

EDMONDS CITY COUNCIL APPROVED MINUTES

March 20, 2007

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

ELECTED OFFICIALS PRESENT

Gary Haakenson, Mayor
Peggy Pritchard Olson, Council President
Michael Plunkett, Councilmember
Richard Marin, Councilmember
Mauri Moore, Councilmember
Deanna Dawson, Councilmember
Dave Orvis, Councilmember
Ron Wambolt, Councilmember

STAFF PRESENT

Duane Bowman, Development Services Director
Stephen Clifton, Community Services Director
Dan Clements, Administrative Services Director
Brian McIntosh, Parks & Recreation Director
Noel Miller, Public Works Director
Rob Chave, Planning Manager
Dave Gebert, City Engineer
Jeannine Graf, Building Official
Don Fiene, Assistant City Engineer
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

Mayor Haakenson relayed Council President Olson's request to move Item 3 (Historical Report on Term Limits) to Item 8A and Audience Comments to Item 8B.

Change to the
Agenda

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

2. CONSENT AGENDA ITEMS

Councilmember Marin requested Item E be removed from the Consent Agenda.

COUNCILMEMBER WAMBOLT MOVED, SECONDED BY COUNCILMEMBER MARIN, TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION CARRIED UNANIMOUSLY.
The agenda items approved are as follows:

A. ROLL CALL

B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 6, 2007.

C. APPROVAL OF CLAIM CHECKS #94672 THROUGH #94851 FOR MARCH 8, 2007 IN THE AMOUNT OF \$476,953.46. APPROVAL OF CLAIM CHECKS #94852 THROUGH #95003 FOR MARCH 15, 2007 IN THE AMOUNT OF \$257,341.46.

Approve
3/6/07
Minutes

Approve
Claim Checks

Claims for Damages

D. ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM FRANK TSERING DEGOTSANG (AMOUNT UNDETERMINED), ROSEANN WILSON (AMOUNT UNDETERMINED), MARK AND SHERRI JOHNSON (\$929.94), RICHARD AND KATHLEEN GLASSBURN (AMOUNT UNDETERMINED), AND MARILYN G. WALKER (\$87.04).

Meter A Rehabilitation Project

F. REPORT ON FINAL CONSTRUCTION COSTS FOR THE METER A REHABILITATION PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.

Citywide Storm Improvements

G. REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2006 CITYWIDE STORM IMPROVEMENTS PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.

Surplus Computer Monitors

H. SURPLUS OF COMPUTER MONITORS AND DONATION TO INTERCONNECTION.

Vehicle Purchase for Fire Dept.

I. AUTHORIZATION FOR PUBLIC WORKS TO PURCHASE ONE (1) NEW 2007 CHEVROLET 2500 4X4 SUBURBAN FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$34,616.21 INCLUDING WASHINGTON STATE SALES TAX.

Liquor Control Board

ITEM E: APPROVAL OF LIST OF BUSINESSES APPLYING FOR RENEWAL OF THEIR LIQUOR LICENSES WITH THE WASHINGTON STATE LIQUOR CONTROL BOARD, JANUARY - MARCH 2007

Councilmember Marin advised he pulled this item in order to abstain from the vote.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, FOR APPROVAL OF CONSENT AGENDA ITEM E. MOTION CARRIED (6-0-1), COUNCILMEMBER MARIN ABSTAINED.

Community Event Banner Sites

4. PUBLIC HEARING REGARDING A SIGN CODE AMENDMENT TO CLARIFY LANGUAGE ADDRESSING COMMUNITY EVENT BANNER SITES ON CITY-OWNED PROPERTY.

Parks & Recreation Director Brian McIntosh explained for several years the community has expressed interest in additional locations for overhead banners to advertise special events. There are currently two locations – Caspers and 5th Avenue South. There were previously five locations but three were removed due to problems with distances and power lines. The need for additional sites is included in the Community Cultural Plan and the Streetscape Plan elements of the Comprehensive Plan. Staff has identified a new site for installing pole mounted community event banners at the Public Works property on the north side of 212th Street.

Installation of the poles has been delayed because the current Sign Code language does not address this special situation where the poles are located on City property. The issue was presented to the Council Community/Development Services Committee in November 2006 and the Committee directed staff to develop a code amendment to allow the construction of the proposed sign site. On January 24, 2007 the Planning Board reviewed the proposed ordinance amending the language and held a public hearing on February 14, 2007 where it was recommended to City Council.

Mayor Haakenson opened the public participation portion of the public hearing. There were no members of the public who wished to provide testimony and Mayor Haakenson closed the public hearing.

Council President Olson commented the banners were very helpful for advertising community events such as the Library Book Sale and she was glad that a third site had been identified.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE SIGN CODE. MOTION CARRIED UNANIMOUSLY.

5. PUBLIC HEARING ON THE 2007-2013 CAPITAL IMPROVEMENT PROGRAM.

Assistant City Engineer Don Fiene presented the 2007-2013 Capital Improvement Program (CIP), explaining the CIP was a long range planning tool and a requirement of the State Growth Management Act. Most of the capital improvements in each fund were derived from the Comprehensive Plan. He briefly reviewed a summary of the capital project funds. He advised a project description booklet would be available in April via the internet that detailed each of the projects, project costs, and funding. He displayed and reviewed a sample project description for the Interurban Trail.

Mr. Fiene explained Fund 112 (Transportation) and Fund 125 (REET-2 Transportation) financed a wide variety of projects including street overlays, road improvements/widening, traffic signals, road stabilization, traffic calming, bikeways and walkways. He reviewed sample projects including citywide overlays and the Caspers/9th Avenue/Puget Drive walkway.

Mr. Fiene advised funding for transportation capital was improved from a year ago due to the Council's allocation beginning in 2006 of REET-2 funds over \$750,000 for transportation. A total of \$1.43 million was collected in REET-2 in 2006, leaving \$680,000 for transportation projects. There are some concerns with the 112 and 125 Funds, including the loss of \$75,000 in MVFT in 2006, \$150,000 in 2007 and \$150,000 in 2008 to help the General Fund. If this continued beyond 2008, the City could slip from a 33-year overlay cycle to a 40-year cycle. The proposed CIP assumes \$150,000 was restored to Fund 112 after 2008. He noted allocating Olympic View franchise fees to the transportation capital fund rather than the General Fund could assist with overlaying Olympic View area streets impacted by Olympic View Water District projects.

Mr. Fiene explained Fund 113 (Multimodal Transportation) provided funds for the Edmonds Crossing multimodal transportation project that would link ferry, bus, pedestrian, bicycle, ridesharing and trains at the Pt. Edwards site. Fund 116 (Building Maintenance) funds maintenance of City buildings. He displayed sample projects in Fund 116 that include the Senior Center, City Hall, Frances Anderson Center and other City buildings. Fund 116 is currently financed by the General Fund which has been impacted by I-747 and I-695. Funding was currently budgeted through 2008; funding for 2009 and beyond was a concern and lack of funding could defer building maintenance.

Mr. Fiene stated Fund 125 (REET 2 Parks Improvement) and 132 (Park Construction-Grant Funding) funded a variety of parks, open space, recreation, and beautification projects in City parks as well as trails, pool improvements and waterfront improvements. Sample projects include the skate park at the Civic Center and citywide beautification projects. Fund 126 (Parks Acquisition) funds land acquisition. Sample projects include waterfront property acquisition. Fund 129 (Special Projects) funds SR99 International District enhancements to visually brand the area between 224th and 238th Streets.

With regard to the combined 412 Funds (Water, Storm and Sewer), Mr. Fiene explained a rate study was conducted recently that determined minor increases were necessary over the next several years. He explained projects in Fund 412-100 (Water) were identified in the approved 2002 Water Comprehensive Plan; Comprehensive Plan priorities include improving fireflow, replacing deteriorating pipes, replacing 1% of City pipes per year, and storage and control improvements. He displayed sample projects including water line replacement/improvements in Perrinville and College Place.

Mr. Fiene explained projects in Fund 412-200 (Storm) were identified in the 2003 Stormwater Comprehensive Plan; projects address capacity problems, maintenance problems and environmental concerns. He displayed sample storm projects including pipe replacement in the North Stream area and southwest Edmonds projects.

Projects in Fund 412-300 (Sewer) were identified in the 2006 Comprehensive; priorities include maintenance issues, environmental issues and capacity problems. Examples of sewer projects include the rehabilitation/replacement of Lift Stations 7 & 8 and 7th Avenue North sewer main line project.

Fund 414 (Wastewater Treatment Plant) funds projects in the wastewater treatment plant including flow meters, outfall lines, and influent trunk lines. He displayed a sample project of the bar screen replacement.

Mr. Fiene summarized Fund 116 continued to rely heavily on grants to meet project needs. The Public Works Director's proposal to draw additional funds from the General Fund in 2010-2013 will assist if approved by the City Council. Other funds appear to be meeting minimum needs. Staff recommends and encourages comments and feedback from Council and the public at the public hearing and recommends the Council direct the City Attorney to draft an ordinance adopting the updated Capital Facilities Plan.

Councilmember Wambolt referred to funds for the 100th Avenue Road Stabilization, inquiring what portion of 100th. Mr. Fiene answered it was in the Firdale Area. Councilmember Wambolt inquired about the \$100,000 allocation for 220th Street improvements. Mr. Fiene answered the funds were to complete punchlist items and make final payments.

Councilmember Wambolt asked whether the proposed CIP included street lighting on Main between 6th and 7th. Mr. Fiene answered there was \$75,000 identified in Fund 112 in 2008.

Councilmember Plunkett inquired about transportation funds from REET-2. Mr. Fiene explained the total collected in 2006 was \$1.43 million, less \$750,000 provided \$680,000 for transportation. He advised 2007 funds would not be available until REET-2 exceeded \$750,000. Councilmember Plunkett asked whether the 2006 funds were allocated. Mr. Fiene advised they were allocated in Fund 125 Transportation Fund.

Mayor Haakenson opened the public participation portion of the public hearing.

Duane Farmen, Edmonds, representing 100 property owners in the Seaview/Perrinville area, explained they initially organized to limit the impacts of the Anglers Crossing PRD in their neighborhood and following approval of that project, changed their focus to traffic safety. He noted the CIP contained \$150,000 in 2013 for improvements to 80th Avenue West; his request was to move that funding forward. He explained the sight distance improvement would regrade the 80th Avenue hill north of the intersection of 184th West & 80th Avenue. He noted this section was short, steep (12% grade) and had numerous blind spots. He noted an increase in vehicle and pedestrian traffic in recent years and anticipated it would increase further upon completion of Anglers Crossing. He anticipated 30-35 additional children in that development walking to the elementary school, bus stop and park. He reviewed the accident history including the most recent accident in May and provided photographs of an accident. He displayed several photographs of the hill illustrating the sight distance issues and a projected regrade of the hill. Mr. Farmen summarized the reason the neighborhood wanted the project moved up on the CIP was the hill posed a serious traffic hazard, safety should qualify it as a high priority, \$220,000 was available for the project from the sale of City property and impact fees, the McNaughton Group agreed to move their sidewalk from the east side of 80th to the west side, and McNaughton Group will do the surveying.

Councilmember Orvis referred to the Public Works' drawing of the existing hill and his projection of the regrade, inquiring whether the intent was to increase sight distance to the intersection at the bottom of the hill. Mr. Farmen agreed that was the intent.

Brian Furby, Edmonds, commented the primary issue with 80th Avenue West was safety for the property owners on the street as well as drivers using the street. He referred to the increased danger during recent icy conditions particularly for pedestrians. The approval of the Anglers Crossing PRD will result in increased traffic as well as more school children walking to the school, bus stop and park. He described the May 2006 accident where teens racing in the left and right lanes struck a car traveling in the opposite direction. He commented on the difficulty the limited sight distance posed for property owners accessing 80th. He concurred with Mr. Farman's proposal to move up the project to reduce the cap of 80th.

Bill Rankin, Edmonds, echoed the need for street improvements on 80th, at least road grading to improve safety. He recalled during the planning of the Anglers Crossing PRD, staff compared it to Madrona Cove PRD at Five Corners. He pointed out several differences: Main Street was twice as wide as 80th, Main Street had sidewalks on both sides, and there were no steep grades or sight distance limitations on Main Street. He pointed out the proximity of the street to Seaview Park and the County Park and lack of sidewalks linking the neighborhood to the parks. He urged the Council to mitigate this liability, noting it made sense to do it now when the PRD was being developed.

Roger Hertrich, Edmonds, stated he had been critical in the past of the City not applying for grant funding. He was surprised an approximately \$400,000 grant was received for the Caspers/Puget Drive walkway which has a total project cost of \$590,000. He referred to requests for critical items, suggesting it may be appropriate to move funds to other projects. Acknowledging he was not aware of the funding source of the Caspers/Puget Drive walkway, he noted approximately \$200,000 in REET funds were also allocated to that project that could be reallocated to other more important projects. He suggested the project list be reevaluated and funds moved to other projects. He asked the source of the grant for the Caspers/Puget Drive walkway. He referred to \$945,000 allocated for 76th/75th Place walkway, suggesting there may be grant funds available for that project due to safety issues and walkway to schools.

Don Kreiman, Edmonds, Chair of the Citizens Advisory Transportation Committee, commented the CIP looked better this year and included funds for sidewalks and overlays. He thanked the Council for identifying funds for infrastructure that would increase safety. He advised the grant for the walkway referred to by Mr. Hertrich was Safe Routes to Schools.

Al Rutledge, Edmonds, referred to legislative bills regarding the GMA and making property owners responsible for the maintenance of streets and sidewalks. He urged the City to investigate these bills.

Rick Spellman, Edmonds, resident of Shell Park 2, also known as "the hill," referred to funding in Fund 125 in 2009 for a secondary ingress/egress to Shell Park 2. On behalf of Shell Park 2 residents, he urged the City to continue funding for that project.

Roland Brown, Edmonds, described the hazards encountered while walking his dog on the treacherous, steep hill on 80th, echoing the need for improvements on 80th.

John Pierce, Edmonds, referred to information provided to the Council regarding the intersection of 196th & 88th. He described the difficulty drivers experience turning or crossing that intersection due to sight distance issues. He urged Council to drive northbound on 88th Avenue NW and try to cross the intersection at 196th, anticipating they would find it very dangerous, likely the most dangerous intersection in Edmonds. He suggested the City at least consider a 4-way stop as an interim measure.

Frank Johnson, Edmonds, a resident near the intersection of 196th & 88th, explained when accidents occurred on 88th, the property owner on the corner called the police and he offered assistance to the

accident victims. He commented there had been numerous accidents at the intersection over the past 50 years. He suggested timing the light at the bottom of the hill at 76th to provide a break in the traffic.

Lynn Russell, Edmonds, a resident near the intersection of 196th & 88th, advised many school buses crossed this intersection daily. She described the difficulty crossing or turning at the intersection and urged the Council to experience the intersection.

Warren Koons, Edmonds, referred to a letter he provided to the Council. He commented on several near misses at the intersection of 196th & 88th, advising he tries to avoid the intersection because of the dangers it posed. He urged the Council to consider some improvement.

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

Councilmember Wambolt referred to Mr. Kreiman's comments, pointing out funds for Fund 125 transportation were provided via REET-2 funds in excess of \$750,000 as a result of home sales. He commented it was possible the funds available would be less in 2007 if real estate sales were down. He referred to \$150,000 allocated in 2013 for 88th Avenue street improvement, asking the ramification of delaying the Interurban Trail improvements to fund that project. Mr. Fiene answered there were grants associated with the Interurban Trail project and it was a regional link. He agreed the 196th & 88th intersection was dangerous, however, there was limited accident history, possibly because people avoid the intersection. He referred to the Comprehensive Plan process that identified the projects that were then considered and prioritized.

Councilmember Marin expressed interest in moving up the sight distance improvement on 80th Avenue West. He asked if there would be time to identify funding if that project were moved to 2010. Mr. Fiene answered the Council could reprioritize projects; the proposed CIP was staff's recommendation based on the Comprehensive Plan. He noted moving that project forward could require delaying another projects.

Councilmember Orvis advised the funds from the land sale associated with Anglers Crossing would be placed in the General Fund and were currently unallocated. He suggested allocating those funds to the 80th Avenue West project.

Councilmember Dawson asked the cost of the 80th Avenue West project. Mr. Fiene answered that project was only recently identified and had not been analyzed fully to provide a good cost estimate. He noted the citizen activism associated with Anglers Crossing highlighted the existing problem which currently was addressed via a sign warning of the limited sight distance. Councilmember Dawson suggested the funds from the land sale could be used to assist with funding that project. Further, the project could be done in association with other work being done in the area. Mr. Fiene advised the 80th Avenue West project was analyzed in the Comprehensive Plan as a low Priority 1 project and was awaiting funding behind other Priority 1 projects, scheduled for funding in 2013. He agreed it was a worthwhile project as it linked Seaview Park, Olympic View Drive and Southwest County Park. He commented on sight distance issues at 80th and 180th.

For Councilmember Dawson, Mr. Fiene advised if it was the Council's desire to move up the 80th Avenue West improvements, Council should direct staff to reprioritize the projects and analyze what projects could be delayed. City Engineer Dave Gebert explained the capital budget was already adopted for 2007 and 2008. If the project was moved up to 2007 or 2008, a budget amendment would be required.

Councilmember Dawson explained she used the 196th/88th intersection twice a day and agreed it was very difficult. She asked when it had last been analyzed, commenting it appeared to be getting worse. Mr.

Fiene offered to report back to the Council on the analysis. He explained that intersection was not as high a priority as other signal projects. He recalled the Traffic Engineer suggested it be an intersection improvement project which would include consideration of options.

Councilmember Dawson asked what direction from Council would be required to make improvements to that intersection sooner. Mr. Fiene answered staff could be directed to do a study of the intersection that considered accident data, issues, etc. Councilmember Dawson commented the accident data may not accurately reflect how unusual the intersection is. If the Council wanted to move up that project, Mr. Gebert recommended hiring a consultant to analyze the situation and develop preliminary concepts to be used to obtain grant funds. That effort would identify the best solutions, preliminary costs and funding sources. He commented that was the approach used for the 76th Avenue intersection which was the top priority in the Hwy. 99 study.

Councilmember Dawson asked the cost of a consultant to do an analysis. Mr. Gebert estimated \$50,000 to gather traffic counts, traffic data, and analyze options. Councilmember Dawson asked the cost of a 4-way stop. Mr. Gebert was uncertain whether a 4-way stop would be allowed as the intersection may not meet the warrants and because it was WSDOT route, WSDOT may not allow a 4-way stop.

Councilmember Dawson asked about the suggestion to time the light at 76th to provide a better gap. Mr. Fiene agreed that could be considered.

Councilmember Plunkett asked whether the \$10,000 allocated in 2013 for 88th/196th was to study that intersection, noting that was less than Mr. Gebert's \$50,000 estimate. Mr. Gebert agreed the cost of a study was unknown, that funding was a placeholder.

Councilmember Marin suggested if the 80th Avenue West sight distance project were moved up, it would be appropriate to include a study in 2008/2009 in anticipation of a project in 2010.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MARIN, TO DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE FOR COUNCIL CONSENT APPROVAL ADOPTING THE ANNUAL UPDATE TO THE CAPITAL FACILITIES PLAN AS PART OF THE CAPITAL FACILITIES ELEMENT OF THE COMPREHENSIVE PLAN.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO AMEND THE MOTION TO INCLUDE A PLANNING STUDY IN 2008/2009 FOR THE 80TH AVENUE SIGHT DISTANCE AND THE PROJECT IN 2010.

Councilmember Dawson preferred the Council direct staff to return with more information as it may be more appropriate to do those improvements at the time Anglers Crossing is constructed. She suggested staff be directed to return with further information and move the project up as appropriate. Councilmember Marin agreed. Mayor Haakenson suggested Councilmember Marin remove the years from his motion; Councilmember Marin and Councilmember Wambolt agreed.

Councilmember Marin acknowledged it may be necessary to amend the 2007/2008 budget.

Councilmember Orvis supported the use of the funds from the land sale and preferred not to impact the projects currently identified in the CIP such as the Shell Valley project.

AMENDMENT CARRIED UNANIMOUSLY.

Councilmember Plunkett agreed navigating the intersection of 88th & 196th was difficult, recalling his high school class lost two members as a result of an accident at that intersection. He suggested increasing the funds for a study in 2013 and to move that project forward.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MOORE, TO TAKE \$20,000 FROM ENDING CASH BALANCE AND MOVE THE STUDY OF THE INTERSECTION OF 88TH & 196TH INTO 2007 TO BEGIN THAT WORK. AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

Earth
Subsidence
Landslide
Hazard Area

6. PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTER 19.10 DEALING WITH DEVELOPMENT PERMIT REQUIREMENTS FOR THE EARTH SUBSIDENCE LANDSLIDE HAZARD AREA OF NORTH EDMONDS. THE PROPOSAL INCLUDES AN UPDATED LANDSLIDE HAZARD AREA MAP.

Development Services Director Duane Bowman relayed staff and the Mayor's recommendation to adopt the proposed ordinance which amends Chapter 19.10 of the ECDC and adopts a new landslide hazard map. He referred to the steps in the process that culminated in the October 9, 2006 meeting staff held with the community to provide an update on the Lidar mapping and introduce the new landslide hazard map. At that meeting several citizens commented on excessive peer review times and fees. After reviewing the existing policies that allow a range of different peer review consultants with Building Official Jeannine Graf and Mayor Haakenson, he recommended a new policy that allows for one peer review consultant, and defines peer reviews timelines, costs, initial completeness review and times for response. This would provide more predictability to the process and to the timelines. He noted face-to-face meetings between the applicant and the peer review consultant would be paid for by the consultant.

He displayed the updated North Edmonds Earth Subsidence Hazard Area Map prepared by Landau Associates, explaining the previous map was hand-drawn, making it difficult to determine whether properties were inside or outside the landslide hazard area. This map was prepared using Lidar technology and analysis by Landau Associates to clearly define the Earth subsidence Landslide Hazard Area. He pointed out the critical area buffer of the landslide hazard area.

Dennis Stettler, Landau Associates, provided background on the landslide hazard area, explaining in 2004 the City updated the Critical Areas Ordinance defining landslide hazards. He explained landslide hazards were in two categories, 1) North Edmonds Earth Subsidence Hazard Area, and 2) any steep slope with a 40% of greater slope with a height of 10 feet or more. The second category applied anywhere in the City; the North Edmonds Earth Subsidence Hazard Area was unique to that area. He explained this analysis began due to concerns with the base mapping and the technical basis for the landslide hazard area and associated buffers.

He explained the North Edmonds Earth Subsidence Hazard Area was a unique area, a large ancient landslide with some similarity to the Perkins Lane slide area in Seattle where landslide activity has occurred. Commonalities between these areas include a sand layer over a clay layer with groundwater between that given the right conditions can result in landslides. He explained the first landslides occurred in the area 12,000 years ago. The North Edmonds Earth Subsidence Hazard Area is 3,300 feet long parallel to the shoreline and 600-900 feet wide. He provided a history of landslide events including an 800 foot wide landslide in 1947 that destroyed four homes and damaged several others. There were also landslides in the winters of 1953-1954, 1955-1956, during the early 1960s, and in 1971 as well as numerous smaller landslides.

Mr. Stettler explained in 1979 the City imposed a moratorium on any building in this area. A study commissioned in 1979 to consider the landslide hazard concluded the risk of landslide in some areas was as high as 90% probability in a 25-year period as a result of groundwater instability. In 1984 the City implemented a Local Improvement District that installed sewers and drainage improvements that had the benefit of lowering the ground water table and improving the overall stability of the area. Another study commissioned in 1985 concluded the risk of landslide in some areas was as high as 30% probability in a 25-year period. A definition of stable was developed that stated for purposes of development in that area stable would be 30% probability or less of a landslide in a 25-year period. The moratorium was lifted in 1988 via an ordinance enacting Chapter 19.10 that detailed the process to address development in the landslide hazard area, identify the risk, required appropriate development measures be taken and ensure all parties were informed of the risk.

He described concerns with the previous map including that the base map was not very accurate, it was difficult to identify existing features, and the inclusion of areas that had already failed as well as an interpretation of areas that had not failed yet but could in the future. He noted upon further analysis, there were areas inside that boundary with lower risk and areas outside the boundary with a higher risk.

To address those issues, Mr. Stettler explained the City had Lidar imaging flown in 2005. He described the Lidar mapping process. The City then hired Landau Associates to utilize the Lidar information and further apply it to landslide and slope stability assessments. He described the accuracy of Lidar mapping, development of contour internals for the entire City and further processing with the steep slope criteria. He displayed and reviewed a map of the City illustrating steep slope areas. He clarified this was intended as a screening tool and not to take the place of a ground survey. He described ground checks of the areas identified as steep slopes.

Mr. Stettler explained the same process was used to analyze slopes in the North Edmonds Earth Subsidence Hazard Area. Using Lidar information, aerial photographs and studies conducted in the past, a boundary was selected as the area that had previously failed, explaining the area that had previously failed was clearly defensible and not subject to interpretation. With regard to adjacent areas, he acknowledged they posed some risk but were already covered by the landslide hazard provisions in the Critical Areas Ordinance. Each steep slope area, including the North Edmonds Earth Subsidence Hazard Area, had a 50-foot buffer. He clarified development was not prohibited in the buffer, geotechnical evaluation was required.

Mr. Stettler summarized the landslide hazard area map was developed for the entire city and specifically the North Edmonds Earth Subsidence Hazard Area using Best Available Science (BAS) and incorporating technology as well as historical information. The areas adjacent to the North Edmonds Earth Subsidence Hazard Area were addressed by the Critical Areas Ordinance. He suggested the geotechnical summary of the North Edmonds Area be available to property owners and developers as a reference document.

Building Official Jeannine Graf reviewed proposed administrative changes to the Earth Subsidence Landslide Hazard provisions of ECDC 19.10:

- Eliminate the architect stamp on building plans.
- Extend application and permit timelines, currently 180 days. Due to limitations on ground work between October and April, staff proposes to extend applications for an additional seven months and extend building permits from one year to two years upon issuance.
- Require the vicinity map show greater detail of adjacent hazards within 100 feet.
- During October 1 – April 30, require contractors report temporary erosion control inspections, require after-storm event inspections (following a storm of 1 inch of rain in a 24-hour period, the applicant's geotechnical engineer must make a site visit within 48 hours and recommend any site

stabilization and confirm erosion control and provide a report within one week of the event), and create provisions for seasonal groundwork extensions.

- Eliminate mapped percentages from map and adopt the hazard zone approach for mitigation that requires the geotechnical engineer of record to analyze site-specific hazards and design to reduce the hazard and mitigate the impact.
- Restrict rockeries, swimming poles, hot tubs, ponds, watering or irrigation systems and stockpile fill on the top and bottom of slopes. Establish a procedure for property owners to request a waiver upon written analysis by a geotechnical engineer that proposed rockery, etc. would have no reasonable likelihood of contributing to any landslide threat.

Ms. Graf provided responses to questions posed in a letter from Lin Hillman prior to the November 2006 Community/Development Services Committee meeting:

Why require the adopted map to be submitted with the permit application?	To ensure the project site is notated on the adopted Landslide Hazard Map to provide future owners easy access to the map that delineates the site of the known landslide hazard area.
Why is the applicant required to have a topographic survey completed prior to studies and evaluations by the geotechnical engineer?	To ensure the geotechnical engineer has real data to study.
When are architectural plans required to be stamped?	Architectural plans would only be required to be stamped if they contained structural details.
Why is peer review required of non-technical issues?	Since 1988 it has been the City's policy to have a professional engineering firm review plans for coordination between the geotechnical report and the foundation as well as all structural loads.
Recommendation to change the process to allow geotechnical peer review approval prior to design of foundation systems and ahead of permit submittal to the City.	This process did not prove successful when used for critical area determination as submittal information was too general and preliminary and not enough specific details or investigation was performed.

Councilmember Plunkett asked why the North Edmonds Earth Subsidence Hazard Area was different. Mr. Stettler the size of this area as well as significant movement in recent times made it different from other steep slope areas in the City.

Councilmember Plunkett referred to Section 19.10.060 regarding peer review, noting in addition to a geotechnical engineer, review by an architect and structural engineer may be required. Ms. Graf agreed "architect" should be deleted from that section; however, reference to the structural engineer peer review should be retained.

Councilmember Plunkett referred to the suggestion for the applicant to do peer review upfront and asked why that option was not appropriate. Mr. Graf answered the Planning Division tried that process in the past with pre-2005 critical area studies and determinations and found there was not enough detail provided to warrant a good decision. Councilmember Plunkett suggested the applicant be informed of the required information. Ms. Graf agreed that would be possible, explaining it was unlikely to save an applicant time. She explained the peer review time would be shortened due to the Development Director's policy for a 30 day initial review which was only 10 days longer than was quoted for a single family home citywide. City Attorney Scott Snyder pointed out the difficulty was these were custom homes on difficult sites and few proceeded through the process without any changes.

Mayor Haakenson opened the public participation portion of the public hearing.

Alice Oates, Edmonds, asked whether the extension of the building permit was for the plan check review fee and the building permit fee. Ms. Graf explained the proposal was that a building permit would be good for two years upon issuance; if it needed to be renewed for a third year, the cost was half the permit fee. Ms. Oates explained they were in the plan review phase and need to have all the documentation submitted for review. They went through peer review and were currently on their third submittal. When they paid their plan fee, they did not realize their plan review was only good for one year as staff informed them the average process time to obtain permits in the landslide hazard area was 18+ months, yet the permit was only good for one year. She advised their first submittal took 45 days, they encountered problems with their peer review, requiring a second 45 day peer review and now when they received comments for the third time they would be ten months into the process. In addition, Engineering informed them they would be required to do a SEPA review which is at least a two month process. She recommended the plan review time period also be extended.

Ms. Graf explained staff's proposal was to allow applications to be extended an additional seven months if the issuance of the permit was hampered by the winter season. She agreed in the past the City quoted 12-18 months for a landslide hazard permit. That timeframe included the City's processing time and the average time for the applicant to respond. As a result of public comments, the Director changed the policy to only quote City time – 65 days for initial City review, 30 days for the second review and 20 days for the third review. She acknowledged that did not reflect the true time for an applicant to obtain a permit but staff only tracked the City time. Ms. Graf clarified under the current ordinance, the Oates' application was good for 180 days; they could make a written request to extend for an additional 180 days. At the end of one year, the application would expire. In order to file a new application, they would be required to pay all new plan review fees.

Al Rutledge, Edmonds, recalled difficulties the Hearing Examiner experienced with the existing landslide hazard map in determining whether properties were within the landslide hazard area. He referred to legislative bills regarding GMA, commenting the City may qualify for grants for landslide hazard areas. He expressed concern with the amount of time the process took.

Roger Hertrich, Edmonds, commented the Lidar map identified every drop-off in the City. He feared identification of a slope on a Lidar map would require extra regulation even if it was outside the landslide hazard area. He referred to Ms. Oates' experience with the City process, commenting the difficulty was different staff members had different perspectives and opinions. He stated the changes proposed by staff were extensive and warranted additional study. He suggested contractors/builders/architects be provided an opportunity to provide input regarding the proposed regulations. He objected to the requirement for a geotechnical site visit following a 1-inch rainstorm, commenting if drainage systems were appropriately designed and inspected, there would not be landslide hazards. He concluded the proposed ordinance was a good effort but required further study and consideration of the impacts on the development community.

Lin Hillman, Edmonds, commented this process was a good opportunity for public input. She recalled being in a similar position to the Oates when they built their home. She found many of the proposed changes were significant improvements over the existing regulations as well as over the last draft. She suggested upfront peer review as an option. She agreed with the proposal for a single peer review consultant. She summarized if the initial submittal included peer review approval, a project in any area could be reviewed within normal permit times.

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

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, MOVED TO EXTEND DISCUSSION OF THIS ITEM FOR 15 MINUTES. MOTION CARRIED UNANIMOUSLY.

Councilmember Moore observed the ordinance could be amended in the future. She suggested a staff report and public feedback in a year regarding how the process was working.

In response to Mr. Hertrich, Mr. Snyder explained the regulations that were being amended had been in place for 20 years. The proposed changes which have been under review since 2004 were intended to ease the process for the applicant, reduce the cost, reduce the time and were in a large part based on public feedback and BAS. He noted BAS was a moving target and staff would respond with changes as information was received.

In response to Ms. Oates, Mr. Bowman suggested the plan review time be changed from 180 days to one year with the right to request a written extension with no fee. He agreed the ordinance could be changed at any time and staff could report to the Council in a year with regard to how the process worked. He offered to give further consideration to Ms. Hillman's suggestion for upfront peer review.

Councilmember Plunkett commented if there was an option for upfront peer review, the applicant would be taking the risk of additional peer review. Mr. Bowman answered this was a sensitive area and there were numerous issues to be considered during plan review including the geological conditions, structure design, etc. He offered to consider Ms. Hillman's suggestion for upfront peer review but could not at this point promise it would work.

Councilmember Plunkett asked who would be burdened by upfront peer review. Mr. Bowman answered if insufficient information were provided, the applicant could pay twice. The burden on the City was the potential of a double review.

Ord# 3632 –
ECDC
Chapter 19.10
Earth
Subsidence
Landslide
Hazard Area

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, FOR APPROVAL OF ORDINANCE NO. 3632.

Councilmember Marin commented during his tenure on the Sound Transit Board, he had opportunity to talk with numerous Civil and Geotechnical Engineers, noting there was potential for a great deal of risk with development in landslide hazard areas. He advised the proposed changes would address health, safety and welfare as well as life and property safety issues.

It was the consensus of the Council to include extending plan review from 180 days to one year and remove "architect" from Section 19.10.060.

Council President Olson spoke in favor of the ordinance, finding it a great improvement.

MOTION CARRIED UNANIMOUSLY.

Mayor Haakenson declared a brief recess.

Ratify
Interlocal
Agreements –
Old Woodway
Elementary
Site

7. **RATIFY INTERLOCAL COOPERATION AGREEMENT BETWEEN SNOHOMISH COUNTY, CITY OF EDMONDS, AND EDMONDS SCHOOL DISTRICT #15 REGARDING TERMINATION OF PREVIOUSLY EXECUTED INTERLOCAL AGREEMENT, AND RATIFY INTERLOCAL COOPERATION AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF EDMONDS FOR ASSISTANCE IN THE ACQUISITION OF ALL OR PART OF THE OLD WOODWAY ELEMENTARY SITE.**

Mayor Haakenson explained he took the Council's will to purchase 5.5 acres at the old Woodway Elementary School site as his authorization to release the Interlocal Agreement with Snohomish County and sign an Interlocal Agreement with Snohomish County which provides for Snohomish County to

provide \$1.2 million to assist in the purchase of that property. He clarified he signed an agreement to release the City from any obligation on a playfield that was never the City's and had been sold by the Edmonds School District to another party.

However, as City Attorney Snyder indicated in his memo, Mayor Haakenson stated he should have presented the matter to Council for approval and apologized for not doing so. Tonight's request for approval was to satisfy the auditor should it ever be questioned. He noted the Interlocal Agreement had been through the Edmonds School District audit.

Councilmember Plunkett referred to an email that stated the State Auditor's Office was investigating the gift of public funds. Mayor Haakenson answered he was unaware of any auditor investigation.

Councilmember Plunkett inquired about an appeal filed with the Growth Management Hearings Board (GMHB) with regard to the Interlocal Agreement. Mr. Snyder responded there had been allegations; however, he had no knowledge of such an appeal. He advised the GMHB held hearings on Comprehensive Plan and development regulations, not Interlocal Agreements and all appeals of those elements must be filed within 60 days of adoption of the element. The City's Comprehensive Plan documents were adopted and published on December 24, 2006; any appeals to the GMHB would have to have been filed by February 24, 2007.

Councilmember Plunkett clarified he was told Snohomish County was being sued under the GMA in regard to this Interlocal Agreement. Mr. Snyder stated it was possible; however, the date was significant.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO RATIFY THE TERMINATION OF THE PREVIOUSLY EXECUTED INTERLOCAL AGREEMENT AND RATIFY THE INTERLOCAL COOPERATION AGREEMENT WITH SNOHOMISH COUNTY FOR FUNDING ASSISTANCE.

Regardless of whether the Interlocal Agreement was terminated by Mayor Haakenson or by the Council, Councilmember Dawson questioned why the Council would want to terminate the Interlocal Agreement. Her issue was not with whether Mayor Haakenson had the authority to terminate the Interlocal Agreement. She agreed with Mr. Snyder there was no legal bearing of the prior document as it did not create any rights or legal obligations and if it did create any rights or legal obligations, then the buyer purchased the property subject to the Interlocal Agreement without any statement from the City that the Interlocal Agreement would be terminated. She understood the School District's motivation to terminate the Interlocal Agreement but was uncertain the benefit to the City. She did not support ratifying the termination of the previously executed Interlocal Agreement but would support ratifying the Interlocal Cooperation Agreement with Snohomish County for funding assistance.

Councilmember Plunkett suggested there were two separate issues, ratifying the termination of the previously executed Interlocal Agreement on which he noted there remained several issues to be resolved, and ratifying the Interlocal Cooperation Agreement with Snohomish County for funding assistance. He requested the issues be addressed separately.

COUNCILMEMBER MARIN WITHDREW HIS MOTION WITH THE AGREEMENT OF THE SECOND.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, TO RATIFY THE TERMINATION OF THE PREVIOUSLY EXECUTED INTERLOCAL AGREEMENT.

Councilmember Wambolt recalled the Council voted 4-3 to purchase 5.5 acres. This was one of the steps associated with that purchase. He noted the school needed to be demolished and that could only occur if

the Interlocal Agreement was terminated. With regard to the assertions that termination of the Interlocal Agreement 2.5 years before its expiration was a gift of public funds, he pointed out the City was purchasing the 5.5 acres for \$4.2 million. In 2.5 years, the land would be substantially more expensive.

Councilmember Dawson disagreed with Councilmember Wambolt, noting the City could continue with their purchase of the 5.5 acres and not terminate the Interlocal Agreement.

Councilmember Moore cited numerous procedural errors including that a Comprehensive Plan change was required, the Council was never informed that an Interlocal Agreement existed and that the Mayor erroneously signed the termination of the Interlocal Agreement. She questioned how this could be prevented in the future, noting the circumstances were unusual including the City Clerk being on vacation, etc. She would not support the motion.

Council President Olson pointed out once the Edmonds School District sold the property, the City's responsibility under the Interlocal Agreement was maintaining the ballfields. Once the property was sold, the Interlocal Agreement became moot.

Councilmember Wambolt asked why this was before the Council if it was not needed. Mr. Snyder explained an Interlocal Agreement was an agreement between governmental bodies for the exercise of governmental powers. In this case the City maintained the ballfields in exchange for scheduling the ballfields and using the property in the same manner as district patrons. The Interlocal Agreement did not run with the land and the Interlocal Agreement was referenced in both transactions.

Mr. Snyder explained the reason this was before the Council was Ms. Petso was an articulate and persistent spokesperson and has indicated her next request will be for the Council to enforce the public's right to use the Burnside property for a ballfield. He summarized the issue would not go away by not dealing with it. Because it was an agreement between governmental bodies, an Interlocal Agreement was not a right for an individual person to use land. He was uncertain how the City could enforce the public's right to use the ballfield and how he could argue that the City did not receive notice from the School District that they were terminating the agreement via sale of the property last summer. He offered to discuss legal issues in Executive Session. He agreed with Councilmember Dawson it was a non-issue but viewed it as clearing a paper impediment that relies on the City to maintain a ballfield it does not own or have a right to.

UPON ROLL CALL, MOTION FAILED (3-4), COUNCIL PRESIDENT OLSON AND COUNCILMEMBERS WAMBOLT AND MARIN IN FAVOR; AND COUNCILMEMBERS DAWSON, PLUNKETT, MOORE AND ORVIS OPPOSED.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MOORE, TO RATIFY THE INTERLOCAL COOPERATION AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF EDMONDS FOR ASSISTANCE IN THE ACQUISITION OF ALL OR PART OF THE OLD WOODWAY ELEMENTARY SITE. MOTION CARRIED UNANIMOUSLY.

Councilmember Dawson recognized Snohomish County Councilmember Gary Nelson for his assistance in obtaining the funds from Snohomish County.

Report on
Term Limits

8A. HISTORICAL REPORT ON TERM LIMITS

City Attorney Scott Snyder emphasized the issue was not the wisdom of term limits but the proper procedure for enacting term limits. He explained in the early 1990s Mayor Naughton ran for a third term; the City had an ordinance enacted in 1983 limiting the mayor to two terms. Mayor Naughton got an order

to put his name on the ballot from the Washington State Supreme Court Commissioner; the City engaged outside Council and brought an action to declare the City's ordinance valid and prohibiting Snohomish County from placing Mayor Naughton's name on the ballot.

In an effort to resolve the issue, then State Senator Gary Nelson requested an Attorney General opinion. The Attorney General issued an opinion in July 1991 that a code city, a city organized under RCW 35A or a home rule charter, had the broadest powers available under State law. The Attorney General analyzed it from the perspective of the person running for office; was it an infringement on their rights. The State had two limitations, 1) a resident of the city, 2) a certain age; the Attorney General saw the City Council as having the legislative power to add to that.

A month later in a lawsuit brought by the City, Judge Allendorfer of Snohomish County Superior Court voided the City's ordinance. Judge Allendorfer pointed out term limits did not deal with the rights of a person running for office but limited the choices available to a member of the voting public. His analysis was that term limits as a limitation on the voters right to choose were part of the fundamental power related to the organic laws of the City and under Washington State Constitution, Article 11 Section 10, changes to the organic structure must be made in the charter via a home rule charter (for a home rule charter county or city), or for a City like Edmonds via the Legislature amending RCW 35A.

Mayor Naughton subsequently lost at the polls and the appeal was dropped. This placed the City in an uncomfortable position as the ordinance had been voided. In the early 90's when Republicans assumed the majority for the first time in many years, term limits were adopted at the federal level, and in the State of Washington I-573 passed which imposed congressional term limits as well as term limits on state elected officials. In March 1994 Judge Dwyer of the US District Court struck down a portion of the initiative that related to federal positions. In analyzing the issue, the Washington Supreme Court followed the same analysis used by Judge Allendorfer, particularly the Supreme Court's reliance on the Bartz and Bellingham case were identical to the analysis applied by Judge Allendorfer.

Mr. Snyder summarized Judge Dwyer struck down I-573 stating it was a fundamental part of the underlying organizational structure or organic laws of the state; any change to impose term limits at the state level must be by Constitution and at the federal level there must be a change to the US Constitution. In 1995 the US Supreme Court struck down a Constitutional amendment in Arkansas that purported to limit the ability of Arkansas voters to vote for a third term for a Congressman, finding it required a change to the organic law of the US to impose a limitation on US Representatives. Meanwhile, the City Council repealed the City's term limit ordinance.

In January 1998 the Washington Supreme Court ruled again on the same rationale that the I-573 provisions could not be enacted by the voters by initiative; it required a Constitutional amendment. He explained the difference between an initiative and Constitutional amendment; an initiative was an exercise of legislative powers by the people versus an amendment to the State Constitution. In the Washington State Supreme Court decision cited Bartz, Sorenson and Bellingham cases and its rationale was the same as was used by Judge Allendorfer. He recalled both the Washington Supreme Court and Judge Dwyer quoted Alexander Hamilton and the federalist papers in stating the people should choose who they pleased to govern, reaffirming the principle that limiting the voters' choices needed to be done via Constitutional amendment.

With regard to Councilmember Moore's questions concerning information provided by Municipal Research Service Center (MRSC), he noted they provided the Attorney General's 1991 opinion but there were three very important cases as well as a fourth case applicable only to Edmonds indicating term limits

needed to be imposed by adoption of a home rule charter or amendment of RCW 35A by the State Legislature.

With regard to the question Councilmember Moore relayed about other cities imposing term limits, Mr. Snyder explained most were home rule charter cities or counties. He opined that Richland adopted term limits after the Attorney General's opinion but without further follow-up. He advised he had forwarded a copy of these materials to MRSC and soon their website would have an asterisk by the Attorney General's opinion recommending cities consult their City Attorney.

Councilmember Moore explained she assumed when she raised this issue that any change in the provision of an elected office would not apply to anyone currently serving in that position and would apply only to future electeds. Mr. Snyder answered it would depend on the effective date. He explained the legal options available would be virtually impossible to have in place by this year's election. He agreed the salary of an elected official could not be changed during their term.

Councilmember Moore commented she was not a fan of term limits any higher than the local level as State Legislature or Congress required a great deal of training. She commented it was important to encourage turnover at the local level to allow for grooming of new leadership as well as a flow of new ideas. She asked what other methods were available if term limits were not possible. Mr. Snyder advised there were a number of options as long as they did not limit the voters' choice.

Councilmember Wambolt recalled the Council could pass a non-binding resolution. Mr. Snyder agreed that would be an option for the Council to offer their perspective. Councilmember Wambolt referred to comments made by Judge Allendorfer who struck down the City's term limits: term limits are arguably justifiable under a wide variety of theories. "Term limitations preserve fresh and responsive government. Term limitations guard against political entrenchment. Term limitations inject new and innovative leadership into the political system. They encourage incumbents to devote their full energies to public office rather than campaign during their final term of office. They expand the spectrum of political candidates and they tend to avoid political monopolies." Councilmember Wambolt summarized there was some merit in Judge Allendorfer's comments.

Councilmember Dawson found it ironic that Judge Allendorfer had been a judge for four terms. She thanked Mr. Snyder for the background he provided. She noted although many assumed term limits could not be established via City ordinance, it would be good to have the history when/if this issue arises in the future.

Council President Olson commented the county had a limitation of three terms for the County Executive and Council because that was the way the county was set it up in the 1880s.

Councilmember Moore explained she found offices at the local level different. Councilmembers were essentially volunteers versus the Mayor who received a family wage and had a full time staff. She explained when she ran for City Council, it was to take her turn. She found it important for other citizens to take their turn. She found the Mayor's job different as it was both management and visionary. In a City Manager form of government, the City was managed by a professional City Manager, allowing the City Council and the Mayor to do visionary work they were intended to do. She suggested citizens explore the option of a City Manager form of government, noting it would eliminate the "crap shoot" of who was elected Mayor. She noted although the Mayor's salary was a family wage, it was not the type of salary that could compete with industry for CEOs. Thus few residents with a good income who were qualified for the Mayor's position would run for Mayor.

Councilmember Moore opined the City would be better served by a City Manager form of government to provide a serious, professional manager who managed staff, etc. and answered to the City Council. She explained it was appropriate for Edmonds to consider a City Manager form of government because the City was no longer a small town and technically was a medium-sized city. She urged citizens interested in exploring a City Manager form of government to provide feedback to the Council.

Councilmember Orvis expressed support for term limits at all levels for all positions. Councilmember Dawson asked Councilmember Orvis how many terms. Councilmember Orvis responded three for Councilmembers.

Councilmember Dawson pointed out most cities in the State of Washington who had a City Manager form of government were small cities, larger cities like Seattle and Everett had strong, full-time Mayors. She recalled a great deal of turnover on the Council in another city interested in replacing the City Manager. She noted Washington State and Snohomish County favored elected offices as evidenced by the charter review this year. Edmonds is a large enough city that it had a talent pool to elect a strong Mayor. She relayed Snohomish County Councilmember Gary Nelson's strong opposition to term limits for the Mayor and opposition to a City Manager form of government for Edmonds.

Council President Olson commented a City Manager form of government would not stop a Council from micro-managing issues, noting Councils operated virtually the same whether they had a City Manager or a strong Mayor.

Councilmember Marin did not support term limits and was satisfied a strong Mayor was the right approach for Edmonds.

8B. AUDIENCE COMMENTS

Old Woodway
Elementary
School Site

Al Rutledge, Edmonds, commented on the Interlocal Agreement for the former Woodway Elementary School site. Next he advised a complaint was filed that was being reviewed by the State. He advised the Hearing Examiner decision regarding demolition of the school building was appealed to Snohomish County Superior Court. With regard to term limits, he relayed a conversation with former Mayor Laura Hall who suggested he speak to the Council which he did on January 23. He also referred to a meeting he had with Mayor Haakenson regarding term limits.

COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO EXTEND THE MEETING TEN MINUTES. MOTION CARRIED UNANIMOUSLY.

Lake
Ballinger

Dave Page, Edmonds, referred to his indication at a previous Council meeting that Lynnwood was not participating in the Interlocal Agreement with Edmonds, Mountlake Terrace, and Shoreline to fund studies of Lake Ballinger. After attending a Lynnwood City Council meeting, the Council and Mayor agreed to participate. He commented in the process of visiting other City Councils, he learned Mountlake Terrace applied for \$10 million in grant funds, \$6 million has been awarded. He further noted all other Council meetings have the audience comment item following the housekeeping items at the beginning of the meeting, some have a five minute limit and others have a three minute limit. He encouraged Council to consider having audience comment at the beginning of the meeting to encourage public comment.

Council
Agenda /
Audience
Comments

Term Limits
and Form of
Government

D. J. Wilson, Edmonds, stated term limits and the City Manager versus strong Mayor form of government were fundamental questions and were at least as important as the recent discussions regarding building heights and urged the Council not to discuss it whimsically. He recalled spending a week or more on City Manager versus strong Mayor form of government when teaching American government at Edmonds Community College and other schools. He provided criteria for considering City Manager

versus strong Mayor form of government, first, cities that choose a Mayor versus City Manager form of government need to measure the engagement of their citizens; an engaged citizenry that creates an engaged Council has as its balance a strong Mayor. A disengaged citizenry often does not have the skills or experience on the Council, leading to a disengaged Council, and requiring the professional skills of a City Manager. The second consideration was in a City Manager form of government, the City Manager was a political liaison between the Council and the staff. In larger cities, the City Manager becomes more politicized than they may otherwise wish to be, consequently City staffs become more politicized. He concluded an elected Mayor protected staff, kept them professional and removed any cloud of politics.

Term Limits

Ray Martin, Edmonds, recalled former Mayor Naughton seconded the motion to establish term limits. He relayed Mayor Haakenson's comment that he would listen to the voters and abide by the Council decision. He suggested testing the Mayor's sincerity by adopting a resolution that limited the Mayor to two consecutive terms. He noted term limits would encourage competition and allow the Mayor to talk to citizens about issues and less time on lawsuits.

Term Limits
for Board &
Commission
Members

Roger Hertrich, Edmonds, suggested the Council's retreat include a discussion regarding appointment of board and commission members. He supported term limits for board and commission members as the turnover resulted in fresh ideas. Next he expressed support for Laura Petso's efforts and disagreed with Mr. Snyder's speculation about her motives. He then pointed out the Comprehensive Plan designated the former Woodway Elementary school site as a park and the City had never held a public hearing to change the designation.

Old Woodway
Elementary

Boards &
Commissions

Don Kreiman, Edmonds, commented public participation was not just making comment at Council meetings; it included serving on boards and commissions. He recognized the members of the Planning Board and Architectural Design Board for their efforts, noting there were many other citizens qualified to serve. He urged caution in establishing term limits for boards and commissions, citing several existing openings.

220th Street
Project

Duane Bowman referred to Mr. Hertrich's comments at the March 6 Council meeting that Engineering staff mismanaged the 220th Street project. Mr. Hertrich's comments were followed by comments by Councilmember Moore that gave the impression she did not know what was going on with the project and that she had concerns in November 2006 with the budget for the project when the Council approved the increase in the project budget. He noted Councilmember Moore's concerns were not shared with staff and the minutes do not reflect her concern. Staff had consistently kept the Council informed with regard to the 220th project and its budget. In addition to periodic update flyers and newsletter articles, staff brought issues relating to the Council for action on nine occasions. He explained beginning on March 1, 2005, Council authorized staff to advertise for construction bids. On June 7, 2005 the Council awarded the contract for construction of the 220th Street project and approved a budget of approximately \$5.07 million. Currently the estimated final cost is approximately \$5,405,000. Included in the cost increase are: the additional scope of work requested and paid 100% by Olympic View Water and Sewer District (\$30,198), and Edmonds School District (\$67,724), for a total of \$97,922. Also included is correcting the design error for the left turn pocket at 9th Avenue which was 100% funded by Perteet Engineering (\$29,913). Also included is the approximately \$140,000 in unanticipated consultant services for the construction engineering due to the resignation of the Traffic Engineer. Subtracting these from \$5,405,000 equated to \$5,137,165 which represents a 1% increase over the June 5, 2005 authorized budget. Even including the \$330,000 increase in traffic control, neither the City Engineer nor he viewed this as a huge cost overrun for a project of this size and complexity. He concluded the City's Engineering staff were professionals who accomplished a great deal and managed the 220th project appropriately.

Old Woodway
Elementary
School Site

In response to Mr. Hertrich's comment that he was speculating about Ms. Petso's motives, Mr. Snyder quoted from a March 20, 2007 letter from Ms. Petso to the City Council that states in paragraph 2 with the 1999 Interlocal Agreement in place, the public can access the fields on the western part of the property while demolition and park development occur on the eastern part. Paragraph 3 and 7 of her letter state the City can expect she will consider a similar action against the City if the Council votes to ratify Mayor Haakenson's unauthorized signature.

9. REPORT ON CITY COUNCIL COMMITTEE MEETINGS

Finance
Committee

Finance Committee

Councilmember Orvis reported the Committee discussed surplus of community monitors and donation to Interconnect and recommended approval as a consent agenda item (approved on tonight's consent agenda). The committee discussed legal services and requested Finance perform an analysis of the cost benefit of using inside versus outside legal services. The Committee then discussed the 220th Street project and requested staff provide additional information.

Public Safety
Committee

Public Safety Committee

Councilmember Plunkett reported the Committee again discussed graffiti and directed staff to present a broad range of options to the full Council for a public hearing.

10. MAYOR'S COMMENTS

Mayor Haakenson had no report.

11. COUNCIL COMMENTS

Community
Transit

Councilmember Marin reported at the Community Transit retreat two years ago the Board's goals were, 1) improve ridership, and 2) be good stewards of public funds. Last week at the American Public Transportation Association Conference in Washington DC he accepted an award for Community Transit from the Secretary of the Federal Transit Administration, for improvement in ridership, one of twelve awards this year. He accepted a second award for improvement in ridership for Sound Transit.

Sound Transit

12. ADJOURN

With no further business, the Council meeting was adjourned at 10:34 p.m.