to have consistent requirements. He hoped their desire for consistency could be leveraged to get a better economic deal, better technical requirements or better customer service standards for citizens.

Councilmember Wilson referred to options in Mr. Snyder's memo which included the City entering into an informal process with Verizon. Mr. Snyder commented detail regarding negotiating strategies should be conducted in Executive Session. The conundrum was the City had a 15-year old cable franchise; Verizon was guaranteed a level playing field by federal law. Therefore the City's competitive franchise for Verizon by itself could be no better than what Comcast was providing. However, much had changed in 15 years and the City would like to develop a better franchise template. An ordinance adopted last year provided that any competitive franchise ordinance would have the same length as the longest franchise the City let; therefore, Verizon's franchise would expire at the same time as Comcast. Verizon would rather have a longer franchise and via an informal process they should be willing to provide more to the City than would otherwise be available. The difficulty was the City was setting the bar for Comcast in the upcoming renegotiation process. He hoped the consortium and an informal process with Verizon could be used to draw Comcast into the discussion and negotiate their franchise renewal at the same time. He anticipated having a draft Interlocal Agreement available for Council consideration in 1-2 weeks.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO DIRECT THE CITY ATTORNEY TO CONTINUE WITH THE SCHEDULE HE IDENTIFIED. MOTION CARRIED UNANIMOUSLY.**

Mayor Haakenson declared a brief recess.

Work Session  
on Code  
Rewrite

**8. WORK SESSION ON THE UPCOMING CODE REWRITE**

Development Services Director Duane Bowman explained the Planning Board made two specific recommendations to the Council with regard to issues related to nuisance regulations and non-conforming regulations. The Planning Board will hold a public hearing tomorrow night on potential amendments to Chapter 20 regarding processing and procedures. He advised tonight's work session was an opportunity to present information regarding the Planning Board's two recommendations, identify the Chapter 20 issues that will be addressed in the Planning Board's public hearing and allow the Council to ask questions and express comments/concerns.

Councilmember Wilson asked whether the Council could attend tomorrow's Planning Board meeting. Mr. Bowman answered yes, advising the code rewrite was legislative and there were no other quasi judicial matters on the Planning Board's agenda.

Mr. Bowman identified the key revisions to the Nonconforming Regulations in Chapter 17.40:

- Change the damage percentage from 50% to 75% - under current regulations, if a building is damaged more than 50%, it must be brought into compliance.
- Exceptions to the 75% rule - if a building or structure is damaged or destroyed due to the unlawful act of the owner or owner's agent or the building is damaged or destroyed due to the ongoing neglect or gross negligence of the owner or the owner's agent.

- Historic Buildings/Structures - addition of clarifying language and reference to the Edmonds Register of Historic Places.
- New section regarding residential buildings in commercial zones - existing non-conforming buildings in commercial zones in use solely for residential purposes or structures attendant to such residential use may be remodeled or reconstructed without regard to the limitations of ECDC 17.40.2020(B), (E) and (F) but only if several conditions listed in the ordinance are met.

City Attorney Scott Snyder recalled one of the lessons learned from the past 4-5 years of discussions regarding the downtown area was Edmonds citizens liked the existing downtown. However, the City's non-conforming use provisions are very restrictive and are designed to abate or eliminate buildings that are significantly damaged. Staff's goal was to preserve existing features that citizens liked and lighten provisions that require abatement and conformance with current zoning standards. Mr. Bowman noted this was the most difficult section of the code, particularly when owners are interested in adaptive reuse of buildings. If the Council believed in rehabilitation/reuse of buildings, the code should encourage that.

Councilmember Wilson recalled the Planning Board minutes cited a recommendation from the Historic Preservation Commission to expand what was considered historical to over 40-years old, and asked if the language regarding being listed in a city-approved historical survey was in response to that recommendation. Mr. Bowman stated the language regarding a building or structure that was listed in a city-approved historical survey meeting the standards of the State Department of Archeology and Historic Preservation was intended to encourage reuse of historic structures. The building must comply with the life safety standards of the building code. Mr. Snyder noted the intent of that language was to broaden the category of buildings to those that may not be registered but were contained on the City's inventory.

Planning Manager Rob Chave acknowledged the Planning Board discussed 40-year old buildings in broad terms and ultimately agreed to expand the language to include buildings not only on a formal register but that were identified on the survey recognizing its historic value. Councilmember Wilson observed the survey seemed vague. Mr. Chave advised a survey was conducted and was reviewed by the Council but not formally approved; the City may want to establish a more formal approval process. Mr. Snyder advised that could be included in the Comprehensive Plan.

Councilmember Wambolt inquired whether Old Milltown was classified as a conforming building. Mr. Bowman answered because of the zone district, Old Milltown had zero setbacks. Councilmember Wambolt asked how the code could be revised to prevent what was happening to Old Milltown. Mr. Snyder answered that type of process would actually be encouraged and may be necessary to meet modern health safety requirements. It would be difficult to provide fire walls, sprinkler systems, etc. in a building such as Old Milltown without removing the floors. Historic buildings could be reconstructed but must be brought up to modern health safety standards. The intent was to provide alternatives to demolition. Without an historic district or prohibitions on demolition it was often an economic decision by the property owner. He noted there were a number of historic homes nearby on very valuable property that existed by the grace of the owners. Without a mandate, the intent was to provide economic incentive to preserve historic structures. Mr. Bowman commented the restoration of Old Milltown was a choice pursued by the owner.

Council President Plunkett referred to the exception to the 75% damage percentage - if a building or structure is damaged or destroyed due to the unlawful act of the owner or owner's agent or the building is damaged or destroyed due to the ongoing neglect or gross negligence of the owner or the owner's agent. He commented that he could understand the requirement for gross negligence but questioned whether it was too stringent for simple, ongoing neglect. Mr. Snyder referred to the Meadowdale Marina as an example, a structure that had been neglected for years and was an attractive nuisance/danger but if allowed to be rebuilt as condominiums could be very valuable. Mayor Haakenson emphasized there were

no plans to construct condominiums on the Meadowdale Marina. Mr. Snyder clarified he was using that structure as an example; if it were grandfathered and allowed to be reconstructed as part of another structure, there were many valuable development options. He cautioned Council regarding the law of unintended consequences, noting there were many examples of structures Council would like to have preserved but opening a loophole could allow preservation of structures the Council may not want preserved.

Council President Plunkett questioned the definition of neglect, envisioning a building could be neglected but would not be grossly neglected. Mr. Snyder commented the Council may want to have input from the Building Official regarding a damage percentage. Council President Plunkett summarized his concern was the definition of neglect. Mr. Bowman acknowledged it was difficult to draw the line at a certain percentage. He anticipated there would be testimony regarding this issue at the Council public hearing

Mr. Bowman assured condominiums, restaurants, retail, etc. could not be constructed on the Meadowdale Marina as the retail uses on that site ceased to exist and have not existed for a long time.

Council President Plunkett suggested 90 or 100% versus 75%. Mr. Snyder explained non-conforming use provisions were intended over time to bring structures into compliance with the code. There may be structures the Council would like to have preserved but others that if damaged 75% they would prefer be replaced. He noted 100% did not provide a tool for long term compliance with the zoning code. Council President Plunkett suggested allowing structures damaged 100% in the BD1 zone or eligible for historic registry to be allowed to be reconstructed. Mr. Snyder advised that was a policy issue for the Council.

Council President Plunkett asked whether the Planning Board discussed 100% for the BD1 zone or on the list of historic structures. Mr. Bowman advised structures on the historic list were identified by the language, pointing out language in this section, shall prevent the full restoration and reconstruction of a building or structure which is either on the National Register of Historic Places, the Washington State Register of Historic Places, the Washington State Cultural Resource Inventory, the Edmonds Register of Historic Places or is listed in a city approved historical survey meeting the standards of the State Department of Archaeology and Historic Preservation. The Planning Board wanted to recognize that buildings were valuable and property owners may want to retain the existing buildings and that was why they increased the percentage from 50 to 75. He noted the Planning Board acknowledged if a building was totally destroyed, it should be rebuilt in compliance with the code.

Council President Plunkett asked whether the paragraphs on Maintenance and Alternation, Relocation, and Restoration applied to historic structures. Mr. Bowman answered no.

Council President Plunkett referred to the section regarding residential buildings in commercial zones and asked whether that applied to single family and multi family. Mr. Bowman answered it was directed toward single family structures in B districts in the downtown area but could be expanded to include multi family. Council President Plunkett was interested in as much flexibility in the BD1 zone as possible including for multi family buildings. Mr. Bowman advised he would relay the issues raised by the Council at the Planning Board public hearing. Mr. Snyder suggested giving consideration to how many of the multi family structures in commercial zones were non-conforming. Council President Plunkett summarized his interest was ensuring older structures remained economically viable including being allowed to expand slightly. Mr. Bowman commented the policy decision for the Council was whether to encourage adaptive reuse of buildings and if so, what type of improvements should be allowed. Mr. Snyder commented it may be appropriate to establish different regulations for certain zones.

With regard to buildings damaged/destroyed due to neglect or gross negligence, Councilmember Wilson could envision an old building that burned to the ground due to old wiring that would not have been

perceived to have been neglected. Mr. Bowman answered it would be nearly impossible to pursue a building owner for neglect in that instance when there was no obvious signs of neglect. The intent of the language was a property owner who allowed a building to visibly deteriorate to the point it was beyond repair. Councilmember Wilson commented not updating 60-year old wiring could be viewed as neglect.

Mr. Bowman explained the intent was to provide a property owner with an historic structure on the list the ability to fully restore the structure if they desired. It may also be an incentive for some property owners to be included on the list. Mr. Chave advised the list was the result of a survey that used established standards and anticipated there would always be a very small number of properties on the survey as it required compliance with state and national standards. For example the survey that was done of downtown identified 82 buildings in the entire downtown bowl area. He noted a larger issue was 75% versus 100%. Mr. Bowman commented the percentage policy was related to whether the Council wanted buildings brought into compliance; if the answer was yes, there should be fairly strict requirements. If the City wanted to be more liberal, it should adopt a higher percentage which may result in allowing virtually everything to be rebuilt.

Councilmember Dawson observed these issues would be presented to the Council at the public hearing.

Mr. Bowman referred to the nuisance regulations, noting the original intent was to remove all nuisance regulations from the code and place them in Title 17 of the zoning code. The City Attorney's office pointed out nuisance regulations should be part of the City's police powers which are contained in the Municipal Code. Therefore performance standards would be included in Chapter 17.60 of the zoning code and nuisance regulations would be in the Municipal Code. He noted further changes needed to be made to Chapter 17.60 and another public hearing held by the Planning Board.

He identified the key revisions to the Nuisance Regulations Chapter 6 of the Edmonds Municipal Code (EMC):

- Clarifying the role of the Health Officer - under the current ordinance the Snohomish County Health Office addressed nuisances which was actually not the case. The Development Services Director was responsible for code enforcement
- Eliminating obsolete regulations
- Linking nuisance enforcement to the civil remedy process
- Expanding the types of nuisances
- Clarifying enforcement procedures
- Establishing a separate junk vehicle proceedings consistent with State law

Mr. Bowman observed Mr. Hertrich's comment that a paved road to a woodpile was incorrect, noting he may be referring to performance standards in Chapter 17.60. He referred to a list of nuisances in Section 6.20.040, noting the list represented issues frequently encountered by the code enforcement officer. The current language in Chapter 6 was very broad with regard to what constituted a nuisance. He referred to Section 6.20.045, protective coverings, that stated a nuisance covered by a tarp did not eliminate the nuisance. Mr. Snyder commented the list of nuisances represented the things people complain about; the question was whether these were the things the Council wanted staff involved in.

Mr. Bowman pointed out another advantage of having nuisances in the Municipal Code was the Council could change them without a public hearing although he acknowledged the Council rarely did that. Mr. Snyder clarified having nuisances in the Municipal Code avoided the requirement for Planning Board review and public hearing before a recommendation was forwarded to the Council.

Council President Plunkett read from unidentified materials, “in the case of open storage of lumber, coal or other combustible material, a roadway shall be provided, graded, surface maintained from the street to the rear storage...fire trucks.” Mr. Bowman answered that was not in this section of the code, commenting it was likely an old version of Chapter 17.60. Council President Plunkett acknowledged it was a draft dated October 3, 2007. Mr. Bowman advised that was not part of the Chapter 6 recommendations from the Planning Board.

Council President Plunkett asked why a tarp could not be used to cover a nuisance and whether a person had a right to store something on their property as long as it was covered. Mr. Snyder anticipated public comment would determine whether that was appropriate. He noted many citizens would not appreciate a neighbor covering piles of debris with tarps.

Council President Plunkett asked about boats and RV storage. Mr. Bowman answered that issue was covered in Chapter 17.60 and would remain in the zoning code. He acknowledged an earlier version merged issues and the City Attorney recommended zoning code issues be separated from nuisance issues. Council President Plunkett asked why boats and RVs were not considered a nuisance. Mr. Snyder explained a public nuisance referred to items that were a danger to the public versus use of property which was a zoning issue.

Councilmember Orvis observed nuisances were enforced on a complaint basis. He asked how long a person receiving a complaint had to bring the issue into compliance. Mr. Bowman answered the code enforcement officer made an initial contact and worked with the property owner to establish a reasonable compliance schedule. Only after a property owner did not comply with the compliance schedule was the more formal process begun. Mr. Snyder commented there was also a process to request a hearing.

Councilmember Wilson pointed out Section 6.20.020(C) should refer to the Development Services Director rather than the Community Services Director.

Mr. Bowman advised the Planning Board would be conducting a public hearing on February 26 to consider possible amendments to Chapter 20 with regard to permit process and procedures. Key issues under review include the following:

- Establish new tables identify categories of permit types and processing procedures for each,
- Create new posting and mailing procedures requiring permit applicants to assume the responsibility for providing notice for permit applications,
- Remove the City Council from most quasi-judicial land use decisions or, in the alternative, require only written closed record reviews,
- Create language for development agreements,
- Clarify procedures for reconsideration requests,
- Clarify how the State Environmental Policy Act (SEPA) integrates into the land use process, including planned actions, and
- Provide for regulations allowing staff determinations that an application has lapsed due to lack of response for additional information.

Mr. Bowman advised following their public hearing, the Planning Board would forward a recommendation to the Council and the Council would hold another public hearing.

Council President Plunkett commented he was not overly enthused about the proposal to remove the Council from most quasi judicial land use decision or requiring only written closed record reviews.

Councilmember Orvis observed the issue of removing the Council from quasi judicial land use decisions was controversial and he did not want that issue to delay adoption of other revisions.

**9. COUNCIL REPORTS ON OUTSIDE COMMITTEE AND BOARD MEETINGS.**

Lodging Tax  
Advisory  
Committee

Council President Plunkett reported the Lodging Tax Advisory Committee, who distributes funds collected via lodging taxes, reviewed their budget. The Committee distributed funds in 2007 to advertise Edmonds in a brochure in the Korean Times in Seattle, Snohomish Visitors Guide, Greater Seattle Information Guide, Washington Visitors Guide and Sunset Magazine. Funds were also used to advertise Bird Fest and \$20,000 was distributed to the Arts Commission for allocation.

Community  
Outreach  
Committee

Council President Plunkett reported Carl Nelson, the City's Information Manager, made a presentation to the Outreach Committee regarding a radio frequency station for ferry users, advising the cost would be approximately \$20,000 for hardware plus ongoing maintenance and management. The Outreach Committee agreed not to pursue the radio frequency. The Outreach Committee was also opened for new members and received five applications.

SeaShore  
Transportation  
Forum

Councilmember Olson reported the SeaShore Transportation Forum was rescheduling its meetings to the third Friday so that King County Councilmember Ferguson could attend. Sound Transit reported they were considering a fall 2008 or 2010 ballot measure that would be smaller, less costly and have less light rail, likely only light rail to Northgate and more buses, bus rapid transit lanes and Park & Rides in Snohomish County. She relayed Councilmember Dawson's suggestion to have Sound Transit make a presentation to the Council.

Sound Transit

Port of  
Edmonds  
Commission

Councilmember Wambolt reported on the February 11 and 25 Port of Edmonds Commission meetings, advising the Port experienced \$125,000 in damage from the December storm; their insurance has a \$100,000 deductible but FEMA will cover \$75,000. Attendance at the Seattle Boat Show, the largest boat show on the west coast, dropped from 77,000 in 2006 to 62,000 in 2007. The Port passed a drug free workplace policy and a policy preventing workplace violence. They reviewed their 2007 financial results; their 2007 net income was \$401,000. The yacht club completed plans for a new building; they expect to have the plans submitted to the City in May and occupy the new building in December 2009.

Health District  
Board

Councilmember Orvis reported the Snohomish County Health District Board allocated State funds to the communicable disease program, primarily for vaccinations and additional personnel. He stated vaccinations were the best way to control communicable diseases. The Board also approved a policy to increase the pay rate for Health District employees fluent in a foreign language, recognizing that the ability to communicate with the people the District serves was very important and the inability to communicate raised potential liability issues. He concluded it would also assist the District in controlling translators' costs.

Disability  
Board

Councilmember Orvis reported on the Disability Board, noting their financial situation was unchanged. He referred to HB 3292 regarding recording of Executive Sessions, noting the Disability Board recorded its meetings on a small recording device. Although it appeared the Legislature would not act on HB 3292, he suggested the use of a small recording device to record the Council's Executive Sessions.

SnoCom Board

Councilmember Dawson reported after serving as the Chair of the SnoCom Board for the past three years, she decided not to seek the chairmanship this year. She was hopeful Lynnwood Councilmember Ruth Ross who has served as Vice Chair would be elected Chair, noting Mountlake Terrace Councilmember Jerry Smith had expressed interest in serving as Vice Chair. She planned to continue to be actively involved on the Board particularly with regard to the purchase of the CAD system.

Community  
Transit

Councilmember Dawson distributed a Community Transit report, noting the double-tall buses accommodated more passengers than articulated buses and were easier to maneuver. She advised Community Transit was seeking federal funding for the double-tall buses and thanked Mayor Haakenson for submitting a letter of support. She was recently appointed as the Community Transit representative to the PSRC Transportation Board.

PSRC  
Transportation  
Board

Sound Transit

Councilmember Dawson further reported Sound Transit staff was considering a ballot measure, observing the three Snohomish County Boardmembers did not think it was a good idea for 2008. She had a briefing with Sound Transit staff today where she expressed her concern and anticipated receiving further information. She noted even in the best case scenario, there would be no light rail in Snohomish County and would only extend to Northgate. She was concerned that the proposal as currently configured relied exclusively on transit on I-5 and bus rapid transit lanes which she noted did not move rapidly during rush hour. Snohomish County was also constrained in that only a portion of the County was in the Sound Transit district. Ms. Dawson felt there was a way to make a transit package work for Snohomish County although she had not yet seen one nor was she convinced one could be developed in time for a November 2008 election. She advised an additional briefing would be provided at this week's Sound Transit Board meeting and at an upcoming workshop. Councilmembers were encouraged to attend the next Snohomish County Cities and Towns meeting that would include a presentation from Sound Transit. Ms. Dawson suggested scheduling a presentation to the Council by Sound Transit staff. She encouraged Councilmembers and/or constituents to contact her with their thoughts regarding Sound Transit, noting the importance of providing citizen feedback to Sound Transit.

**10. MAYOR'S COMMENTS**

Mayor Haakenson thanked the Council for their support on the EMS levy agenda items. He recalled at the Council retreat the Council expressed interest in attending Planning Board and Architectural Design Board (ADB) interviews. He thanked Councilmember Wambolt for attending all the interviews last week and Councilmembers Olson and Bernheim who attended a few. He advised ADB interviews were scheduled in his office at 8:00 and 9:00 a.m. on February 28 and 4:30 p.m. on February 29.

Candidate  
Interviews for  
ADB

**11. COUNCIL COMMENTS**

Councilmember Wilson recalled his comments a few weeks ago regarding Stevens Hospital potentially moving out of the Edmonds area and a potential bond issue in August. He expressed his appreciation to the *Enterprise* for their article regarding Stevens Hospital. He planned to meet with the Stevens Hospital CEO and invite him to make a presentation to the Council. He emphasized Stevens Hospital was the single largest employer in Edmonds and allowing them to move out of the city would be a disservice to the community. If Stevens Hospital proposed a ballot measure for funding that would facilitate their move, he commented it was incumbent on the City to defeat that measure. He encouraged Councilmembers to talk about this issue in the community.

Stevens  
Hospital

Councilmember Dawson concurred with Councilmember Wilson's comments, noting Stevens Hospital's potential move was the topic of discussion at the Highway 99 Task Force as development in that area was based on the presence of the hospital. She recommended impressing upon Stevens Hospital if they wanted their M&O levy passed, they would need to commit to the City that they would not move the hospital.

Councilmember Dawson advised she would be absent from the March 4 Council meeting as she would be in Washington DC on business.

Mayor Haakenson pointed out the hospital moving out of Edmonds would also impact the Fire Department immensely as response times would increase due to the additional distance to the hospital and would take aid vehicles out of service for longer periods of time. He summarized the potential increase in Fire Department staff was another reason to keep the hospital in Edmonds.

Excused  
Absence

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO EXCUSE COUNCILMEMBER WILSON FROM THE FEBRUARY 12 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

**12. ADJOURN**

With no further business, the Council meeting was adjourned at 10:11 p.m.