

# EDMONDS CITY COUNCIL APPROVED MINUTES

## June 24, 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  
Deanna Dawson, Council President Pro Tem  
Peggy Pritchard Olson, Councilmember  
Steve Bernheim, Councilmember  
D. J. Wilson, Councilmember  
Dave Orvis, Councilmember  
Ron Wambolt, Councilmember

### ELECTED OFFICIALS ABSENT

Michael Plunkett, Council President

### STAFF PRESENT

Tom Tomberg, Fire Chief  
Al Compaan, Police Chief  
Duane Bowman, Development Services Director  
Stephen Clifton, Community Services Director  
Noel Miller, Public Works Director  
Rob Chave, Planning Manager  
Frances Chapin, Cultural Services Manager  
Stephen Koho, Treatment Plant Manager  
Jeannine Graf, Building Official  
Bio Park, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### 1. APPROVAL OF AGENDA

Approve  
Agenda

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

### 2. CONSENT AGENDA ITEMS

Councilmember Wilson requested Item B be removed from the Consent Agenda and Councilmember Wambolt requested Item G be removed.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE BALANCE OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

Roll Call

#### A. ROLL CALL

Approve  
Claim  
Checks

**C. APPROVAL OF CLAIM CHECKS #104978 THROUGH #105130 FOR JUNE 19, 2008 IN THE AMOUNT OF \$436,553.84. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #46669 THROUGH #46732 FOR THE PERIOD OF JUNE 1 THROUGH JUNE 15, 2008 IN THE AMOUNT OF \$1,023,326.57.**

Lawson  
Statutory  
Warranty  
Deed

**D. ACCEPTANCE OF STATUTORY WARRANTY DEED FROM PHYLLIS L. LAWSON IN CONJUNCTION WITH THE 76TH AVENUE WEST/ 75TH PLACE WEST WALKWAY PROJECT.**

Treatment  
Plant  
Chemicals

**E. REPORT ON BIDS OPENED ON JUNE 10, 2008 FOR THE PURCHASE OF TREATMENT PLANT CHEMICALS AND AWARD TO JONES CHEMICAL, INC FOR SUPPLYING SODIUM HYPOCHLORITE.**

Treatment  
Plant  
Chemicals

**F. REPORT ON BIDS OPENED ON JUNE 10, 2008 FOR THE PURCHASE OF TREATMENT PLANT CHEMICALS AND AWARD TO NORTHSTAR CHEMICALS, INC. FOR SUPPLYING SODIUM HYDROXIDE AND SODIUM BISULFITE.**

Correction  
to 6-17-08  
Minutes

**ITEM B: APPROVAL OF CITY COUNCIL MEETING MINUTES OF JUNE 17, 2008.**

Councilmember Wilson requested the minutes be amended as follows:

- Page 6, third paragraph, revise the last sentence to reflect that he was restating that it was Stevens Hospital’s conclusion that the deficiency was in the public engagement, not in the behavior, action, engagement of the hospital.
- Page 6, fifth paragraph, Councilmember Wilson requested staff verify via the audio tape the accuracy of the second sentence.

**COUNCILMEMBER WILSON MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO APPROVE ITEM B AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

Environ-  
mental  
Assessment  
of Old  
Milltown  
Parcel

**ITEM G: APPROVAL OF LANDAU ASSOCIATES PHASE II INVESTIGATION/ENVIRONMENTAL ASSESSMENT OF THE OLD MILLTOWN PARCEL (\$11,100).**

Councilmember Wambolt recalled the Council approved \$6500 for the consultant and noted the amount was now \$11,100. City Attorney Bio Park explained Landau Associates determined more extensive work was required which was itemized in the exhibits. He noted there was an opportunity for a \$1500 savings via a summarized analytical report rather than a full report. The additional work such as drilling, sample costs, the professional conducting the drilling, minimum charge for the drilling equipment, etc., were not included in the original \$6500 estimate. Mayor Haakenson commented Mr. Snyder was extremely upset with this increase as he felt as though he put the Council on the hook with the \$6500 estimate which was the amount he was given and had contacted Landau Associates and the other contractor to express his disappointment with the increase. Mayor Haakenson advised he had the ability to approve the higher amount but wanted the Council to be aware of the increase. He summarized staff felt Landau simply failed to include a \$3000 item in the original bid.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO APPROVE ITEM G.**

Councilmember Bernheim did not support a \$1500 savings due to the property’s central location and the importance of the environmental review of this potential park, commenting a full understanding of the facts was essential.

**MOTION CARRIED UNANIMOUSLY. )**

Mayor Haakenson commented because there was already a big hole in the ground to install a grease interceptor, Mr. Gregg has signed off to allow Landau to begin the work.

Chamber of  
Commerce  
Membership  
Committee

**3. PRESENTATION BY THE GREATER EDMONDS CHAMBER OF COMMERCE REGARDING THE MEMBERSHIP COMMITTEE.**

**Linda Aufrecht, Membership and Communications Manager, Edmonds Chamber of Commerce,** introduced **Chris Keuss, Board Representative to the Membership Committee.** Mr. Keuss commented the Chamber currently had the most members in its history, 432 businesses. He provided the Membership Committee’s purpose statement, “To develop and implement strategies for the recruitment of new members and the retention of existing members.” He described promotion available to members that includes ribbon cutting ceremonies for new businesses, website listing on the Chamber’s website as well as a new website EverythingEdmonds.com, preferred business directory, and office referrals.

Mr. Keuss described networking opportunities that include after hours events held at member businesses, monthly Chamber luncheons with guest speakers, and weekly breakfasts at Brighton Court. He noted the Chamber Ambassadors would be making a presentation to the Council in a few weeks to describe their program. He described the health benefit program available to members in partnership with Associated Affiliates of America that provides members access to healthcare benefits as well as hotel discounts, car rentals, shipping, credit card processing, human resource and payroll services, internet and telephone communications and a prescription drug program.

4th of July  
Event

4. **DISCUSSION REGARDING MAKING A DONATION TO THE GREATER EDMONDS CHAMBER OF COMMERCE FOR THE 4TH OF JULY EVENT.**

**Jim Hills, Board President, Chamber of Commerce**, explained the Chamber began paying for City services in 2002; the cost of those services increased from \$5,710 in 2003 to \$8,700 in 2008. He explained the Chamber budgeted \$40,000 annually for the 4<sup>th</sup> of July activities which include the children's parade, main parade and fireworks display. To date they have collected \$28,000 in donations/sponsorships for the event, with \$12,000 left to collect. He requested a \$3,000 donation from the City or whatever amount the Council felt was appropriate.

Council President Pro Tem Dawson recalled since the decision was made to have the Chamber pay for City services, the City had contributed to the 4<sup>th</sup> of July celebration on one other occasion. Mr. Hill recalled the City contributed \$2,000 in 2005 toward 4<sup>th</sup> of July expenses. Council President Pro Tem Dawson suggested the Council consider the \$3,000 donation which was ¼ of the remaining \$12,000 and suggested the funds come from the Council Contingency Fund which has a balance of \$25,000.

**COUNCIL PRESIDENT PRO TEM DAWSON MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO AUTHORIZE \$3,000 TOWARD THE 4<sup>TH</sup> OF JULY CELEBRATION.**

Councilmember Wambolt commented the 4<sup>th</sup> of July celebration was wonderful but expressed disappointment that downtown businesses were closed in the afternoon. He asked whether there was any movement toward those businesses remaining open, observing the businesses were missing a great opportunity with numerous people downtown for the parade. Mr. Hill responded the Downtown Edmonds Merchants Association, a Chamber committee, has been working with those businesses encouraging them to extend their hours to take advantage of crowds during the car show, following the parade, etc. As they were private businesses, it was ultimately their choice whether to remain open. He agreed it was a wonderful opportunity to showcase Edmonds to the crowds attending those events.

Council President Pro Tem Dawson commented in the past the City contributed financially to the Chamber in other ways such as via partnerships with the Port and Chamber which have since been discontinued. She suggested the Council reconsider such a partnership during the 2009-2010 budget process by including an amount in the budget rather than ad hoc contributions such as this. Mr. Hill noted that later this week the Chamber planned to meet with representatives of the Port and City to discuss how that partnership could be restored.

Councilmember Bernheim commented the 4<sup>th</sup> of July celebration was also successful due to traffic closures. He suggested merchants consider traffic closures for other events as a method of attracting large crowds, pointing out in Europe there were many successful villages where areas with shops and restaurants were closed to traffic. He hoped all the owners and employees of the stores in Edmonds took full advantage of Independence Day and did not work if they chose.

**MOTION CARRIED UNANIMOUSLY.**

City Attorney Bio Park recommended calling this a contribution rather than a donation and to draft a short agreement stating the consideration the City received for the \$3,000 contribution. Council President Pro

Tem Dawson commented it was in the public interest to bring visitors to the City and to present this event to the public.

5. **AUDIENCE COMMENTS**

Councilmember Orvis clarified anyone wishing to speak regarding the Bettinger/Kretzler Historic Home should do so during Audience Comments.

Stevens  
Hospital

**Tim Roddy, Chief Medical Officer, Stevens Hospital**, commented after witnessing the exchange between the Council and the Stevens Hospital administration, he felt it was his responsibility to make a brief appearance on behalf of the medical staff. He read a letter sent to the 5 Stevens Hospital Commissioners by the 16 members of the Medical Executive Committee of Stevens Hospital. The letter commended Stevens Hospital CEO Michael Carter and the current administration for their intense efforts to stabilize and improve the financial environment of the hospital given the desperate financial situation they inherited, stating the medical staff was in the unique position to assess the strengths, weaknesses and needs of the institution. The current facility is rapidly aging and approaching obsolescence; financial constraints have prevented the necessary updates and their understanding was that without a large, rapid infusion of capital from some source, those needs would not be able to be addressed in a reasonable timeframe. The letter cited recent improvements in other hospitals such as a new cancer center at Providence Hospital and plans to open a new hospital tower and Evergreen Hospital's recent completion of an extensive addition and plans to apply for a Certificate of Need for 80 additional beds. With adjacent, competing hospitals updating and expanding aggressively, the Medical Executive Committee felt the window of opportunity for a decision about Stevens Hospital's future was open only temporarily and delay could only further erode their market position and limit options to negotiate a strong partnership or obtain community support for a levy or bond. They understood the choices include asking the voters of the district to dramatically increase their financial support for the hospital via a combination of levy and bond issues or finding an outside capital source and organization to work with the hospital as a partner. Although they did not favor one option over the other at the present time, they felt a sense of urgency that a decision about the hospital's future course be made without delay, preferably this summer. They urged Commissioners to promptly and completely review options available as soon as feasible and to immediately embark on a course to achieve these long term goals so the hospital could continue to provide high quality, up-to-date medical services the community deserved.

Dr. Roddy recalled Stevens Hospital's slogan, "medicine is changing, so is Stevens," commenting Stevens did not have the money to make the changes that the world of medicine was calling for. A better slogan would have been "medicine never stops," acknowledging there would always be diseases and illnesses that bring people to a hospital. He observed the trust of Stevens' medical team had been called into question, assuring that he trusted his family members to the physicians and medical team at Stevens Hospital, was proud to support the hospital and believed Mr. Carter and his team would be responsible stewards of the hospital's future direction.

City's  
Funding  
Priorities

**Lora Petso, Edmonds**, stated during an upcoming agenda item staff would tell the Council that building maintenance was the City's top unfunded priority; she assured it was not her top priority, none of the Councilmembers campaigned for office under support for a strong building maintenance program and few citizens would identify that as a top priority. Many of the building maintenance projects sounded like make-work and provided a sample project description she found on the City's website, to replace the carpet in the Council Chamber area at a cost of \$20,000. She did not view this a top priority and questioned the cost. She cited other top priority items including \$25,000 for the Library Plaza Room suggesting rental rates be increased to cover improvements rather than raising utility taxes; \$3,000 for cemetery gutters suggesting this be funded from the cemetery account; \$3,000 for lights in the log cabin, suggesting this be funded from the Lodging Tax Fund; and \$100,000 for work on the grandstands at the Civic Center fields, suggesting this be funded from REET taxes. She suggested delaying any improvements to the grandstands until the City owned the property. She preferred the Council utilize funds from existing accounts rather than raising utility taxes.

She summarized building maintenance was not a top priority; General Fund monies should be treasured and not tossed away on maintenance projects that could be funded via other sources.

**Sound Transit**  
**Rob Johnson, Policy Director, Transportation Choices Coalition**, referred to Agenda Item 10, the City’s letter to Sound Transit regarding Phase 2, expressing support for Sound Transit placing Phase 2 on the ballot this year and urging the City to support that effort. Although he was dismayed that the environmental community was unable to reach a unified position on Prop 1 last year, they were united in their strong support for a Sound Transit ballot measure this year. He cited increasing gas prices, global warming, increasing transit ridership and tremendous growth occurring in the region as support for continued Sound Transit investments. He explained Transportation Choices Coalition was working with Sound Transit to bring light rail to Snohomish County and were optimistic Sound Transit 2 would be on the ballot this fall.

**Sound Transit**  
**Rebecca Wolfe, Edmonds, Sierra Club**, commented on her recent conversation with Governor Gregoire, a leader in the Western Climate Initiative who supports the Cool State Initiative. She noted mass transit, increased express bus service, light rail and increasing ridership were high priorities due to the need to reduce global warming and move people more efficiently in the region. She recognized the need for a regional approach, pointing out although the Edmonds area was the City’s top priority, there were no boundaries for pollution and global warming. The Sierra Club, Transportation Choices and Futurewise support increasing the concentration of transit and growth in urban areas in an effort to reduce sprawl. She urged Council to support the Sound Transit 2 package, commenting there were discussions of beginning light rail in Everett toward Northgate and extending light rail from Northgate toward Everett to eventually link. She also commented on the need to coordinate with Community Transit to make connections more efficient and to provide ways for riders to the east to reach transit centers.

**Edmonds Automotive**  
**Dave Page, Edmonds**, reported Edmonds Automotive and Performance Auto in Lynnwood received top ratings in a Puget Sound Consumers Checkbook in the *Seattle Times* that listed the top 27 auto repair shops in King County and 2 in Snohomish County based on the best price, quality and service. Next, he referred to his comments last week regarding the spotted owls’ defeat of the logging industry from British Columbia to Eureka, California. He described how in 1971 the discovery of a small fish, the Snail Darter, halted construction of a dam in the Tennessee Valley that had been in progress for ten years at a cost of \$200 million and the impact that declaring the Snail Darter an endangered species had on humans.

**Endangered Species**

**Electric Vehicles**  
**Rich Senderoff, Edmonds**, urged Council to consider replacing City vehicles with electric vehicles from Phoenix Motor Company. He explained the sport utility vehicles have a 130 mile range, accelerate from 0 to 60 in less than 10 seconds, and can be fully recharged via an onboard charger in less than 10 minutes. He referred to presidential candidate John McCain’s offer of \$300 million to develop new battery technology, noting this technology was already available. Phoenix Motor Company was selling fleet vehicles and taking reservations for private vehicles. He noted this would be an excellent choice for City vehicles that did not travel long distances. He offered to send the Council the company’s website for further investigation; Council President Pro Tem Dawson requested he provide the Council the website.

**Development Services Department**  
**Tony Shapiro, Edmonds**, encouraged Council to consider hiring a consultant to conduct a top down analysis of the Development Services Department. He recalled hearings conducted in Snohomish County and Lynnwood by the consultant he recommended last week where she queried developers regarding what needed to be changed. Both Snohomish County and the City of Lynnwood experienced dramatic improvement as a result and were operating in a more streamlined manner. He referred to his comments last week regarding Edmonds’ requirement for wet stamping, noting it was indicative of the “busy work mentality” that prevails within the department, requiring applicants to perform steps that had no impact on the life safety issues of a project. He explained wet stamping entailed the signing of the original that was submitted and held on file at the City. He pointed out the federal government and federal courts acknowledge fax copies of contracts with signatures attached and did not require original signatures. However, Edmonds’ Building Official insists that applicants submit wet stamped drawings. He disagreed

with the department's assertion that this was a State requirement, pointing out this required a great deal of time and energy in a time when files and drawings were sent electronically. He had other issues with the management of the department such as unwritten policies that applicants cannot see or refer to while preparing documents for submission but were imposed upon the applicant once their submission was made.

June 17  
Council  
Minutes

**Roger Hertrich, Edmonds**, commended Mr. Shapiro for his comments and remarked on the efforts to combine the audio with the video of last week's meeting. He expressed concern that the minutes of the June 17 meeting did not include his comments that Mayor Haakenson was in charge, that it was his responsibility and he did not deserve a raise if he could not solve these problems. Next, Mr. Hertrich referred to the July 15 public hearing on the nuisance ordinance, expressing concern that the City was attempting to expand its police powers over private property rights. Temporary tents/canopies for boats, trailers or campers or tarped firewood, equipment or spare vehicles would be illegal if the Council passed the ordinance proposed by Mayor Haakenson, Development Services Director Duane Bowman and Code Enforcement Officer Mike Thies. He questioned what was the City's business versus residents' business and whether residents' front yard, side yard and back yard should be under the City's control. He concluded unless citizens told the City Council what they thought regarding who should control what was in their yard, residents would not be allowed to store anything in their yard. He urged residents to attend the July 15 hearing due to the importance of protecting their private property rights.

July 15  
Public  
Hearing on  
Nuisance  
Ordinance

Bettinger/  
Kretzler  
Historic  
Home

**Fred Bell, President, Edmonds Historical Society**, spoke in response to Council President Pro Tem Dawson's question last week regarding whether the Bettinger/Kretzler historic home could be moved a second time. He advised the answer was yes. The person they were contemplating using to move the house said the house could be moved any number of times as long as they were gentle with the house. He was confident with this assessment, recalling the log cabin was moved from its original location to the present site and was lifted a few years ago to place logs at the base of the cabin.

Development  
Services  
Department

**Rob Michel, Edmonds**, referred to Agenda Item 7, Staff Response to Developers' Concerns, noting only one developer spoke, and the others were citizens and property owners. He referred to two letters from individuals that contained similar comments. He referred to a meeting held on July 26, 2007 and minutes of a presentation by Mr. Bowman to the Council on August 20, 2007 outlining a similar list of complaints regarding the department. The Council directed the Community Services/Development Services Committee to conduct a final review. He referred to the September 18, 2007 City Council meeting minutes that outlined the outcome of these meetings, "*staff outlined several recommendations in response to the July 26 special meeting, 1) establishing a process to share code revision language to allow citizen feedback on the code rewrite, 2) do a code change to eliminate the 28 day planning application completeness process, and 3) open the department to match City Hall hours Monday, Tuesday, Thursday and Friday with no permit applications accepted after 4:00 p.m. and on Wednesdays, the counter would be closed all day and phone calls taken and directed to voicemail and the day devoted to plan review with emphasis on overdue reviews. With regard to "subject to field inspection," staff anticipated that would have limited application but had not yet polled other cities.*" He noted neither recommendation 1 or 2 had been accomplished. He expressed frustration that was all that had happened after the meetings in 2007, recalling several meetings were held with Mr. Bowman in 2002 with similar concerns. He urged the City to hire a consultant to assist in addressing these issues.

High School  
Exchange  
Students

**Marsha Lord, Coordinator, ASSE**, explained they plan to bring 20 high school exchange students, 16-18 years of age, from Germany, France, Italy, Portugal, and Spain to the Edmonds area from July 24 through August 24. Classes will be held in classrooms at Westgate Chapel and the students will assist with setting up and taking down the Taste of Edmonds. She invited the public to host a student, explaining this program offered a host family an opposite exchange for an American student. She provided her contact phone number 425-582-2727.

Councilmember Wilson recognized Stevens Hospital Commissioner Chuck Day in the audience and thanked the Stevens Hospital representatives for their presentation to the Council last week. He expressed his appreciation for last week's frank discussion and the message provided by Dr. Roddy tonight and hoped their efforts would move forward.

6. **DISCUSSION REGARDING MOVING THE HOUSE AT 555 MAIN STREET TO CIVIC CENTER PLAYFIELD AND A PROPOSED RESOLUTION EXPRESSING INTENT TO PRESERVE THE BETTINGER/KRETZLER HISTORIC HOME.**

Development Services Director Duane Bowman referred to the memo in the packet from Parks & Recreation Director Brian McIntosh. He explained the Civic Center Playfield property was zoned Public Use and was intended as a site for public facilities with minimal impacts on nearby property owners. He referred to ECDC Section 16.80 that establishes the zoning requirements for the zone (Exhibit 2), assuming some type of public use would be the result of placing the structure on the site.

Mr. Bowman commented key issues include the height of the building as it appears the building may be over 25 feet in height although this could be addressed via a Conditional Use Permit. Another issue was parking that would be required for the intended use. The biggest issue was the setbacks; he displayed an aerial map explaining the requirements for, 1) a 25-foot setback from the alley to the south and 6<sup>th</sup> Avenue to the west, and 2) a 25-foot setback from the athletic field/track. The only potential location on the site was the southwest corner; however, placing the house, excluding the garage, on the aerial photograph revealed the site was too constrained by the required setbacks.

Mr. Bowman explained the building could be temporarily moved and stored on the site for 30 days but then must have a foundation placed beneath it and requires a foundation permit be issued at the time the moving permit was issued. There were also issues associated with utility hookups. If the building were designated historic, some relief was available from full compliance with updating it to meet all current code requirements but that was heavily dependent on the intended use of the building. He concluded it appeared the City's zoning code requirements regarding the required setbacks eliminated the possibility of siting of the building on the southwest corner of the Civic Center Playfield property. The only way it could be located there would be to obtain variances. However, the City's variance criteria are very strict and he anticipated it would be very difficult to justify a variance at that location.

Councilmember Wambolt remarked it was obvious this was not a suitable permanent location, recalling there was discussion about it being a temporary location as time was of the essence because the property owners want to proceed with development of a new building. He asked whether the house could be stored on the property for up to six months. Mr. Bowman responded the code required a foundation be constructed within 30 days. He agreed with Mr. McIntosh's concern that if the house were relocated temporarily, the urgency to identify and move it to a permanent location diminished.

Councilmember Orvis asked if the Council was making a decision whether or not to move the building to the Civic Center playfield site. Mr. Bowman stated he was asked to provide the Council information regarding the code requirements for that site. It was the Council's decision whether this was an appropriate site.

Council President Pro Tem Dawson asked staff to explain why obtaining a variance was not a viable option. Mr. Bowman recommended the Council not discuss a variance in detail as they could be required to make a decision in the future on appeal. With regard to the variance criteria, he questioned what special circumstance of the lot required the house be located there; the circumstance was moving the house to that location to preserve it but that was not a unique circumstance of the property. He summarized if he were to prepare a staff report, it would be difficult to comply with the variance criteria such as grant of special circumstance, grant of special privilege, not detrimental and intent of the zoning code.

Councilmember Bernheim asked if other locations on the property had been considered. Mr. Bowman answered other uses on the Civic Center playfields - sports fields, softball field, skate park, tennis courts, open area used for recreation, and children's play area - made this the only potential location. Councilmember Bernheim suggested the area north of the skate park. Mr. Bowman responded that was an area used for various pick-up sports, placing a house in that location would affect those uses as well as raise issues regarding access to the house.

Councilmember Orvis assured this was a starting point, not an ending point. The resolution stated the Council was negotiating in good faith toward a solution. The Historic Society is willing to raise the funds to move the house; the goal was to save the house and this was not the only location. The goal of the resolution was to state the Council's intent to save the house and find a location on public property.

Council President Pro Tem Dawson pointed out the fifth Whereas clause states the southwest corner of the Civic Field was a suitable site; she recommended striking that paragraph from the resolution as the information presented tonight indicates that was not a suitable site. She noted even with the removal of the fifth Whereas clause, efforts to find a suitable location could continue.

Councilmember Wambolt questioned the value of the resolution to the property owner particularly if the fifth Whereas clause was removed. **Mark Trumper, property owner, 555 Main Street**, explained they were doing everything possible to save the house. They were seeking assurance from the Council/City that they wanted to save the house and a commitment that the house would stay in Edmonds; otherwise they needed to pursue other options to move the house outside Edmonds. He envisioned the house had a future as a public house for weddings, meetings, etc.; the problem was property in Edmonds was very expensive and it was difficult to find a lot to place the house on. As a property owner, they wanted a decision at some point and a commitment that the City was working in good faith to find a location and move the house.

Councilmember Wambolt questioned how the Council could commit to that as the Council was unable to guarantee that a suitable site in Edmonds could be identified.

Councilmember Wilson asked if the resolution provided that level of commitment. Mr. Trumper responded they thought the Civic Center playfield would work but based on staff's presentation it appeared this was not an ideal site even temporarily. His question to the Council was what could be done to save the house.

Councilmember Orvis hoped the house could be saved due to its importance to the City's history. He was willing to take a chance on applying for a variance. He stressed the importance of preserving the City's history and if it was necessary to place the house in a park, that was what needed to be done. He noted the Civic fields were not the only park land in Edmonds; it may be possible to identify another piece of park land to site the house.

**COUNCILMEMBER ORVIS, MOVED, SECONDED BY COUNCILMEMBER WILSON, TO APPROVE RESOLUTION NO. 1176 WITHOUT THE FIFTH WHEREAS CLAUSE (WHEREAS, A NEW SITE, THE SOUTHWEST CORNER OF CIVIC FIELD IS OWNED BY THE EDMONDS SCHOOL DISTRICT AND UNDER LONG-TERM LEASE WITH THE CITY OF EDMONDS HAS BEEN REVIEWED BY THE EDMONDS MUSEUM AND FOUND SUITABLE, AND).**

Council President Pro Tem Dawson thanked Councilmember Orvis for removing the fifth Whereas clause, noting it would be inappropriate for the Council to make a determination that the Civic field was an appropriate site in the event a variance was pursued in the future.

Councilmember Bernheim expressed his support for the resolution which recognized the historic importance of the house and did not require public funding.

Councilmember Olson commented there was no guarantee but the Council wanted to try to save this house.

Councilmember Wilson anticipated the Council would pass the resolution because it did not obligate the Council to anything. To those working to save this house, he emphasized the Council did not have a solution or a location in light of staff's comments that the Civic field was not an appropriate location. He suggested it may be more prudent to delay approval of the resolution pending further work on a suitable site. Councilmember Orvis pointed out the need to inform the owner of the Council's intent and passing this resolution made that statement. Councilmember Wilson questioned whether the resolution provided the property owner a strong enough statement. Council President Pro Tem Dawson pointed out the resolution was what the Council could do today and the parties should continue to work on it. Councilmember Wilson agreed, but questioned whether it would be more prudent to pass one resolution that solved the problem rather than passing numerous resolutions as new information was developed.

**Mr. Kent, property owner, 555 Main Street,** acknowledged a resolution that identified a location where the house would be moved would be preferable, recognizing this resolution may be the best the Council could do now. He questioned the requirement for a 25-foot setback from the track and whether that was open to interpretation. City Attorney Bio Park cited ECDC 16.80.30(a), Minimum Setbacks, that states 25 feet maintained from adjacent residentially zoned property for all structures, play areas and structured athletic fields. Mr. Bowman interpreted the track to be a structured athletic field. Mr. Kent asked how the grandstands adhered to that code.

Mayor Haakenson pointed out the resolution states what the City was already doing, working with Mr. Bell, property owners, and others to find a place for the house and passing this resolution would not change that. Council President Pro Tem Dawson concluded passing the resolution was symbolic.

Councilmember Bernheim agreed with Mr. Kent, commenting he was not convinced that the 25-foot setback from the track was required, particularly in light of the grandstands being immediately adjacent to the track. He also wanted the potential for a variance to be explored further.

**MOTION CARRIED UNANIMOUSLY.**

Response to  
Developers'  
Concerns

**7. STAFF RESPONSE TO DEVELOPERS' CONCERNS**

Development Services Director Duane Bowman advised this item was a response to comments made during Audience Comments last week orchestrated by Tony Shapiro in regard to the Development Services Department. He assured the Development Services Department was not dysfunctional, explaining the men and women in the Building, Planning and Engineering Divisions along with Public Works and the Fire Department were dedicated employees who try to do their best to provide the best service possible enforcing adopted City, State and Federal regulations that govern development within the City. He recognized several employees in the audience, stating he was proud to serve with them. He advised he had listened to the audio of the meeting to identify all the issues raised.

Issues Raised by Tony Shapiro

- The Department is impacting the economic vitality of the city.
- The Department is creating a financial drain on applicants.
- Dysfunctional Department, staff is not professional and is discourteous.
- The Department requires things that are of no value, example wet stamping of drawings.
- Too much time/effort/energy is expended with no ultimate value to the product.
- Hire a Consultant

With regard to the comment that the department was dysfunctional, Mr. Bowman relayed that in 2007, the building permit activity had a valuation of \$66,953,307; 1,253 building permits were processed; and \$1,277,675 in building permit fees was received. In 2007, 3,787 building inspections took place for an

average of 15 per day. In 2006, the building permit activity had a valuation of \$66,254,907; processed 1,187 building permits; and brought in \$1,222,700 in permit fees. In 2006, 4,632 building inspections took place for an average of about 18.5 per day. In his opinion, this type of work production was not the sign of a dysfunctional department.

With regard to wet stamping, Mr. Bowman explained this was a requirement of the State that applies to architects and engineers. This was an issue raised solely by Mr. Shapiro that consumed hours of his time and that of the Building Official responding to phone calls and e-mails from him. He provided an email sent to Jeannine Graf from David Butler, Washington State Board of Architects, that states electronic seals are okay but the signature must be original and references WAC 308-12-081. He provided an email written by Building Official Jeannine Graf to Mr. Shapiro, that referenced her October 25, 2007 email that states the City acknowledges that in the electronic world the stamp is commonly reproduced on the plans. For submittal, the City requires only one set to be wet signed (this set remains the City copy). This applies to all registered engineers and architects who submit plans to the City.

Mr. Bowman disagreed with Mr. Shapiro's assertion that the Development Services Department staff was discourteous. With regard to the example Mr. Shapiro provided that the staff treated a permit applicant who came in to look at plans rudely, he assured all plans were public documents and open to review by anyone. He acknowledged the plan reviewers may have the active plans in their possession and access may be delayed. He provided several examples of unsolicited comment cards the City received regarding the excellent service provided by staff. He read a card received today from residents thanking the Planning, Building and Engineer Divisions for the timely, thorough and professional way they assisted with the building permit process. The card was accompanied by a bouquet of flowers.

In response to Mr. Shapiro's comment that too much time/effort/energy was expended with no ultimate value to the product, Mr. Bowman assured staff did what the code required; they did not have the ability to pick and choose which code provisions to enforce or ignore. The Department is working on a substantial code rewrite that will improve some of these code issues; others will require city policy decisions, deciding what is important to regulate, and what is not. Others are beyond the Department's control such as State or Federal requirements.

#### Linda Paralez, DeMarche Consulting Comments

- Website information is out of date
- City should join eGov Alliance
- Standardize practices
- Provide on-line permitting and permit status

Mr. Bowman responded belonging to eGov Alliance was very expensive, particularly their online permit process. The City already provides significant on-line permit information, more than was provided by eGov Alliance. Via PermitTracks, applicants or the public could find permit status for any permit. He agreed with Ms. Paralez' comment that the Annual Report on Land Use Permitting Timelines was out of date; pointing out there was current information regarding the comprehensive plan, zoning, current issues and agenda information available on the website. The City is testing on-line permit applications for minor building, plumbing and mechanical permits. He agreed the City's website needed a complete overhaul to make it more user friendly and intuitive.

Mr. Bowman recalled the City joined the Snohomish County Economic Development Council in 2002 to look at a model permit system for Snohomish County but that work was not finalized. When land use permits were analyzed during that process, Edmonds was well below other jurisdictions and their review of planning discretionary land use permits always beat the 120 days deadline. He noted the online permit tracking system provided the ability for permit applicants to access that information 24/7.

### Brian Goodnight Issues

- Lack of ability to ask simple questions.
- Last project had \$30,000 dollars into it before setbacks were found to be wrong.
- Didn't know that the City has a pre-application process.
- Lack of information over the counter, specifically water line specifications.
- People at counter don't know information.
- Closed on Wednesdays

Mr. Bowman explained staff responds to questions all the time. In fact, Bruce Goodnight was in last Friday morning to meet with Assistant Building Official Ann Bullis to go over some building questions. With regard to the comment regarding lack of information over the counter, Mr. Bowman explained codes, handouts and standard details were all available on line and at the Development Services Department. With regard to Mr. Goodnight's last comment, Mr. Bowman explained the counter was closed on Wednesdays to allow staff to focus on plan reviews. Mr. Bowman was uncertain about Mr. Goodnight's comment that he was not aware of the pre-application process and displayed materials from a pre-application meeting held in 2002 with his brother, Brian Goodnight.

### Bill Wilson Comments

- The City required expensive and lengthy process in order to do improvements for a tenant space for Community Solutions before they could get a business license when it was the same use (warehouse and office).

Mr. Bowman responded by law the City was required to keep commercial and multi family building permits for the life of the building plus 10 years. In this case, improvements were made to the building that were not consistent with the approved permit; the biggest issue was a breach of the 2-hour firewall to an unrated door. He displayed a detailed chronology of events that began when Community Solutions applied for a permit on July 12, 2005 and the Building Division notified them on July 19, 2005 that a change of use permit was required. After several exchanges between the City and the Wilsons, City Fire Marshal met with Mr. Wilson on site on September 5, 2006 to discuss the matter and recommended Mr. Wilson retain an architect to assist him. On September 6, 2006, Mr. Wilson followed up with a letter that he had retained Tony Shapiro as his architect and requested an extension of time to October 15, 2006 to submit plans. The request was granted and plans were submitted on November 21, 2006. On December 7, 2006 Building and Fire approved plans for issuance, inspections took place on March 21, 2007 (framing), July 10, 2007 (sheetrock) and July 18, 2007 (final occupancy) and a business license was issued to Community Solutions on July 19, 2007.

### Donna Breske Comments

- Supports hiring outside consultant.
- The City has no staff that are experienced in utilizing the 1992 Department of Ecology Manual.
- Cited an example of a building on 76<sup>th</sup> Avenue where staff wanted the cumulative impervious surface considered and did not consider the project as redevelopment which would not trigger the requirement for detention.

Mr. Bowman responded while it was true that staff did not currently have a stormwater engineer on staff, the City did retain Don Fiene, P.E., as its stormwater consulting engineer, who was familiar with the 1992 DOE Storm Water Manual. The issue Ms. Breske raises fails to address the City's adopted stormwater policy and she attempted to say it did not apply to projects with cumulative impervious surfaces over 5,000 square feet. He displayed instructions from the stormwater handout that systems designed to accommodate over 5,000 square feet of impervious surface must be designed and stamped by a professional engineer.

### Mark Loewen Comments

- He cited issues of miscommunication and misinformation.
- That he had to hire Donna Breske to write a letter to the City that he did not need her engineering.

- Due to the length of the building permit process he was now unable to obtain a construction loan.
- He stated that a person could go into the building department on five occasions, ask the same question and get five different answers.
- Staff could not figure out where the north arrow was on the plans.

Mr. Bowman responded he was in awe that Mr. Loewen was unaware he would need a building permit for improvements valued at \$237,000. He also questioned why anyone would ask the same question of the Building Department five times, noting it was unlikely he would speak to five different people because of Edmonds' small staff.

Regarding hiring Ms. Breske to respond to the City, Mr. Bowman explained Mr. Loewen's geo-tech engineer raised the issue of drainage due to slopes on the property. The City's engineering reviewer noted that and asked that the issue be addressed. Ms. Breske responded and the City signed off the engineering review.

He reviewed a detailed chronology of events regarding Mr. Loewen's permit:

- City sent letter to Mr. Loewen on 5/14/07 stating the City had become aware that he had started a remodel without a building permit. Requested a response by 6/15/07. No response was received.
- Building Official initiated code enforcement action on 6/20/07; permit application must be submitted by 7/6/07.
- On 6/4/07 Mr. Loewen filed a Critical Areas Checklist with the Planning Division. The Critical Areas assessment of the Loewen property was performed on 6/8/07 and determined that a Critical Areas Study was required due to the presence of erosion and landslide hazard areas as well as mapped fish and wildlife habitat conservation area along the eastern bounds of the parcel.
- On 6/21/07, Mr. Loewen filed a building permit application. He described the work as 'remodeling a day light rambler with garage addition with living space above. Permit for deck built without permit. The application documents were missing minimum submittal information.
- On 7/25/07 Mr. Loewen supplemented the application with missing information and a plan review was initiated by the Building, Engineering and Planning Divisions.
- Building, Engineering and Planning plan review comments were mailed to Mr. Loewen on 9/17/07, 9/6/07 and 9/17/07 respectively.
- The Building plan reviewer made the following notation regarding the north arrow, 'Please add the following information to the site plan. Label North arrow.' There were a total of twelve building plan review comments. North arrows are required to be labeled.
- Mr. Loewen resubmitted plans on 3/13/08 (almost five months from the 9/17/07 plan review comments).
- Building, Engineering and Planning approved the permit for issuance on 3/21/08, 4/2/08 and 4/1/08 respectively. Mr. Loewen was contacted on 4/2/08 that the permit was ready to be issued.
- Because this project was started prior to permit issuance the Building Official issued an additional Order to Correct Violation Notice on 5/8/08 requiring the permit be issued no later than 5/23/08. On 5/14/08, Mr. Loewen contacted the City and informed Building staff of financing difficulties preventing him from obtaining the building permit. The permit application was due to expire on 6/21/08 and Mr. Loewen was informed by the Development Services Technician that the permit must be issued by this date.
- On 6/16/08 the permit (reference BLD20070652) was issued to Mr. Loewen. The job description was changed by the plan reviewer to read, 'demo existing carport, lower floor add 303 sf storage, main floor add 921 sf 3 car garage, remodel master bath, remodel kitchen, add 360 sf nook and laundry, add 184 sf porch, rebuilt existing 521 sf deck, upper floor add 1,128 sf 3 bedrooms, loft and bath, the project value is \$237,877.00. Mr. Loewen was assessed a violation fee of \$1,691.00.

#### Roger Hertrich Comments

- Architects and builders are afraid to complain because they fear retaliation on their next project.
- Cost associated with continually extending projects due to inexperienced and ineffective staff.

- Staff are inexperienced and inspectors have no proper credentials.
- Edmonds is the worst.
- Edmonds fails because of Development Services.

With regard to Mr. Hertrich's comment regarding retaliation, Mr. Bowman responded it simply takes too much effort to retaliate and it was likely illegal. He has heard this charge for over 30 years but has yet to have anyone prove such a charge. Regarding inexperienced and ineffective staff, he acknowledged the Engineering Division had the most new staff members and did not always know answers off the top of their heads. In order to provide accurate answers to the public some research and/or questioning of more experienced staff members may be required. Codes, handouts and standard details are all available on line and at the Development Services Department. The new Senior Building Inspector has 12 ICC certifications; the previous inspector had 9. He pointed out delays during the plan review process were often a direct result of the applicant not responding to plan review comments in their entirety. Requests for waiver or deviation from the ECDC also lengthen the plan review process.

#### Steve Shelton Comments

- Replaced a chain link fence with a wood fence on the corner of 4<sup>th</sup> Avenue North and Bell Street. City posted a Stop Work Order.
- City required a critical areas analysis in order to replace the fence.
- Last year the garage doors were being replaced, the contractor was told they did not need a permit. When contractor replaced rotted 2 x 4s, the project was red tagged and fined for not obtaining a permit.

Mr. Bowman responded Code Chapter 17.30 regulates permit requirements for fences. A fence permit is required for fences greater than 3 feet in height which is also within 10 feet of any street right-of-way or access easement or within 30 feet of a corner. Mr. Shelton has a corner lot, the proposed fence was 3 feet to 6 feet in height on the south property line along Bell Street, 3 feet in height along the west property line at 4th Avenue North with a 7'6" arbor at the sidewalk entrance to the property and a 6 foot fence at the northeast corner of the property adjacent to the alley.

The City issued 27 fence permits in 2005, Town & Country was the contractor of record for two fence permits including Mr. Shelton's permit. He provided a detailed chronology of events:

- Stop Work Order issued on 4/27/05 for installation of a fence without first obtaining a fence permit.
- Mr. Shelton came to the permit counter on 4/28/05 and filed the permit application
- Code Chapter 23.40.060 requires a critical areas assessment on all lots prior to issuance of building permits that disturb the soil. Mr. Shelton submitted a Critical Areas Checklist form to the City Planning Division on 4/28/05. On 5/3/05 the City Planner performed a site inspection and rendered a decision of 'waiver' meaning no critical areas were identified on site.
- On 5/6/05 the City Engineering Division performed a review of the fence proposal checking for pedestrian and traffic sight distance hazards. A portion of the fence at the alley was required to be altered to meet the proper site distance.
- Fence permit (reference 2005-0370) was issued on 5/6/05.
- The owner was assessed a violation fee of \$205.00.

With regard to the garage, Mr. Bowman agreed a permit was not required to replace garage doors and provided the following chronology of events:

- Stop Work Order was issued on 10/25/07 because structural members were being replaced (specifically the garage door header, posts supporting the header, and wall framing on the south side of the garage).
- The contractor came to the permit counter on 10/26/07 and filed the permit application.
- The permit BLD20071079 was issued the same day, 10/26/07.

- The contractor called for inspection on 10/30/07 and exterior sheathing and framing were approved by the City Inspector.
- The owner was assessed a violation fee of \$205.00 but the project was not delayed as the permit was issued over the counter to the contractor.

Mr. Bowman concluded the Department was not overstaffed, in fact was currently short one Building Plans Reviewer. A new experienced Planner and a new City Engineer have been hired and an offer has been made to a Stormwater Manager. Edmonds staff is asked to do more here than in other cities. He was proud of the volume of work that staff produced each day with very minimal errors. He assured staff was very helpful and courteous and strive to give citizens the correct answer to their questions, as they understand time is money and that issuance of building permits has an effect on the City's economic vitality.

Mr. Bowman commented he, like the Mayor, had an open door policy. His door was typically open so he can listen to what goes on at the permit counter. As an example, over the past six months he has met with several people to discuss their concerns to resolve violations, permit issues, code questions or interpretations or just plain old disagreements. Sometimes he helps by investigating the permit process, but often times "the code is what the code is" and it must be enforced. He also monitors permit reviews and will step in when he believes direction is needed.

He assured staff was constantly searching for ways to do things better. Significant improvements were made when he first joined the City including remodeling the second floor to expand the permit counter, replacing a non-functional permit system with a system that worked, and developing handouts of standard uniform construction practices. He agreed the code rewrite needed to be finished, the City's website needed to be updated and minor permits need to be available online and hoped to achieve these objectives by next year.

Councilmember Wambolt recognized the amount of work it took to respond to the comments that were made, commenting it did not resolve the impasse between the Development Services Department and the developers. Although he was not a proponent of hiring consultants, he commented it may be worthwhile in this instance to do so to address the impasse. Mr. Bowman responded he did not believe there was an impasse. He assured he was not opposed to the Council hiring a consultant to analyze the department. Councilmember Wambolt answered a consultant would likely be beneficial, and he believed there was an impasse between the Development Services Department and the developers and a referee was needed. Mr. Bowman explained the City had limited resources and made a decision to staff lean. He suggested the Council discuss a consultant during the 2009-2010 budget process.

Councilmember Bernheim commented although he was not at the June 17 meeting, his review of the minutes and his discussions with the developers revealed they offered to finance the review by a consultant. Another important aspect was management; it was the Mayor's responsibility to administer the Building Department so that the developers were happy. Mayor Haakenson responded it was not his responsibility to ensure developers were happy. Mr. Bowman responded he was hired to oversee the Department; if the Council was unhappy with his performance, the Mayor had the authority to fire him. Councilmember Bernheim clarified management of the relationship between the City's customers and employees was the Mayor's responsibility; it was not the Council's responsibility to ensure the Development Services Department was functioning properly. If complaints were being raised to the point it had reached an impasse, he was amenable to committing to a participatory exercise to determine if there was room for improvement. He invited developers to rebut Mr. Bowman's comments.

Councilmember Wambolt agreed with Mr. Bowman's suggestion to consider a consultant in the 2009-2010 budget process and did not want developers funding such a study. He recalled the developers offered to pay to hire staff to expedite the process, not fund the consultant study. Mr. Bowman offered to develop a decision package.

Councilmember Wilson commented he was very impressed with Mr. Bowman's rebuttal, noting he has heard complaints about the Development Services Department for years but was unsure of their validity. Mr. Bowman's rebuttal was so succinct that it significantly undermined Mr. Shapiro, Mr. Goodnight's and others' credibility in the future if they brought sincere, well intentioned complaints to the council. He noted if the State required a wet stamp, developers must abide by that requirement. Mr. Goodnight's brother utilized the City's pre-application process in 2002; Mr. Goodnight should have been aware of that when he addressed the Council. Mr. Bowman explained his intent was to respond to each comment because if they remained unanswered, they became the truth. Councilmember Wilson commented it was the Council's job as well to ensure departments were functioning properly. He commented Mr. Bowman was as top notch an employee as any he had worked with at any level of government, was proud to have him as an employee of the City and he provided great service to Edmonds citizens. Mr. Bowman echoed that sentiment to his staff who work hard and have the City's best interest at heart.

Mayor Haakenson acknowledged Councilmember Bernheim was not at last week's meeting to hear what was said and it was difficult to hear on the video. He agreed it was his job to manage staff and Wednesday morning he called a meeting with the entire second floor staff along with Mr. Bowman during their lunch hour where they listened to all the comments that were made. He asked Mr. Bowman to investigate every comment and report to the Council. He disagreed with Councilmember Wambolt that there was an impasse, most of the issues were cut and dried. He agreed the 2009-2010 budget process would be an appropriate time to consider hiring a consultant.

Mayor Haakenson declared a brief recess.

Paine Field

8. **ESTABLISH A \$5,000 APPROPRIATION FOR POTENTIAL PAINE FIELD LEGAL AND ADMINISTRATIVE PURPOSES.**

Community Services/Economic Development Director Stephen Clifton explained in 2007 the Private Enterprise Coalition announced they would raise and spend funds in an attempt to push commercial air service at Paine Field. In response, the Mukilteo City Council approved the creation of a Paine Field Emergency Reserve Fund in the amount of \$250,000 to create a pool of resources for any legal or other costs that were necessary to oppose commercial expansion of Paine Field. Recently representatives from Mukilteo met with Mayor Haakenson and Council President Plunkett to ask the City Council to establish an appropriation of funds, thus increasing the pool of financial resources. The proposed resolution was prepared at the request of Council President Plunkett and identifies an amount of \$5,000. He advised the funds would come from the Council Contingency Fund.

Council President Pro Tem Dawson commented the \$5,000 figure was arrived at in consultation with Mukilteo who indicated \$5,000 would be sufficient to share in the costs and allow sharing of information between jurisdictions. Mayor Haakenson clarified Mr. Clifton and he selected that amount, Mukilteo did not ask for a specific amount, it was primarily symbolic. Council President Pro Tem Dawson commented the City's contribution was not only to increase the pool of funds but by contributing, the City could share in information Mukilteo gathered via their more significant contribution.

Councilmember Wilson expressed concern with the proposed amount, recalling the Council passed a similar resolution six months ago with no funding and envisioned a \$5,000 contribution would have been more appropriate at that time for the reasons Council President Pro Tem Dawson cited. He questioned whether \$5,000 was a strong enough symbolic gesture in light of the fact that there was now an application for commercial air service at Paine Field. He suggested the Council may want to consider a larger contribution such as \$50,000, not monies placed in a separate fund but as a placeholder. Council President Pro Tem Dawson pointed out there was not \$50,000 in the Council Contingency Fund; there was only \$22,000 after the earlier contribution to the Chamber. She suggested the Council indicate that if this became a legal battle, the City was not ruling out further allocations in the future if necessary. This appropriation would allow

Mukilteo to share information with the City and establish that the City was committed to this effort. Mr. Clifton commented the Council could consider a larger allocation during the 2009-2010 budget process.

**COUNCIL PRESIDENT PRO TEM DAWSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF RESOLUTION NO. 1177. MOTION CARRIED (5-1), COUNCILMEMBER BERNHEIM OPPOSED. The resolution approved reads as follows:**

**A RESOLUTION OF THE CITY COUNCIL OF EDMONDS, WASHINGTON, OPPOSING COMMERCIAL AIR PASSENGER AND OTHER INCOMPATIBLE AIR SERVICE AT PAIN FIELD LOCATED WITHIN SNOHOMISH COUNTY, AND ESTABLISHING A \$5,000 APPROPRIATION FOR POTENTIAL LEGAL AND ADMINISTRATIVE PURPOSES**

Res# 1177  
Paine Field

Unfunded  
Priority  
Projects

**9. CITY OF EDMONDS UNFUNDED PRIORITY PROJECTS**

Mr. Clifton recalled on May 27, 2008, at the request of Edmonds City Council, City staff presented information on City of Edmonds and private party master planning options for the Downtown Master Plan area which includes the Port of Edmonds Harbor Square, Antique Mall and Skipper properties. Additional information included potential steps that would need to be taken should the City Council decide to purchase all, or a portion of the Antique Mall or Skippers properties.

As part of the overall May 27, 2008 presentation, City staff requested the City Council consider how the purchase of property might relate to funding other future priority needs within the City. Included in the May 27 City Council packet was a table containing a list of unfunded priority projects. He displayed a table of unfunded projects, explaining that ongoing building maintenance and ongoing transportation improvements were high priorities. In response to a citizen's reference to carpeting for the Council Chambers, he explained that was not the type of ongoing building maintenance referred to by staff. The list contains large building maintenance projects such as seismic upgrades to the Frances Anderson Center, electrical upgrades, Senior Center Improvements, etc. Other than the first two items, the projects in the table have not been prioritized by City administration. City staff asks that City Council work with City administration to prioritize these items/projects in order to help structure an overall multi-year financing plan. Several projects need additional review and input from the community and City consultants to determine more accurate cost estimates. The primary purpose of providing this information was to give the City Council an overview of the unfunded needs rather than precise cost estimates for each project. A couple of the projects do not have projects descriptions as they were tied to non-city entities with specific plans yet to be defined. He noted the Council packet also included brief narratives describing the projects and Department Directors were present to answer any questions about the projects.

Councilmember Wambolt commented these were only building related capital projects, there were many other unfunded projects. He recalled the recent transportation forum identified numerous projects including sidewalks, traffic control and appropriately marked crosswalks. Mr. Clifton agreed, noting many of these projects were in addition to projects identified in the Capital Improvement Program (CIP). Councilmember Wambolt asked what project Ms. Petso was referring to. Public Works Director Noel Miller responded Ms. Petso was referring to the Six Year CIP. He noted carpet was included in Fund 116 Building Maintenance fund, noting that was part of keeping a building serviceable for the user and protecting the capital asset.

Mr. Clifton reviewed the unfunded priority projects:

<b>Project</b>	<b>Department</b>	<b>Estimated Cost</b>	<b>Possible Funding Sources Current Dollars</b>	<b>Priority</b>
Ongoing Building Maintenance Projects	Public Works	\$200,000/per year	Utility Tax Increase	High
Ongoing Transportation Improvements	Public Works	\$.5 to 1.0 Million per year	Transportation Benefit District Public Vote?	High

4 <sup>th</sup> Avenue Cultural Corridor	Parks / Public Works	\$10 million	Various City funds and grants	
Aquatic Center	Parks & Recreation	\$10 to \$30 million	Public Vote	
Art Center / Art Museum	Parks & Recreation	\$5 million	Community partnerships	
Boys & Girls Club Building (School District property)	Not a City Bldg	\$5 million	Capital campaign	
Civic Playfield Acquisition (lease expires 2021)	Parks & Recreation	Unknown (current assessed value of \$5.5 million)	Public Vote/ REET 1 / Grants	
Downtown Street Lighting Improvements	Public Works	\$250,000	Utility Tax Increase	
Edmonds Library	Public Works and Parks & Recreation	Unknown	Public Vote	
Fire Administration, Training Classroom, Non-Burning Training Facility	Fire Department	\$1.1 million +/- 10%	Esperance Service Contract Woodway Service Contract 2015 Station 20 Debt Payoff EMS Transport Fees Various City Funds	
Former Woodway H.S. (School Dist. Property) Playfields	Parks & Recreation	\$12 million	Regional Facility/Capital Campaign Partnerships/REET 2	
Parks / Facilities Maintenance Building	Parks & Public Works	\$3 to 3.5 Million Not funded after 3 years	No Identified Funding Source Public Vote	
Senior Center Building	Public Works	\$4 to 10 Million	Public/Private Partnership? G.O. Bond Levy	
Van Meer Property	Fire Department	Subject to Negotiation	Esperance Service Contract Woodway Service Contract 2015 Station 20 Debt Payoff EMS Transport Fees Various City Funds	

Councilmember Wilson observed staff determined ongoing building maintenance projects and ongoing transportation improvements were high priorities and asked how the other projects were prioritized. Mayor Haakenson advised staff determined the first two were extremely high priorities and left prioritization of the other items to the Council. Mr. Clifton invited the Council to request additional information on any of the projects and offered to work with the Council on prioritizing the projects.

In light of the length of the list, the high priority of many of the projects and a public vote as a possible funding source, Councilmember Wilson invited staff to describe how they might group projects and structure a public vote. Mr. Clifton advised staff had prepared a preliminary list of projects that could be funded via a Transportation Benefit District. Councilmember Wilson commented on the adage if the voters were asked for \$5 twenty times, they were less likely to approve those requests than they were to approve a single \$100 request. He preferred to combine projects into one public vote. Mr. Clifton advised all potential funding sources were included on the list due to the Council's previous discussion regarding combining projects on a ballot.

Council President Pro Tem Dawson found the list very helpful particularly as the Council considered the Harbor Square, Antique Mall and Skippers properties, commenting it would also be helpful to provide the Council a sense of the other county and state priorities such as Sound Transit 2. For example, the Snohomish

County Council was considering a proposal by the Superior Court, Sheriff and Prosecuting Attorney to put a measure on the ballot to fund a justice center in Snohomish County at a cost of more than \$150 million. She noted full agendas made it difficult for the Council to give these items the attention they deserved and suggested scheduling a Saturday workshop to review the projects and their priority. She invited Councilmembers to inform her of their vacation and weekend schedules and any preferences regarding a date and she would schedule a workshop to discuss prioritization, financing options and how monies might be leveraged. Councilmember Wambolt commented another option would be the fifth Tuesday in July.

Sound  
Transit  
Phase 2

**10. CITY OF EDMONDS LETTER TO SOUND TRANSIT REGARDING PHASE 2**

Community Services/Economic Development Director Stephen Clifton advised as a follow-up to a Sound Transit Phase 2 public outreach effort, the Sound Transit (ST) Executive Board will be reviewing investment options for ST2 later this month and early July. The Board's tentative schedule for review and possible consideration is as follows:

- June 26 the Board will discuss feedback on public outreach efforts coupled with discussion of ST2 plan and possible board member amendments.
- July 10 the Board will act on proposed amendments and provide direction to ST staff to prepare ST2 plan, ballot resolutions and supporting document.
- July 24 the Board may adopt a plan and potential ballot resolutions.

In April of 2008, Mayor Haakenson sent a letter to Sound Transit Executive Board members Reardon, Roberts and Dawson expressing concerns about Sound Transit's proposed draft Phase 2 System-wide Service Development Plan. The purpose of the letter was to reiterate these concerns in addition to expressing the City's positions on various issues prior to the Sound Transit Board taking action at any of the above meetings. Specific concerns highlighted, or positions expressed within the letter include support for extending light rail into Snohomish County, locating a Sound Transit light rail station near Mountlake Terrace along Interstate 5, and including funding for Sound Transit Edmonds Commuter Rail Station as part of Sound Transit Phase 2. The letter also contains statements expressing a lack of support for operating Bus Rapid Transit in lieu of light rail along the Interstate 5 corridor.

Sound Transit will be rendering decisions soon on a Phase 2 package of investments and related options, in addition to setting a timeframe regarding when a Phase 2 package should be placed on a ballot. As such, it is important for all effected communities to state their position prior to the Sound Transit Executive Board finalizing a Phase 2 package. He noted the Council packet also included a June 16, 2008 letter from the City of Mountlake Terrace expressing positions similar to the City of Edmonds.

Council President Pro Tem Dawson explained these concerns were shared by the three Snohomish County Sound Transit Board members. She recently received a summary of the comments gathered via the public comment process, noting the public comments provided at the Lynnwood and Everett open houses and via the internet mirrored the concerns raised in the letter Mayor Haakenson drafted to the Sound Transit Board, emphasizing the desire for light rail to Snohomish County in the next phase. She explained there three plans out for public comment, the 20 year plan that was part of Prop 1 last year, and two smaller 12-year packages. The Board has not made a determination whether to pursue a vote in 2008 or what package they would select if they were to go out for a vote in 2008. She noted the possible ballot measure would not be limited to these three packages; the Board's decision was to take public comment on these three packages and craft something in between. She noted the SeaShore Transportation Forum submitted a letter yesterday that was similar to the proposed letter, expressing a desire for light rail reaching Snohomish County.

Councilmember Bernheim inquired about the balance between the regional need for a concentrated system of some kind versus a program that would reach all users including Snohomish County. He was uncertain whether it was better to work toward a smaller program that would be built sooner that would relieve greenhouse gas emissions and get cars off the road that may not necessarily serve Snohomish County

residents rather than a larger project that would impact Snohomish County but may be too expensive to be approved. Council President Pro Tem Dawson commented the Board has focused on the 5/10<sup>th</sup> package at a 12 year level; there was little difference in the amount of dollars raised on an annual basis or taxes collected, the difference was the length of time it would take. She noted a 20-year plan did not take longer to build, it was built over a longer period of time. She clarified a 20-year package did not mean nothing happened for 20 years, 20 years was when everything in the package would be completed. The same programs could be contained in a 12-year package, but it would conclude in 12 years rather than continuing with additional projects. She noted the first step was to determine what the voters had a tolerance for and what improvements they wanted. She noted early comments from Snohomish County indicated they did not see the benefit of the programs in the 12-year package to Snohomish County. The focus of the 12-year plans is on Bus Rapid Transit along I-5 which she noted as lanes became more congested, may/may not provide a transportation solution for Snohomish County. She acknowledged it was uncertain what the HOV lanes would look like in the future and without assurance that traffic would move fluidly in HOV lanes, it was difficult to provide reliable transit service along the I-5 corridor. She noted a slightly longer plan may be able to provide light rail to Snohomish County. She concluded the goal was to achieve a balance between real transportation solutions for all the subareas, not just for three of the four subareas.

Councilmember Bernheim expressed support for light rail at Northgate and asked what the 20-year plan would provide. Council President Pro Tem Dawson commented in the 20-year plan proposed last year, light rail reached Ash Way. She noted the most expensive portion of light rail on I-5 was the portion that reached Northgate; it was significantly less expensive further north due to the change in topography. The Board was being asked to consider an option that would extend light rail into Snohomish County so that Snohomish County, like the other subareas, had some reasonable choices beyond buses on I-5. She noted Pierce County had a more realistic situation with the Sounder option because more trips were possible; the north line was maxed out this fall at four trips per day. Therefore without light rail, Snohomish County was limited to buses on I-5, the most congested and most highly traveled corridor in the region and as well as the area with the greatest demand for light rail and the least likelihood of overcoming transportation challenges without light rail. She summarized the letter stated for Snohomish County residents, particularly south Snohomish County, there was something better than a 12-year plan that did not include a light rail component for Snohomish County.

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER WILSON, TO AUTHORIZE THE MAYOR AND CITY COUNCIL PRESIDENT TO SIGN THE ATTACHED JUNE 24, 2008 LETTER TO THE SOUND TRANSIT EXECUTIVE BOARD. MOTION CARRIED UNANIMOUSLY.**

**COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO EXTEND THE MEETING UNTIL 11:00 P.M. MOTION CARRIED UNANIMOUSLY.**

11. **PROPOSED RESOLUTION TO INITIATE THE VACATION OF THE UNOPENED ALLEY RIGHT-OF-WAY LOCATED BETWEEN 8TH AVENUE NORTH AND 9TH AVENUE NORTH, NORTH OF DALEY STREET.**

Unopened  
Alley Right-  
of-Way  
Between 8th  
Ave N & 9th  
Ave N

Development Services Director Duane Bowman explained this was an unopened alley 7.5 feet in width that was dedicated as part of the original plat of the City. He noted alleys were typically 16 feet in width; he assumed it was anticipated the unplatted area to the north would dedicate the other half of the alley which did not occur. The City has no improvements in the alley. The residents asked to have the alley right-of-way vacated and requested the City initiate that action. The proposed resolution sets July 22 as the date for the required public hearing.

Councilmember Wambolt commented he looked at the property, finding it useless and very steep.

Councilmember Bernheim asked which residents requested the vacation, noting there were 12 adjacent properties. Mr. Bowman answered nearly all the property owners to the south as the property came from their properties as part of the original plat of Edmonds and the vacated right-of-way would be returned to those parcels. Mayor Haakenson advised the Council was scheduling the public hearing to hear from the property owners. Several property owners met with Councilmembers Wambolt and Olson and requested the City initiate the vacation. Mr. Bowman explained there were two ways to initiate a vacation, either by petition or the Council passes a resolution initiating the vacation.

Councilmember Bernheim asked how many people asked to have the property vacated. Mr. Bowman stated five property owners on the south side requested the vacation. He noted these property owners were aware there were issues to be resolved with regard to access, etc. particularly at the east end of the alley.

Councilmember Bernheim asked the disadvantage of the City not vacating the property. Mr. Bowman answered the City would continue to have an unopened 7.5 foot wide right-of-way that was of no use to the City due to the steep grade in the center. Councilmember Olson commented the City took property in the 1890s with the intent of installing an alley which never happened. Councilmember Wambolt pointed out Daley did not go through from 8<sup>th</sup> to 9<sup>th</sup>. City Attorney Bio Park commented vacating the property would return it to the tax rolls and would eliminate any liability associated with injury on the property due to the City's negligence.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE RESOLUTION NO. 1178. MOTION CARRIED UNANIMOUSLY. The resolution approved reads as follows:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, INITIATING REVIEW OF VACATION OF A PORTION OF AN UNOPENED PUBLIC ALLEY LYING BETWEEN 8<sup>TH</sup> AVENUE NORTH AND 9<sup>TH</sup> AVENUE NORTH, PARALLEL TO AND NORTH OF DALEY STREET, AND SETTING A PUBLIC HEARING FOR JULY 22, 2008.**

**12. PRESENTATION AND DISCUSSION ON 2008 PLANNING INITIATIVES ADDRESSING (1) COMPREHENSIVE PLAN SUSTAINABILITY ELEMENT AND (2) FORM-BASED ZONING**

**Comprehensive Plan Sustainability Element**

Planning Manager Rob Chave explained staff had been working with the Mayor's Climate Committee on the development of a new Comprehensive Plan element and wanted to ensure they were on the right track. Due to the work being done by the Climate Committee and recent press regarding climate change, it was appropriate to include a "Community Sustainability Element" in the City's Comprehensive Plan that would capture many of the issues such as long term viability, economics, character of the City, GMA, etc. He viewed the Sustainability Element as the glue that tied many aspects of the Comprehensive Plan together.

He explained the current Comprehensive Plan included elements regarding Land Use, Community Culture & Urban Design, Utility, Capital Facilities, Housing, Transportation and Parks, Recreation & Open Space. He noted most were mandatory elements, others such as the Community Culture & Urban Design element were included due to the importance of that issue to the City. He noted there was a great deal of discussion regarding climate change by the legislature and they were on the verge of mandating a new element. Thus the new Sustainability Element could be viewed as getting out in front before it was mandated by the State and it also made sense because the City has joined several significant climate change initiatives. He anticipated the Sustainability Element would contain subsections regarding Climate Change, Environmental Quality and Community Health. The Climate Change subsection would identify ways to reduce emissions and the impact on the environment and determine the City's future risk with regard to climate change such as how City operations would be impacted and what natural hazards were likely to occur. This would also include monitoring programs to track change. The Environmental Quality subsection would consolidate

Res# 1178  
Set Hearing  
re: Vacate  
Unopened  
Public Alley

Comprehen-  
sive Plan  
Sustainability  
Element

environmental policies throughout the Comprehensive Plan as well as gather the critical area and shoreline policies in one place.

The Community Health subsection would promote bikeway and walkways, getting people active in the community, economic opportunity, housing, etc. He clarified the intent would not be to repeat housing polices contained in the Housing Element but show how housing was related to economy, the health of the community, etc. Other concepts could be locally based food sources such as Farmer's Markets and the tie to economics and home-grown arts, character of the community/lack of authenticity in large businesses, etc.

Council President Pro Tem Dawson asked how the Council could be involved in this process and what was the plan to bring the element back to the Council for input. Mr. Chave answered staff was working with the Climate Committee on this project and suggested the Council may want to schedule a work session with the members of the Climate Committee. Council President Pro Tem Dawson pointed out Councilmember Orvis, who serves on the Snohomish County Health District Board, may have some insight into the Community Health subsection. She spoke in favor of involving the Council early in the process, suggesting the Council schedule a meeting with the Climate Committee on a fifth Tuesday.

Councilmember Wilson echoed Council President Pro Tem Dawson's comments and wanted to ensure the Council was involved, offering the Community Services/Development Services Committee as a possible venue. He noted the Council had already approved environmental principles and values such as regarding carbon neutrality. He advised the Cascade Land Conservancy would be making a report to the Council next week; he had encouraged them to develop a suite of services they could provide to the City. With regard to land use, he recalled the Community Services/Development Services Committee has discussed creating zones where builders were provided incentives for environmentally sensitive development. He pointed out Lake Forest Park had an Environmental Quality Committee and envisioned the City could form a similar committee or reformulate the Climate Committee. With regard to the Community Health subsection, he pointed out the importance of addressing sidewalks as well as childhood obesity and integrating development with healthcare providers.

Form Based  
Zoning

#### Form Based Zoning

Mr. Chave explained form-based zoning was a planning buzz word that surfaced in recent years as a result of the new urbanism movement. He displayed a comparison of traditional versus form-based zoning, explaining form-based zoning was a reaction to traditional zoning which described what a jurisdiction did not want and provided a list of allowed uses, uses that were not allowed, and restrictions on properties. The intent of the form-based approach was to be more illustrative, provide a guide/direction rather than a list of restrictions and attempt to provide a picture of the result. The difficulty with the traditionally Euclidian approach was the result was very unpredictable. In recent years, staff had begun to integrate form-based ideas into the code in a hybrid approach.

He pointed out there was no impetus to change the code if the development that occurred was what the City wanted; however, in areas where the result was not what the City wanted or areas where change was expected to occur, form-based zoning could be very beneficial by providing more specific direction with regard to what was hoped could be achieved in that area. An example would be the downtown zones and on Hwy. 99 where there were design standards. He displayed examples of graphics, illustrations and tables that were included in form-based codes. He explained one approach for the Title 16 rewrite was to include as many tables and graphics as possible. The intent was not to change the rules and regulations for the zones but make the code easier to understand. He noted areas where additional design standards were desired would require a special process. He commented the code rewrite would also identify zones where the form-based approach would be important such as Westgate where the new PCC may provide an opportunity to promote a green zone as well as promote Westgate as a key neighborhood center.

Mr. Chave explained the benefits of a hybrid approach were it focused on regulating what was important and presented information in a simple and understandable way via graphics and illustrations, provided consistency across zoning classifications, did not discard what worked but focused on areas where change was desired or where change was an issue such as downtown and Hwy. 99.

Councilmember Wilson asked whether form-based zoning limited architectural creativity. Mr. Chave answered it was only done to the extent the City knew what it wanted; if what they wanted was unknown, it should not be prescribed. For example, downtown items such as door shapes, the number of windows, etc. was not prescribed, only very general parameters were prescribed. He clarified form-based zoning could be specific or general, the goal was to identify what was important and if it was important and the City knew what it wanted, it should be included in the code.

Councilmember Wilson asked whether there were reasons not to use form-based zoning. Mr. Chave answered if the Council was happy with the existing code and development that was occurring, there was no need to do anything different. He commented downtown was a symptom that this could be done better. Areas where change was happening the most were the areas to look first and may include meetings with the neighborhood to determine whether they were interested in participating in a form-based code for that area. He concluded form-based zoning could be very specific to a neighborhood. He anticipated even with form-based zoning, most of the development in neighborhoods would be the same, however, in an area such as Hwy. 99 where transition would occur, form may be more important than the exact mix of uses.

### 13. COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS

SnoPac and  
SnoCom Council President Pro Tem Dawson reported the E911 Manager for Snohomish County has tendered her resignation, the SnoPac Director plans to resign and the SnoCom Director has indicated he plans to resign soon. Therefore a group within emergency dispatch in Snohomish County is meeting to discuss the public safety needs of Snohomish County as it was “easier to reshuffle the deck if the players were not necessarily in place.”

Port  
Commission Councilmember Wambolt reported at their June 9 meeting, the Port Commissioners were provided a presentation on the new Yacht Club, a 12,000 square foot building located in the parking area north of the current Port offices, half of which will be leased to a local company for office space. There will not be a restaurant in the building. They intend to begin construction by the end of 2008 and occupy the building in 2009. The Port also approved a new service, Pump Me Out, for pumping out marine holding tanks. And despite the weather, the Waterfront Festival was a big success.

Board of  
Health Councilmember Orvis reported the Snohomish County Board of Health encouraged anyone injured by a bat to capture the bat to allow it to be tested for rabies. He reported on a presentation given to the Board regarding septic systems and how they work. The Health Board is responsible for inspecting all the septic systems in the County and made the data available online via a system with the acronym DAVE. He encouraged anyone purchasing property in Snohomish County to access the system to determine whether there was a septic system on their property.

Lake  
Ballinger Councilmember Wilson reported the Interlocal Agreement with Lake Ballinger would be coming to the Council soon. There were six signatories to the Interlocal Agreement; Lynnwood and Lake Forest Park passed the Interlocal Agreement, Mountlake Terrace planned to pass it next week, and Shoreline and Snohomish County were in the process of passing the Interlocal Agreement.

### 14. MAYOR'S COMMENTS

Mayor Haakenson had no report.

**15. COUNCIL COMMENTS**

Council President Pro Tem Dawson reported she met with the Snohomish County Council Chair and Vice Chair who asked her to relay that the County Council was moving forward with the Interlocal Agreement; they learned they cannot enact a resolution but must pass an ordinance which requires a public hearing.

Farmers Market
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 Councilmember Wambolt relayed citizens' questions concerning why the Farmer's Market was smaller this year. Mayor Haakenson advised the large Farmers Market will begin in July and continue through September; a smaller market, the Garden Market, operates in the spring.

Lake Ballinger
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 Councilmember Wilson reported Lake Ballinger flooded 3 weeks ago when it rained 4 inches in 24 hours. Next, he inquired about a proposed land use sign posted on the Skippers site. Mr. Chave advised the property owner plans to demolish the building and convert the site into a parking lot. Councilmember Wilson asked what implications if any that had on the master plan process or future contract rezone. Mr. Chave answered the property owner was interested in a temporary parking lot, the reason a Conditional Use Permit was required, which allowed a 1-2 year duration. He assumed after that time period they would pursue something else. Councilmember Wilson assumed Mr. Gregg was not putting up a building this month or this year. Mr. Chave answered it would depend entirely on the private lease agreement which the City was not privy to.

Skippers Site
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**16. ADJOURN**

With no further business, the Council meeting was adjourned at 10:54 p.m.