

# EDMONDS CITY COUNCIL APPROVED MINUTES

## December 16, 2008

Following a Special Meeting at 6:15 p.m. for an Executive Session for legal advice regarding pending or threatened litigation and a reception in honor of Councilmember Deanna Dawson at 6:30 p.m., 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

### ALSO PRESENT

Leif Warren, Student Representative

### STAFF PRESENT

Tom Tomberg, Fire Chief  
Mark Correia, Assistant Fire Chief  
Al Compaan, Police Chief  
Gerry Gannon, Assistant Police Chief  
Duane Bowman, Development Services Director  
Stephen Clifton, Community Services Director  
Brian McIntosh, Parks & Recreation Director  
Noel Miller, Public Works Director  
Kathleen Junglov, Finance Director  
Rob Chave, Planning Manager  
Debi Humann, Human Resources Director  
Rob English, City Engineer  
Bertrand Hauss, Traffic Engineer  
Carl Nelson, Chief Information Officer  
Scott Snyder, City Attorney  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

Change to  
Agenda

### 1. APPROVAL OF AGENDA

Mayor Haakenson advised Consent Agenda Item O, Amendment to Fiber One Agreement (Edmonds added to Seattle Fiber Consortium), had been removed from the Consent Agenda and would be returned to the Council at a later date. Item 5, Sound Singers Holiday Greeting, was cancelled due to weather.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

### 2. CONSENT AGENDA ITEMS

Councilmember Wambolt requested Item AA be removed from the Consent Agenda and Council President Plunkett requested Item CC be removed.

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

#### A. ROLL CALL

Approve  
11/25/08  
Minutes

**B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF NOVEMBER 25, 2008.**

Approve  
12/02/08  
Minutes

**C. APPROVAL OF CITY COUNCIL MEETING MINUTES OF DECEMBER 2, 2008.**

Approve  
Claim  
Checks

**D. APPROVAL OF CLAIM CHECKS #108485 THROUGH #108621 FOR DECEMBER 4, 2008 IN THE AMOUNT \$519,685.54, AND #108622 THROUGH #108796 FOR DECEMBER 11, 2008 IN THE AMOUNT OF \$320,737.90. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #47596 THROUGH #47671 FOR THE PERIOD NOVEMBER 16 THROUGH NOVEMBER 30, 2008 IN THE AMOUNT \$926,728.57.**

Claim for  
Damages

**E. ACKNOWLEDGE RECEIPT OF CLAIM FOR DAMAGES FROM LAURA HUNTER (\$1,245.00).**

Liquor  
Licenses

**F. LIST OF EDMONDS BUSINESSES APPLYING FOR THE RENEWAL OF THEIR WASHINGTON STATE LIQUOR LICENSES, DECEMBER 2008.**

Lodging Tax  
Advisory  
Committee

**G. REAPPOINTMENT OF LODGING TAX ADVISORY COMMITTEE MEMBERS FOR 2009.**

Board and  
Commission  
Members

**H. LIST OF 2008 RETIRING BOARD MEMBERS AND COMMISSIONERS.**

Arts  
Commission  
Awards

**I. APPROVAL OF ANNUAL AWARD ALLOCATIONS BY THE EDMONDS ARTS COMMISSION FOR 2009 CULTURAL TOURISM PROMOTION OF EVENTS THAT BRING VISITORS TO EDMONDS.**

EMS  
Transport  
User Fees

**J. AUTHORIZATION FOR MAYOR TO SIGN CONTRACT WITH SYSTEMS DESIGN NORTHWEST, INC. RELATED TO EMS TRANSPORT USER FEES.**

Driftwood  
Players  
Lease

**K. AUTHORIZATION FOR THE MAYOR TO SIGN THE LEASE AGREEMENT WITH THE DRIFTWOOD PLAYERS.**

Stormwater  
Comp Plan /  
Management

**L. AUTHORIZATION FOR MAYOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH HERRERA ENVIRONMENTAL CONSULTANTS FOR UPDATING THE CITY'S STORMWATER COMPREHENSIVE PLAN AND STORMWATER MANAGEMENT PROGRAM.**

MEBT Plan  
Restatement

**M. MUNICIPAL EMPLOYEES BENEFIT TRUST (MEBT) PLAN RESTATEMENT.**

Fiber  
Connectivity

**N. FIBER CONNECTIVITY AGREEMENT BETWEEN THE CITY OF EDMONDS AND SNOHOMISH COUNTY - PROVIDES OPTION TO INTERCONNECT TO OTHER CITIES.**

Fiber-optic  
Transport

**P. NETRIVER FIBER-OPTIC TRANSPORT AND MUTUAL FAILOVER AGREEMENT.**

Interlocal  
Purchasing

**Q. STATE OF WASHINGTON INTERLOCAL PURCHASING AGREEMENT.**

2008 Street  
Overlay  
Program

**R. REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2008 STREET OVERLAY PROGRAM AND COUNCIL ACCEPTANCE OF PROJECT.**

Five Corners  
Booster  
Pump Station

**S. REPORT ON BIDS OPENED ON DECEMBER 4, 2008 FOR THE FIVE CORNERS BOOSTER PUMP STATION UPGRADE IMPROVEMENTS PROJECT AND AWARD OF CONTRACT TO INTERWEST CONSTRUCTION, INC. (\$892,460.55).**

Steinman  
Utility  
Easement

**T. ACCEPTANCE OF STORMWATER UTILITY EASEMENT AND AGREEMENT FOR PIPING (10506-235TH PLACE SW) WITH RON STEINMAN.**

Ord# 3712  
1228 9th /  
Historic

**U. ORDINANCE NO. 3712 – DESIGNATING THE EXTERIOR OF THE PARMELEE HOUSE, TOGETHER WITH THE LIVING AND DINING ROOMS, LOCATED AT 1228 - 9TH**

AVENUE NORTH, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE COMMUNITY SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN "HR" DESIGNATION.

Ord# 3713  
233 3rd /  
Historic

V. ORDINANCE NO. 3713 – DESIGNATING THE SITE OF THE FIRST SCHOOL IN EDMONDS SCHOOL DISTRICT #15, LOCATED AT 233 3RD AVENUE NORTH, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE COMMUNITY SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN “HR” DESIGNATION.

Ord# 3714  
542 Main /  
Historic

W. ORDINANCE NO. 3714 – DESIGNATING THE EXTERIOR OF THE INTERNATIONAL ORDER OF ODD FELLOWS HALL AT 542 MAIN STREET, EDMONDS, WASHINGTON FOR INCLUSION ON THE EDMONDS REGISTER OF HISTORIC PLACES, AND DIRECTING THE COMMUNITY SERVICES DIRECTOR OR HIS DESIGNEE TO DESIGNATE THE SITE ON THE OFFICIAL ZONING MAP WITH AN “HR” DESIGNATION.

Ord# 3715  
Flood  
Insurance

X. ORDINANCE NO. 3715 – AMENDING CITY ADOPTED BUILDING CODES ECDC 19.00.005 AND 19.05.005 FOR COMPLIANCE WITH STATE REQUIREMENTS FOR THE NATIONAL FLOOD INSURANCE PROGRAM.

Ord# 3716  
Parking  
Provisions

Y. ORDINANCE NO. 3716 – AMENDING THE EDMONDS CITY CODE (ECC), UPDATING PARKING PROVISIONS IN THE DOWNTOWN EDMONDS AREA.

Res# 1185 &  
Ord# 3717  
Parks, Rec,  
Cultural Plan

Z. RESOLUTION NO. 1185 AND ORDINANCE NO. 3717 – AMENDING THE CITY'S COMPREHENSIVE PLAN WITH REGARD TO THE CITY'S PARKS AND RECREATION, AND COMMUNITY CULTURAL PLAN, AND APPROVING A PRIVATE SPONSORED AMENDMENT REGARDING THE UNDERHILL APPLICATION FOR 215TH STREET SOUTHWEST.

Ord# 3719  
Commute  
Trip  
Reduction

BB. ORDINANCE NO. 3719 – ADOPTION OF CITY OF EDMONDS COMMUTE TRIP REDUCTION (CTR) PLAN AND ORDINANCE AMENDING ECC CHAPTER 17.95.

Res# 1186  
EMS  
Transport  
User Fees

DD. RESOLUTION NO. 1186 – ADOPTING EMERGENCY MEDICAL SERVICE TRANSPORT USER FEES.

Res# 1187  
Commend  
L. Warren

EE. RESOLUTION NO. 1187 – COMMENDING LEIF WARREN FOR HIS SERVICES AS A STUDENT REPRESENTATIVE ON THE EDMONDS CITY COUNCIL.

Res# 118  
Thank  
D. Dawson

FF. RESOLUTION NO. 1188 – THANKING COUNCILMEMBER DEANNA DAWSON.

Ord# 3721  
Bond  
Ordinance

GG. BOND ORDINANCE NO. 3721 – RELATING TO REPLACEMENT WATER METERS, WIRELESS METER READING EQUIPMENT AND SUPPORTING IMPROVEMENTS TO THE CITY’S FIBER-OPTIC NETWORK. PASSAGE OF THIS ORDINANCE WILL NOT RESULT IN THE SALE OF ANY BONDS UNTIL SUCH QUESTION OF FEASIBILITY HAS BEEN SATISFACTORILY ANSWERED AND THE COUNCIL APPROVES THE ACTUAL ISSUANCE OF THE BONDS BY PASSAGE OF A SUBSEQUENT BOND SALE RESOLUTION IN A PUBLIC MEETING BEFORE THE CITY COUNCIL.

Salary  
Ordinance  
for Non-rep

ITEM AA: APPROVAL OF AN ORDINANCE ESTABLISHING THE SALARY RANGES FOR NON-REPRESENTED AND HOURLY PERSONNEL FOR BUDGET YEAR 2009

Councilmember Wambolt recalled he voted against the salary increase for non-represented employees and would vote against the ordinance.

**COUNCIL PRESIDENT PLUNKETT, MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO APPROVE ITEM AA, ORDINANCE NO. 3718.**

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO AMEND THE MOTION TO APPROVE COLA INCREASES FOR NON-REPRESENTED EMPLOYEES FOR 2009 OF 3%.**

Councilmember Wambolt explained his opposition to a 5.8% COLA should in no way be a reflection on the quality of the City's employees or their performance; the City had top notch employees with whom he had a satisfactory working relationship both as a Councilmember and as a citizen. He was unable to support the expense of a 5.8% COLA during this unprecedented decline in the economy resulting in most taxpayers not receiving this type of pay increase, some of whom were losing their jobs and their homes.

Councilmember Wambolt referred to incorrect statements reported in last week's Enterprise, first that some supervisors sometimes receive less pay than their staff, not because the supervisor was inappropriately compensated but because staff was paid for overtime work. He pointed out in the private world management was not paid for overtime and the City's non-union employees were eligible for time off to compensate for extra hours worked. To the second statement, that there was not an incentive for employees to stay at the City, he stressed pay was rarely the reason people changed jobs. In the past 5 years, 13 non-represented employees left the City, the equivalent of 5% per year. Few left because they felt they were underpaid and half of the employees who left joined consultant firms. He disagreed that poor pay drove employees away or made recruitment more difficult. If the Council chose to support the 5.8% increase, he hoped it was for reasons other than salary compression or high turnover myths.

Councilmember Bernheim commented although he had the highest respect for the job done by the City's non-represented employees, he was uncomfortable with a \$5,000 COLA. He noted the highest paid employee would receive a COLA of more than \$8,000 in addition to their \$140,000 salary. He clarified it was not that this employee was overpaid; it was simply that in the current economy he preferred to moderate salary increases. The fact that union employees earned a great deal of overtime and had a salary similar to management should not be a factor in an executive's attitude toward their job. He pointed out the proposed COLA for non-represented employees would cost the City \$220,000.

Councilmember Bernheim acknowledged all the union contracts approved by the Council included significant COLAs. The negotiating team made a recommendation to the Council and the Council found the COLA within previously negotiated parameters and accepted the recommendation. He noted those contracts were approved prior to the market crash and before the Mayor's 25% salary increase. He found a 3% increase an acceptable compromise, a step toward fiscal management and recognized the contribution of those employees.

Councilmember Wilson commented Councilmember Wambolt's argument was based on principle. He noted the cost of the 5.8% increase was approximately \$220,000; reducing the increase to 3% would save approximately \$100,000. For a \$65-\$70 million budget, \$100,000 was a small percentage. He noted the City had recently approved a pool study for \$80,000 and the budget included a surplus of \$300,000. He feared the consequence of cutting \$100,000 from the 43 non-represented employees would be far more detrimental to morale, productivity and operations of the City than would be gained by a savings of \$100,000.

Councilmember Wambolt agreed his opposition was in principle. He recalled some Councilmembers wanted to cut the Council's base salary by 10% which would have saved the City \$5,000/year but discovered the Council's salaries could not be reduced, only donated back to the City. When the budget was approved, the Council cut the budget by \$1,500 in an effort to send a signal.

Councilmember Wilson commented his principle was one of fairness; the Council approved a similar COLA for every other employee and the policy has been that non-represented employees' COLA reflect the increases approved for represented employees. He noted the inflation rate was reported today - deflation of 1.7% annually. He noted if there was 0% inflation next year, a 0% COLA may be appropriate.

**UPON ROLL CALL, MOTION FAILED (2-5), COUNCILMEMBERS WAMBOLT AND BERNHEIM IN FAVOR; AND COUNCIL PRESIDENT PLUNKETT AND COUNCILMEMBERS ORVIS, OLSON, DAWSON, AND WILSON OPPOSED.**

**THE VOTE ON THE MAIN MOTION CARRIED (5-2), COUNCILMEMBERS WAMBOLT AND BERNHEIM VOTING NO.**

**ITEM CC: ORDINANCE AMENDING CHAPTER 6.10 ECC, CHAPTER 6.20 ECC, CHAPTER 6.30 ECC AND CHAPTER 20.110 ECDC; AMENDING THE CITY'S REGULATIONS GOVERNING PUBLIC NUISANCE ABATEMENT.**

Ord# 3718  
Non-rep  
Salaries

Public  
Nuisance  
Abatement

Council President Plunkett referred to page 5 of the ordinance, protective coverings, and asked whether this language would prevent a citizen from covering something in their backyard. Development Services Director Duane Bowman answered it only addressed covering of nuisance materials. Council President Plunkett asked whether citizens were not allowed to cover nuisance materials because those materials were not allowed. Mr. Bowman answered yes, explaining if someone covered a pile of debris with a tarp, the debris was still there.

Council President Plunkett inquired if a Code Enforcement Officer could enter private property in response to a complaint of nuisance materials under a tarp. City Attorney Scott Snyder stated a Code Enforcement Officer could enter the property under two circumstances, with the property owner's permission or with a search warrant. He noted a reasonable suspicion was required to obtain a warrant such as an affidavit signed by the complainant. The tarp provision addressed only certain nuisances, for example broken glass, an open well, etc.

Mr. Snyder explained cities cannot issue administrative search warrants; the department would be required to apply to a court with jurisdiction. In the past 25 years, the City had not applied for a search warrant for that purpose.

Councilmember Bernheim asked for clarification that the tarp provision applied only to certain nuisances. Mr. Bowman referred to exception language in the ordinance that referenced Section 6.20.040 and public nuisances in 6.20.041, 6.20.042, 6.20.043, and 6.20.044. Councilmember Bernheim pointed out there was no section 6.20.043 and 044. Mr. Snyder suggested removing reference to 6.20.043 and 6.20.044.

Councilmember Bernheim noted there were two types of nuisances, aesthetic and health and safety, and neither could be covered by a tarp. He pointed out covering an aesthetic nuisance would eliminate the nuisance by blocking the view. He found the tarp provision internally inconsistent as it permitted tarps to cover a boat but not to cover piles of debris. Mr. Snyder referred to 6.20.041, aesthetic nuisances, noting A-F listed trash, junk, litter, salvage materials, broken, discarded furniture, etc. The Council added two exceptions, wholly enclosed within a building or in a rear yard. The proposed regulations prevent a citizen from covering a pile of junk in their side yard or front yard. Councilmember Bernheim commented it would allow someone to cover a rowboat with a tarp. Mr. Snyder agreed it would.

Councilmember Bernheim referred to the language, screened from view from adjacent properties, and asked if that included the second floor of an adjacent property. Mr. Snyder answered no, recalling there was specific discussion at the Council public hearing regarding the difficulty regulating views from upper stories. As a result, a six-foot fence was set as the screening criteria.

Councilmember Wambolt commented he found little need for the proposed provision in that the City had not applied for a search warrant in 25 years. He suggested amending the ordinance to remove that provision.

Councilmember Orvis used an example of a person who amassed a large number of campaign signs in his yard; he could not simply cover them with a tarp, they needed to be disposed of properly. It was only debris in a front yard that was addressed by the ordinance, not in a backyard or behind a fence. Mr. Bowman clarified with regard to protective coverings, in a backyard and screened by a fence or vegetative barrier was an exception. The ordinance only applied to debris covered by a tarp in a rear yard that was not screened by a six-foot high fence or vegetative barrier or in a side yard or front yard.

Mayor Haakenson clarified enforcement was on a complaint basis, the City did not actively seek out violators.

Ord# 3720  
Public  
Nuisance  
Abatement

**COUNCIL PRESIDENT PLUNKETT MOVED, SECONDED BY COUNCILMEMBER DAWSON, FOR APPROVAL OF ITEM CC, ORDINANCE NO. 3720.**

**COUNCILMEMBER BERNHEIM MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO AMEND THE ORDINANCE TO REMOVE SECTIONS 6.20.043 AND 6.20.044 AND DELETE "FROM VIEW" ON PAGE 8, SECTION G2, SO THAT THE SECTION READS, LOCATED IN A REAR YARD AND SCREENED FROM ADJACENT PROPERTIES.**

Councilmember Bernheim explained this would eliminate the opportunity for a person on an upper level to complain about the view into a neighbor's yard. Mr. Bowman agreed.

**MOTION CARRIED UNANIMOUSLY.**

Council President Plunkett complimented staff for their efforts, noting this was one of 3-4 items that had been pending for several years. There had been an exhaustive process that included numerous public hearings and opportunities for public input.

**THE VOTE ON THE MAIN MOTION CARRIED UNANIMOUSLY.**

Thanking  
Council  
Member  
D. Dawson

**3. PRESENTATION OF RESOLUTION AND PLAQUE TO COUNCILMEMBER DEANNA DAWSON**

Mayor Haakenson read Resolution 1188 commending, thanking and remembering Councilmember Dawson for her service on the Council from November 27, 2001 through December 31, 2008 and recognizing her prestigious appointment as Director of the Federal Courts Program for Justice at Stake in Washington, D.C.

Council President Plunkett presented Councilmember Dawson with a plaque in recognition of her exceptional service and dedication to the Edmonds City Council.

Council President Plunkett commented it was inevitable that Councilmember Dawson would advance. Although he found it difficult to rank Councilmembers, Councilmember Dawson was a superb example of why the Edmonds City Council was respected in Snohomish County for the way they conducted their business. He noted Councilmember Dawson was a vigorous, enthusiastic debater who always stuck to the issue; she did not get personal or denigrate another Councilmember's point of view. Councilmembers could have a robust debate with Councilmember Dawson without fear of demeaning comments. She represents a model all Councilmembers should aspire to, a Councilmember that spoke to the issue, did not personalize issues, stayed positive and once a vote was taken, she moved on. He summarized she would be missed and remembered.

Councilmember Wambolt recalled in his first year on the Council, Councilmember Dawson was the Council President. That was the year the Council implemented the downtown BD zones with Councilmember

Dawson's leadership. He expressed his appreciation for Councilmember Dawson making most of the motions to implement the BD zones. He was also appreciative of the Council retreat that year that included Dick Van Hollenbeke as a facilitator which helped the Council work together as a team. He wished her good luck in Washington D.C. and anticipated she would do well.

Councilmember Wilson expressed appreciation for the regional view Councilmember Dawson brought to local politics, an asset that would be missed. He commented she was also a mean charade player.

Councilmember Orvis recalled before being elected to the Council, Councilmember Dawson applied for appointment to fill a vacancy. He recognized her courage for saying what she thought during the interview. He expressed his appreciation for her ability to disagree on some issues and agree on others. He presented her with a toy pirate sword, inscribed with "Avast ye DC dogs" and, "Edmonds will miss you Ms. Dawson, come back soon."

Councilmember Bernheim thanked Ms. Dawson for the work she would be doing, noting the abuse the federal courts had taken in the last eight years was horrendous. He recognized the work she would be doing to restore habitus corpus rights, protecting captured people from torture and correcting the stacking of immigration courts and unrestrained eavesdropping.

Councilmember Olson echoed previous Councilmembers' comments.

Student Representative Warren recognized Councilmember Dawson's resounding character, ability to contain emotions, keep a rational mind and keep personal beliefs separate from her job as Councilmember.

Mayor Haakenson commented he would not miss Councilmember Dawson reminding him of his age by telling him that he went to high school with her mother. He would miss their vigorous and enthusiastic discussions. On behalf of himself and his staff, they will truly miss Councilmember Dawson and her bright mind. He thanked her for everything she had done for the City and the citizens in her seven years on the Council.

Councilmember Dawson commented it had been an honor and privilege to serve the citizens of Edmonds for the past seven years. She recalled statements that serving on the Council was a thankless task, commenting it truly was not, relaying the goodwill and good wishes she had received from citizens over the past seven years. She thanked the citizens, Councilmembers, Mayor and staff, particularly public safety employees who serve and protect, for everything they do to make Edmonds the friendliest city on Puget Sound. She also thanked Councilmember Orvis for his sword, noting she would display it with the boxing gloves given to her by Snohomish County Executive Aaron Reardon.

Thanking  
Student  
Representative  
Warren

4. **PRESENTATION OF RESOLUTION AND PLAQUE TO STUDENT REPRESENTATIVE LEIF WARREN.**

Council President Plunkett presented a resolution and plaque to Student Representative Warren commending him for his service as Student Representative from September to December 2008. Council President Plunkett recognized Student Representative Warren's courage, confidence and enthusiasm when entering into debate with Councilmembers.

Student Representative Warren thanked the Council for the experience, noting it had been eye-opening to watch the political system in action.

Sound  
Singers

5. **SPECIAL PRESENTATION: SOUND SINGERS HOLIDAY GREETING.**

This item was cancelled due to weather.

**6. ANNUAL REPORT FROM THE HEARING EXAMINER.**

**Sharon Rice, Toweill Rice Taylor LLC**, explained since September 2007 they had conducted sixteen permit application hearings, two appeals and one hearing on a request for revocation of an administratively approved permit. She advised information regarding each of the cases was contained in the attachments to their report.

**LeAnna Toweill, Toweill Rice Taylor LLC**, commented over this year they focused on procedural ordinances that affect the Hearing Examiner, in particular ordinances related to reconsideration of a Hearing Examiner decision, appeals of a Hearing Examiner decision and the permit revocation process. With regard to the revocation process, they found the existing ordinance in ECDC 20.100.010.g contained an ambiguous timeframe that allows the Hearing Examiner five days to respond to a request for reconsideration but it was unclear whether the reconsideration decision must be issued within that timeframe. She suggested the provision be clarified and if it was intended that a decision be issued within the timeframe, that it be expanded to ten business days.

With regard to the reconsideration ordinance, Ms. Toweill noted there was information missing. For example it was unclear what criteria should be applied when a reconsideration was requested, whether reconsideration was a necessary prerequisite to filing an appeal, if new evidence may be submitted with a reconsideration request and if the reconsideration decision was subject to another request for reconsideration. She noted Attachment C to their report was a sample reconsideration ordinance from another city that addressed many of these issues.

She noted Planning Staff has attempted to ameliorate some of the information gaps via procedural summary within the staff report that includes some of the ordinance provisions and interpretations with regard to parties' rights of reconsideration and appeal. An abbreviated version of that information was attached to Hearing Examiner decisions. While the interpretations provided by staff have been reasonable, she suggested the City codify the interpretations in the procedural ordinances to avoid any further conflict. Attachment D contains a copy of the procedural summary they include with their decisions.

Ms. Rice explained prior to the Council meeting, they met with staff to discuss clarification of the ECDC 21.05.030.d. She recalled in a request for reconsideration of a decision she made in an appeal she this year, there was a disagreement between the appellant's counsel and herself regarding the code interpretation. In speaking with staff, they informed her that she may have been reading the code too narrowly. She noted the appeal was presented as an administrative appeal of a code interpretation and it was her determination it was not related to a building permit; the appellant disagreed.

Next, Ms. Rice referred to a request for revocation of an administratively approved permit that raised several issues. In this case there was argument from the person requesting the permit that the code enforcement process allowed the City to participate in a neighbor dispute in a manner that was unfair. She found this difficult because the code provision with regard to burden of proof was not very explicit; in this case, the home occupation was a construction-related business and the home occupation provisions require the business not employ any non-residents. Neighbors complained to the City that the business owner had non-residents assisting with work on site which code enforcement staff was unable to verify. She suggested revising the burden of proof in a revocation matter so that the burden was not so heavily on code enforcement staff.

Ms. Rice asked whether the Council wanted them to continue to track code provisions they found difficult. Mayor Haakenson answered it was very useful to staff. He anticipated the suggestions would be reviewed by the Community Services/Development Services Committee in January. Ms. Rice commented it was her understanding the Community Development Code was under review which likely would address many of the

problems they encounter. Mayor Haakenson assured that was a lengthy process. Ms. Rice remarked all Planning, Engineering and Code Enforcement staff had conducted themselves very professionally.

Councilmember Orvis commented he was impressed with their decisions and how judicial they were, noting their decisions were neither political or rubber-stamps. Ms. Rice recalled when they interviewed for this position, they assured they would apply the code as it was written. As a consequence, their interpretation of the code may differ from staff's.

Councilmember Dawson concurred with Councilmember Orvis' comment, noting they had been extremely professional, their decisions were easy to understand and she appreciated their service to the City.

Rental of  
Single  
Family  
Dwellings

7. **PUBLIC HEARING ON ORDINANCE NO. 3702, AN INTERIM ZONING ORDINANCE AMENDING THE PROVISIONS OF SECTION 16.20.010(B)(3) RELATING TO THE RENTAL OF SINGLE FAMILY DWELLINGS. THIS ORDINANCE AFFECTS MINIMUM TIME LIMITS ON SUCH RENTALS**

For Council President Plunkett, Development Services Director Duane Bowman explained the next step in the process would be for the Planning Board to review the interim ordinance and the topic and provide a recommendation to Council. He explained the interim ordinance restricted rental of single family houses in single family zones to not less than one week. He recalled this issue arose as a result of a home being rented in the Talbot Park area for meetings. The Council adopted the interim ordinance on November 3 and scheduled this public hearing as required for an interim ordinance. The Council could rescind the ordinance; staff's recommendation was to refer the matter to the Planning Board for review and recommendation. The Planning Board must act within six months or the Council must extend the ordinance.

Council President Plunkett clarified this was the first step in the process. Mr. Bowman agreed it was the first step in a very public process; he anticipated a work session would be held with the Planning Board, the Planning Board would hold a public hearing, the Planning Board would forward a recommendation to the City Council and the Council would hold another public hearing on the Planning Board's recommendation. He noted staff would forward information provided at tonight's public hearing to the Planning Board.

City Attorney Scott Snyder clarified no Council action was required; if the Council took no action, the interim ordinance would be referred to the Planning Board for action and would expire in six months. The Council may amend the interim ordinance or repeal it.

Councilmember Bernheim asked whether there was interest in allowing short term rentals as an economic development driver. Mr. Bowman answered that aspect would be considered by the Planning Board and may require additional code amendments.

Mayor Haakenson opened the public participation portion of the public hearing. He referred to correspondence the Council received from **Marilyn Lindberg** and a letter and petition from **Jim Wilkinson**. He read a letter from **Geraldine Kraski, Edmonds**, a homeowner on Sunset Avenue, who found it very objectionable that the City was allowing Mr. Wilkinson to use his home as a short term rental. She emphasized Sunset Avenue was a residential street and short term rentals should stay on Aurora Avenue and not downtown Edmonds.

**Sally Wassall, Edmonds**, a resident on Sunset Avenue, an area zoned RS-6 single family residential, liked the community feel of knowing their neighbors and being able to depend on them if necessary. She did not want short term, 7-day vacation rentals on their street of single family homes. She preferred rentals be no less than 30 days to avoid constant moving-in and out, additional traffic and cars parked on the street at night. She noted some of these transient people posed a threat to the existing residents. The previous owner of the triplex lived in one of the units and rented the other two units to long term tenants. The current owner,

Jim Wilkinson, has established short term rentals in a single family area, an unwelcome commercial operation that could change their neighborhood.

**Michele Hoverter, representing Irene and Irvin Pinyerd, Edmonds**, explained the Pinyerds purchased their home on Sunset Avenue in 1975 amid single family residences and not in a hotel area. She noted Sunset Avenue was not an area of cabins and she was surprised the City would allow short stay rentals in this family neighborhood. A landlord herself, she was suspicious of short stay tenants who bring an element of undesirability to a community. She urged the City to stop the practice of short term rentals in this unique, vibrant, single family area.

**Jim Wassall, Edmonds**, a resident on Sunset Avenue, expressed support for the ordinance with a minimum rental period of 30 days as recommended by the Council Community Services/Development Services Committee. He pointed out vacation rentals of 7 days were a business and should require a business license. He noted the previous owner of the triplex had long term renters in the two units that Mr. Wilkinson is renting as vacation rentals; vacation rentals of the two units constitutes a change in use. He noted Sunset was a Blockwatch neighborhood and with 7-day rentals, it was unlikely the neighbors would meet the renters.

**Shirley Pauls, Edmonds**, a resident on Sunset Avenue, strongly encouraged the Council and Planning Board to approve no less than a 30 day rental in this residential area.

**John Pauls, Edmonds**, a resident on Sunset Avenue, noted the preamble to Ordinance No. 3702 captured their concerns with compatibility between short term rentals and rentals that have traditionally occurred in single family areas such as mother-in-law cottages. He noted rentals were healthy when they were for a duration of a month or more and it was not appropriate to have a motel-type use in a single family residential area.

**Marilyn Lindberg, Edmonds**, a resident on Sunset Avenue, recalled she last appeared before the Council when the neighborhood successfully discouraged the railroad from building a fence on Sunset Avenue. She noted Sunset Avenue was zoned single family and had always been a peaceful and quiet street and short term rentals with renters changing every few days was not appropriate for the neighborhood. She was opposed to anything less than a 30-day rental to maintain Edmonds as the small, safe town it has always been. She thanked Councilmember Dawson for her community service to Edmonds and wished her the best in her new endeavor.

**Jim Wilkinson, Edmonds**, a resident on Sunset Avenue, commented the ordinance did not address the issues of noise and disturbance that arose with the rental of a home on Cyrus Place. He did not object to the 7-day rental period. In addition to issues of taking and property rights, he pointed out the proposed ordinance did not address the real issue and it created more problems than it solved. He noted in the discussion regarding the Cyrus Place property, there had been no attempt to set up decibel readings to support the neighbor's complaints. He submitted a petition with 75 signatures of voters in the City, noting several who signed the petition urged the Council to be problem solvers and not problem creators. He pointed out ordinances such as this pitted neighbors against neighbors and put the compliance officer in the middle. He doubted any of the retired people that occupied his rental units disturbed anyone on his street. He questioned whether his neighbors' concern was actually that a gay couple was living on the block. He remarked the neighbors beliefs turned his stomach and advised an investor had approached him interested in converting the units to an adult family home.

**Roger Hertrich, Edmonds**, recalled when the residents of Sunset Avenue approached the Council for assistance with the railroad's plans to install a fence, the Council listened to their concerns. He urged the Council to listen to the neighbors' request for a 30-day minimum rental.

**Jeff Coe, Edmonds**, a resident on Sunset Avenue, requested the Council retain the 7-day rental period, noting it had not posed any problems with parking, etc. He viewed the 7-day rentals as a benefit to the community, noting most of their tenants spent money at stores and restaurants downtown. He noted their current tenants were occupying the units for 4 months and 6 months, and were not short term renters of ill repute. He summarized none of their neighbors had mentioned any problems with their renters.

Hearing no further public comment, Mayor Haakenson closed the public participation portion of the public hearing.

Councilmember Bernheim questioned the difference between leasing a home and this challenged activity of renting a home in a residential zone for a shorter period. He agreed the shorter term rentals were similar to a business and asked whether it could be permitted in a residential zone via a business license. Mr. Snyder responded the City could not issue a business permit under its current ordinances in a residential zone because commercial activities were prohibited. He noted there were two issues that made it virtually impossible for the City to pursue a civil code enforcement or criminal prosecution at this time; first the zoning ordinance permits the renting of rooms in a residential neighborhood, and second, the City has never regulated the renting of homes. When the original complaint arose, staff recognized the ordinance did not address a homeowner that chose to rent all or a portion of his/her home for a short period. Until this issue was presented to the Council, staff was unaware Mr. Wilkinson was renting his property. He summarized the issue was not about Sunset Avenue but the City as a whole.

Councilmember Wilson commented if the Council determined short term rentals were a commercial activity, there may be implications on someone who owned and leased property via a business such as an LLC. Mr. Snyder answered the City currently had provisions that would permit an LLC to be operated as a home occupation. Councilmember Wilson clarified it would not be a home occupation but rather a real estate holding company, a LLC that held the property that derived the rental income for commercial purposes. He assumed the proposed ordinance did not address that issue but envisioned determining what constituted a commercial use in a residential area would be a larger issue than anticipated. Mr. Bowman stated in his opinion a holding company that owned real estate and rented a house was still a single family use. The issue before the Council tonight was defining at what point a short term rental was a single family use or a commercial activity. In his opinion, short term rentals were similar to a motel/hotel versus a property owner renting their home for 6-12 months.

Mr. Snyder commented the interim ordinance process provided an opportunity to consider all these issues. He noted every LLC had a business address; operating the LLC from a residential address in the City would require a home occupation permit. He observed Councilmember Wilson's point was the potential for unintended consequences. Councilmember Wilson emphasized the unintended consequences could have far greater implications than could be envisioned.

Councilmember Orvis asked if the rules being discussed for short term rentals were the same for accessory dwelling units (ADU). Mr. Snyder answered the time limit would be the same. Mr. Bowman explained for an ADU, the homeowner must live in the primary residence.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER ORVIS, TO REFER THE INTERIM ORDINANCE TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION.**

Council President Plunkett commented the issues raised by Councilmember Wilson would be considered by the Planning Board. He encouraged the Planning Board to focus on preserving and protecting neighborhoods as residential, long term uses.

Councilmember Wilson commented the manner in which this issue has been discussed has always been with regard to short term rentals. He relayed his own personal political philosophy was the Council should not find problems to solve or regulate on niche issues; sometimes the best thing government could do was to do nothing. He supported forwarding the interim ordinance to the Planning Board for review but cautioned the Council to consider the general implications of laws. Although the issue arose because of the rental of a house on Cyrus Place, he noted the regulations could negatively impact residents with ADU, mother-in-law apartments, or rental homes. He did not want to eliminate the ability for a resident to rent all or part of their home. He cautioned against legislating to address specific instances.

Councilmember Dawson thanked those who spoke regarding this issue, noting it was important for the Council to hear from residents. She recalled the topic arose initially as a result of a house in another neighborhood and no one was aware that short term rentals were occurring. She envisioned the issue would be discussed at length at the Planning Board including whether short term rentals were similar to a hotel business or similar to renting out a house. She noted it may be easier to envision vacation rentals on Sunset because it is close to downtown, however, residents throughout the City may not want to have vacation rentals in their neighborhood. She noted it may be that short term rentals were appropriate in some areas, that regulations would be needed to regulate that activity, or that a permit would be required.

Councilmember Orvis envisioned supplementing his retirement income via renting an ADU to a student at Edmonds Community College. He wanted to preserve the option for his neighbor to rent out an ADU and noted residents on Sunset may also want to preserve that option. He recognized 7-day rentals on Sunset Avenue were a possibility due to the proximity to the waterfront and downtown.

**MOTION CARRIED UNANIMOUSLY.**

**8. AUDIENCE COMMENTS**

Sustainable Edmonds

**Janis Freeman, Edmonds**, announced the topic of the next Sustainable Edmonds meeting was Climate and Environment, What's New in Washington State. Three presentations will cover the Puget Sound Action Agenda, a report on the Governor's Climate Action Committee, and the 2009 environmental legislative priorities recommended by a coalition of environmental groups. The meeting is free, open to all, and will be held on January 4 in the Port of Edmonds Conference Room at 336 Admiralty Way from 2:00 to 4:00 p.m.

Rentals of Single Family Dwellings

**Jim Wilkinson, Edmonds**, commented Beverly Starkovich, who was unable to speak tonight, trades her house on 9<sup>th</sup> North for weekly rentals when they vacation. He pointed out no one had stated how their weekly rentals were disturbing any of the residents on Sunset and without their speaking to the Council, likely the neighbors would have continued to be unaware. Next, he questioned whether the excess Verizon wires had been addressed by the City. He also questioned whether the blocked sidewalks on 5<sup>th</sup> & Dayton and 3<sup>rd</sup> & Dayton were liabilities to the City. With regard to Item 9, he questioned the City paying \$106.81 or \$113.64 per square foot for an easement for the property in front of Old Milltown, commenting that was a great deal of money in these economic times. He envisioned the City would purchase, improve and maintain the easement and the primary beneficiary would be the storefronts owned by Mr. Gregg. Next, he questioned the need for the numerous buoys at the underwater park, commenting the number of buoys was increasing; they were getting more florescent and larger and were affecting the view on Sunset Avenue.

Excess Verizon Wires

Purchase of Courtyard

Underwater Park Buoys

Rental of Single Family Dwellings

**Michele Hoverter, Edmonds**, commented she was speaking to the Council because of the land use issues; Sunset was not a multi family zone. Mr. Wilkinson's properties were being marketed as small apartments available for weekly rental which she compared to a multi family use in a single family residential zone. She commented a mother-in-law apartment was not multi family; there was no intent to deny a landowner to make money from their property but it must be appropriate for the zoning. When this was a triplex, the rental was done under single family rules, for 1-6 months or long term leases.

Edmonds  
Car Show

**Fred Gouge, Port of Edmonds Commissioner**, congratulated the Council on passing their 2009-2010 budget and reminded the Council there needed to be some economic development in Edmonds. The Council needed to consider how to bring in businesses and possibly consider changes in the zoning because the Council could not continue to ask the tax payers to fund the City's expenses. Next, he relayed that the Edmonds Chamber of Commerce had canceled the Edmonds Car Show. He noted the car show was a great economic development event and needed to be retained. He proposed a group be formed to reinstate the car show and funds in the budget for economic development be provided to assist them. He summarized the car show was a great family event that brought cars and people to Edmonds.

**Jim Wassall, Edmonds**, found Mr. Wilkinson's comment that the residents on Sunset Avenue turned his stomach a personal insult to his wife and him.

Edmonds  
Car Show

**Bruce Nicholson, Edmonds**, recalled Josephine Lloyd and he co-founded the idea of an Edmonds Car Show with the goal of promoting the Edmonds business community. He relayed first-hand knowledge that realtors, restaurants and businesses benefited from the car show and agreed the car show was an event for all ages. He noted the car show was published on regional calendars and national magazines and should not be abandoned without further consideration. He remarked on the hundreds of volunteer hours involved in the car show.

Edmonds  
Car Show

**Josephine Lloyd, Edmonds**, explained the car show began 7-8 years ago in an effort to draw a different economic social group to downtown Edmonds. She suggested forming an action group to discuss with the Chamber of Commerce reinstating the car show. If the car show was reinstated, she was hopeful the City would continue their past support. She wished Councilmember Dawson good luck.

Courtyard at  
Old  
Milltown

**Brian Larman, Edmonds**, spoke regarding the courtyard at Old Milltown, explaining the Edmonds Floretum Garden Club has offered to plan and maintain the courtyard. He acknowledged the courtyard would benefit the tenants but would also benefit the City and maintain its ambiance.

**Jeff Coe, Edmonds**, relayed Mr. Wilkinson's apology for his comment, commenting he found the faceless objections to be a personal attack.

Courtyard at  
Old  
Milltown

**Roger Hertrich, Edmonds**, questioned if the City would be responsible for the grease reservoir under the gathering place at Old Milltown. He urged Council to include the cost of finishing the sidewalk in their negotiations and to withhold funds if the sidewalk was not finished. He described a fall he took near City

Thanks to  
Fire Dept.

Hall today, expressing thanks to the Fire Department personnel who checked on him. He relayed to the firefighter that he would refuse to be transported because he did not believe in double billing; he has already paid for transport fees via the EMS levy but would be required to pay an additional transport fee. He recognized the Mayor's attempts to cut expenditures by not sending out holiday cards, a savings of \$1200.

EMS  
Transport  
Fees

Public  
Service  
Announce-  
ments

Council President Plunkett provided a reminder that public service announcements could be made at the beginning of the meeting by contacting City Clerk Sandy Chase. Next, he commented the Council liked the car show, and assured he would be open to considering how the Council could help.

EMS  
Transport  
Fee

Councilmember Wilson pointed out Mr. Hertrich paid for the EMS transport fee via his Medicare coverage, not via the EMS levy.

Courtyard at  
Old  
Milltown

9. **DISCUSSION AND POTENTIAL ACTION ON THE REAL ESTATE PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF AN EASEMENT FOR PUBLIC USE OF A STRIP OF LAND KNOWN AS "THE COURTYARD AT OLD MILLTOWN."**

Mayor Haakenson commented he did not share the Council's enthusiasm over the purchase of this property. He recalled the City had purchased many pieces of property over the years for park land or waterfront uses

and in all those cases he was supportive of the purchase because of the public good that would result from the transaction. In this case, he failed to see the need or benefit to the citizens from purchasing the 2,200 square foot piece of land. To the argument that this has been a public gathering space and an integral part of Edmonds that if lost, would result in a loss of Edmonds past, he pointed out this boardwalk was built in the 70's to look like an old west town and had no historic value and served as an eating space for restaurants or a place to wait for an appointment at an adjacent business.

The real reason the Council wanted to purchase the property was to prevent the property owner from developing it as City code may allow a new development proposal to extend to the sidewalk as the balance of the Old Milltown property currently does. If the Council wished to prevent that type of development, he suggested they change the zoning code to eliminate that option. He did not find an expenditure of \$250,000 in Real Estate Excise Tax to purchase this property the proper way to create zoning. Many who were in favor of purchasing this parcel were doing so to spite the developer, yet by this action they were paying him \$250,000 in tax dollars.

Mayor Haakenson informed the Council he would not veto their decision to purchase the boardwalk but found it a strange way to zone the City. He noted a public hearing and a code amendment would have accomplished the same goal with less staff time, appraisals, contamination testing and negotiating the potential purchase. He acknowledged this was a Council policy decision.

Councilmember Wambolt asked whether accomplishing this via zoning would constitute a spot rezone. City Attorney Scott Snyder answered the Council could pass zoning ordinances of general application; if the Council attempted to pass an ordinance that restricted development at that time, the City would pay for it.

Council President Plunkett asked staff to comment on the contaminants under the site. Mr. Snyder responded Mr. Hertrich was referring to the grease trap for the adjacent property under the courtyard area. He explained the City was only purchasing an easement over the top ten inches; the property owner would continue to own the subsurface area and the grease trap would be his responsibility.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER BERNHEIM, TO EXECUTE THE REAL ESTATE PURCHASE AND SALE AGREEMENT FOR THE PURCHASE OF AN EASEMENT FOR PUBLIC USE OF A STRIP OF LAND KNOWN AS "THE COURTYARD AT OLD MILLTOWN."**

Councilmember Wambolt commented on the lengthy process to reach this point, noting many citizens thought this purchase had been accomplished previously. He agreed the Council was purchasing the easement to prevent development of this area, noting prior to construction he observed many people meeting in that area. He noted the Garden Club had offered to maintain the area. He was supportive of the purchase, clarifying the easement was being purchased with Real Estate Excise Taxes which could not be used for operations.

Councilmember Bernheim agreed with Councilmember Wambolt's comments.

Councilmember Dawson spoke against the motion, agreeing there would be some public benefit from this purchase but felt a better deal could have been negotiated. She concluded the shop owners would receive as much benefit as the citizens. She would vote against the purchase due to that principle although she recognized it would be a nice place.

Councilmember Wilson commented this had never been personal for him; he did not want to spite Mr. Gregg. He supported the purchase because it was a one of a few nice meeting places downtown. He commented he had not heard Mayor Haakenson's opinion of this purchase until recently. He recalled the property was appraised at \$380,000; the Council did not want to purchase the property at full market price

due to changes in the market and to avoid the liability underneath. Mr. Gregg was originally willing to accept \$285,000 and after discussing how to avoid liability for contamination, a price of \$250,000 was negotiated. He summarized purchasing this property for \$250,000 was a great opportunity and a great price.

Council President Plunkett envisioned citizens would have been outraged if the Council passed up the opportunity to purchase this open space downtown. He compared it to other purchases of open space that benefited all citizens.

**MOTION CARRIED (6-1), COUNCILMEMBER DAWSON VOTED NO.**

2009  
Legislative  
Agenda

**10. DISCUSSION AND POTENTIAL ACTION ON THE CITY OF EDMONDS DRAFT 2009 LEGISLATIVE AGENDA.**

Community Services/Economic Development Director Stephen Clifton referred to the 2009 Edmonds Legislative Agenda which if approved by the Council would serve in part as a scope of work for Mike Doubleday, the City's Government Relations contractor in Olympia. He explained the legislative agenda was divided into top priorities and supportive issues.

Mike Doubleday explained the upcoming session was a 105 day, budget-writing session that begins on January 12. The Governor's operating budget will be presented on Thursday, December 18 and contains an approximately \$6 billion operating shortfall. He explained 60% of the State's budget or \$20 billion of the \$34 billion biennial budget was untouchable. Of the remaining \$14 billion, the Governor would need to cut 40% which would impact higher education and all State departments.

He briefly reviewed top priorities on the Legislative Agenda. With regard to Edmonds Crossing, he explained the State was pursuing a reservation system for ferries and trying to reduce the construction budget. The only terminals that would move forward in the short term would be Mukilteo, Anacortes and Fauntleroy; the others have been delayed. He highlighted options for infrastructure financing, noting this was a high priority for most cities. He reviewed support issues including climate change, Puget Sound Clean-up, taping of local government executive sessions, and use of Real Estate Excise Tax for parks operations and maintenance.

Councilmember Orvis requested adding to the Legislative Agenda the ability for the Public Health District to ask the voters for funds by giving the Health Districts levy authority. While it could be argued whether this was a State or County issue, it was the City's citizens who got sick if Public Health did not do its job. He planned to make the same argument to Senator Paull Shin later this week, that it was his constituents who got sick if Public Health could not do its job.

Councilmember Dawson spoke in favor of Councilmember Orvis' suggestion, commenting this was an important issue that Edmonds and other cities should include in their legislative agenda.

**COUNCILMEMBER ORVIS, MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO ADD TO THE EDMONDS 2009 LEGISLATIVE AGENDA GIVING PUBLIC HEALTH DISTRICTS LEVY AUTHORITY. MOTION CARRIED UNANIMOUSLY.**

Councilmember Wilson commented the members of the Lake Ballinger Watershed Forum (Edmonds, Mountlake Terrace, Lake Forest Park, Lynnwood, Shoreline and Snohomish County) signed an Interlocal Agreement and are meeting every six weeks to discuss how to address the issue. Mr. Doubleday assured there would be a capital budget this year although a reduced amount. Councilmember Wilson relayed the Watershed Forum's appropriation request was for another \$200,000 to facilitate implementation of the Strategic Action Plan and a \$1 million capital request. He asked whether one letter signed by every jurisdiction or separate letters from each were preferable. Mr. Doubleday answered one letter signed by all jurisdictions was preferable.

Councilmember Wambolt asked if the list of top priorities was ranked. Mr. Clifton answered they were not.

Mayor Haakenson asked staff to address Item 12, Support Issue - Property Taxes. Mr. Clifton answered this was the only item on which the Legislative Agenda that City administration and staff did not include a recommendation because it was a policy issue for the Council, whether to support legislation that would allow cities to increase the regular property tax rate at the Consumer Price Index or Implicit Price Deflator.

Councilmember Wilson recommended Item 12 be a top priority, noting cities would need to ask for voter approval every few years just to meet basic inflationary increases in expenses. Mr. Doubleday responded there would be an effort by AWC to allow cities to enact, with voter approval, the 0.3% county sales tax for criminal justice if the county did not.

Councilmember Dawson commented this region was overly sales taxed and she would not support any additional sales tax increases. With increases approved by the Snohomish County Council and the voters' approval of Sound Transit, Snohomish County would have one of the highest sales taxes in the nation which was detrimental to local businesses.

**COUNCILMEMBER WILSON MOVED TO MOVE ITEM 12 TO THE LIST OF TOP PRIORITIES. MOTION DIED FOR LACK OF A SECOND.**

Councilmember Wambolt commented in normal times, Item 12 would be appropriate; however, in a deflationary period the City may not even get the current 1%. He agreed with Councilmember Dawson's comment about not raising the sales tax.

**COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCIL PRESIDENT PLUNKETT, TO APPROVE THE PROPOSED CITY OF EDMONDS 2009 LEGISLATIVE AGENDA AS AMENDED.**

Councilmember Bernheim expressed concern with seeking funds for the Edmonds Crossing project and did not support any substantial lobby toward what he deemed a wasted effort to earmark millions for further study on moving the ferry when it was clear it would not happen. Mayor Haakenson advised staff planned to provide the Council a presentation on the Edmonds Crossing project in January. The policy of this and previous Councils has been to move forward with the Edmonds Crossing project; the Council could amend that policy at the time the presentation was made if they chose.

**COUNCILMEMBER BERNHEIM MOVED TO REMOVE EDMONDS CROSSING FROM THE LEGISLATIVE AGENDA. MOTION DIED FOR LACK OF A SECOND.**

**COUNCILMEMBER BERNHEIM MOVED TO REMOVE FROM SUPPORT ISSUE ITEM 2 "WITHOUT A MANDATE ON LOCAL GOVERNMENT." MOTION DIED FOR LACK OF A SECOND.**

Councilmember Wilson expressed concern with the wording "by using existing mechanisms" in Support Issue Item 2, and wanted to ensure new funding mechanisms were not precluded. Mr. Clifton responded the intent was to support existing and new funding mechanisms. Councilmember Dawson agreed with Councilmember Wilson's suggestion, commenting she would like to see new funding mechanisms that did not put mandates on local government and she may support local mandates depending on the details. Mr. Clifton offered to reword Support Issue Item 2. Council President Plunkett suggested language such as "existing and/or consider new mechanisms."

Councilmember Wilson asked whether the Council should express a preference for the location of a new University of Washington north branch campus, noting Everett may be preferable for Edmonds residents

over Marysville. Mayor Haakenson recalled the Council adopted a resolution supporting siting a campus in Snohomish County but did not express a preference for either Everett or Marysville.

**THE VOTE ON THE MOTION CARRIED UNANIMOUSLY.**

**11. REPORT ON CITY COUNCIL COMMITTEE MEETINGS OF DECEMBER 9, 2008.**

Community/  
Development  
Services  
Committee

**Community Services/Development Services Committee**

Councilmember Wilson reported the Committee continued its discussion regarding the Sustainability element of the Comprehensive Plan. They also discussed redevelopment of the 76<sup>th</sup> & Hwy. 99 intersection to improve safety and increase east-west traffic to the Mountlake Terrace Park & Ride.

Finance  
Committee

**Finance Committee**

Councilmember Orvis reported the Committee discussed the bond resolution that was passed on the Consent Agenda. They discussed the State of Washington Interlocal Purchasing Agreement which was also approved on the Consent Agenda. The Committee also discussed the MEBT Plan restatement which was approved on the Consent Agenda.

**12. COUNCIL REPORTS ON OUTSIDE COMMITTEE/BOARD MEETINGS.**

Port  
Commission

Councilmember Wambolt reported at their December 8 meeting, the Port of Edmonds had a presentation from the Edmonds Homeschool Resource Center on the convergent zone. The information will be incorporated into the weather station at the Port. The Commission selected officers for 2009; Bruce Faires will serve as President and Mary Lou Block as Vice President. The Port webmaster provided an update on their site, [www.PortofEdmonds.org](http://www.PortofEdmonds.org). The Port received eight construction bids; the highest bid was three times the lowest. He recalled the City had delayed bidding sidewalks in the Meadowdale area in anticipation

Sidewalk  
Bids in  
Meadowdale

of a better bidding climate and requested staff provide an update. Mayor Haakenson advised an update on the sidewalk bids would be provided in January.

Regional  
Fire  
Authority

Councilmember Wilson reported Councilmember Wambolt, Mayor Haakenson and he attended a Regional Fire Authority meeting. The meeting was well attended and there was a great deal of interest by the attendees. He reported the Lake Ballinger Watershed Forum toured the upper watershed including a weir that controls outflow. He explained two-thirds of the water that flows into Lake Ballinger and ultimately through McAleer Creek comes from Halls Creek and 80% of the water that flows into Halls Creek comes from Hwy. 99.

Lake  
Ballinger  
Watershed

Health  
District

Councilmember Orvis reported the Snohomish Health District approved their budget, finalizing the cuts he had described previously. They also approved a COLA for the District's non-represented employees.

Community  
Transit &  
Sound  
Transit

Councilmember Dawson reported this week would be her last meeting at Community Transit and last week was her last meeting at Sound Transit. She relayed Edmonds voters overwhelmingly supported the Sound Transit package in the recent election. She anticipated light rail would be a tremendous benefit for the community and a great investment in the future. She was proud to have severed on the Sound Transit Board this year and to be a part of the vote that would bring light rail to Snohomish County in 15 years.

SnoCom and  
SnoPac

Councilmember Dawson commented there were many important issues coming to the SnoCom and SnoPac Boards with regard to technology and whether the agencies do it together or separately. Because many of the upcoming issues had a long history and required a sophisticated knowledge of the issues, rather than appointing a Councilmember to the Board, she urged the Council to have Mayor Haakenson return to the Board and have Fire Chief Tomberg continue to serve on the Board. The current SnoCom Director was resigning this year and a new Director and Assistant Director would be hired and Chief Tomberg has chaired

the Personnel Committee. She suggested a Councilmember keep up on the issues and potentially transition to the Board in the future.

Bus Rapid  
Transit

Councilmember Bernheim reported on the ground breaking of the Bus Rapid Transit stop on the Mukilteo Speedway in Everett. He noted this bus would operate with very few stops between Aurora Village and the Everett transit center via downtown Everett.

### 13. MAYOR'S COMMENTS

Sidewalk at  
Old  
Milltown

With regard to the sidewalk at Old Milltown, Mayor Haakenson reported the sidewalk had not been completed at the corner of 5<sup>th</sup> & Dayton pending a decision by the Department of Ecology due to an underground storage tank. DOE made a decision and the property owner agreed to pour the sidewalk; however, it was now too cold to pour the concrete. Staff and he plan to attempt to move the fences toward the building to open the sidewalk through the holidays or until work begins again.

Mayor Haakenson thanked Student Representative Warren for his participation. He expressed his appreciation to Councilmember Dawson and wished her the best. He thanked all the citizens who brought him candy and cookies during the past week and wished everyone a Happy Holiday.

### 14. COUNCIL COMMENTS

Council President Plunkett commented Councilmember Dawson's move was an exciting new beginning for her and for the Council. He wished her well. In reviewing the year's agendas, he found the Council had approved things that had been pending for years, brought forward a number of new initiatives and achieved a number of substantial accomplishments. He wished everyone a Happy Holiday.

Councilmember Wambolt wished everyone a great Christmas and a more successful 2009.

Councilmember Wilson wished everyone a Happy Holiday.

Councilmember Orvis wished everyone a Happy Holiday and told Councilmember Dawson the Council would miss her.

Student Representative Warren thanked the Council for an experience he would always remember. He wished everyone a Merry Christmas.

Councilmember Olson wished everyone a Merry Christmas.

Councilmember Bernheim reported he had been monitoring the temperature in the building and it had been a consistent 70.5 degrees. He suggested turning down the thermostat to save money.

Councilmember Dawson recognized Senior Executive Council Assistant Jana Spellman for everything she does for the Council and for the beautiful cake she made. She thanked the Council, Mayor and citizens for the past seven years. She wished everyone a Happy Holiday and Happy New Year.

### 15. ADJOURN

With no further business, the Council meeting was adjourned at 10:04 p.m.