

# EDMONDS CITY COUNCIL APPROVED MINUTES

## August 7, 2007

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  
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

Gerry Gannon, Assistant Police Chief  
Noel Miller, Public Works Director  
Dave Gebert, City Engineer  
Debi Humann, Human Resources Manager  
Sandy Chase, City Clerk  
Jana Spellman, Senior Executive Council Asst.  
Jeannie Dines, Recorder

### ALSO PRESENT

Shaun Callahan, Student Representative

#### 1. APPROVAL OF AGENDA

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

#### 2. CONSENT AGENDA ITEMS

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

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

- A. ROLL CALL
- B. APPROVAL OF CITY COUNCIL MEETING MINUTES OF JULY 24, 2007.
- C. APPROVAL OF CLAIM CHECKS #97775 THROUGH #97961 FOR JULY 26, 2007 IN THE AMOUNT OF \$1,259,390.16, AND #97962 THROUGH #98146 FOR AUGUST 2, 2007 IN THE AMOUNT OF \$287,429.58. APPROVAL OF PAYROLL DIRECT DEPOSITS AND CHECKS #45284 THROUGH #45385 FOR THE PERIOD OF JULY 16 THROUGH JULY 31, 2007 IN THE AMOUNT OF \$822,564.77.
- D. RENEWAL OF THE SUBSCRIBER AGREEMENT BETWEEN PUBLIC SAFETY TESTING, INC. AND THE CITY OF EDMONDS (POLICE DEPARTMENT).
- F. REPORT ON BID ADVERTISEMENT AND RESPONSE FOR THE FRANCES ANDERSON SEISMIC STRUCTURAL RETROFIT PROJECT AND AUTHORIZE STAFF TO PLACE A SECOND ADVERTISEMENT FOR BIDS IN REGARD TO THIS PROJECT.

Roll Call

Approve  
7/24/07  
Minutes

Approve Claim  
Checks

Public Safety  
Testing, Inc.  
Agreement

Anderson  
Center Seismic  
Retrofit

Res# 1150  
Rules of  
Procedure

**H. RESOLUTION NO. 1150 AMENDING THE PROVISIONS OF CITY COUNCIL RULES OF PROCEDURE ADOPTED PURSUANT TO RESOLUTION NOS. 292 AND 463.**

SR99/76th Ave  
W. Intersection  
Improvements

**ITEM E: AUTHORIZATION TO ADVERTISE FOR STATEMENTS OF QUALIFICATIONS FROM CONSULTANTS FOR THE SR99/76<sup>TH</sup> AVENUE W INTERSECTION SAFETY IMPROVEMENTS PROJECT.**

Councilmember Marin explained he pulled this item from the Consent Agenda in order to draw attention to it. He noted this was an opportunity the Hwy. 99 Task Force had been working on, one of many intersections on Hwy. 99 that needed improvement. This action will fund some design so that the project would be eligible for grant funding.

**COUNCILMEMBER MARIN MOVED, SECONDED BY COUNCIL PRESIDENT OLSON, FOR APPROVAL OF ITEM E. MOTION CARRIED UNANIMOUSLY.**

Vacate Portion  
of Right-of-  
Way Adjacent  
to 17008 - 77th  
Pl W.

**ITEM G: PROPOSED ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO 17008 - 77TH PLACE WEST, EDMONDS.**

Councilmember Wambolt explained although he supported the vacation of the right-of-way, he did not agree with the proposed price to sell the property to the property owner. He noted that the proposed price for the 540 square feet was \$1,400, less than \$3 per square foot compared with the adjacent land that was valued at \$62.60 per square foot. He explained if the price of \$62.60 square foot were used, divided by half as required by State law, the value of the property would be approximately \$17,000. He requested a Councilmember who previously voted in the affirmative on this issue to introduce a motion for reconsideration.

Councilmember Plunkett asked whether Dave Gebert, City Engineer, was familiar with the appraisal that was done on the property by Mr. Wills. Mr. Gebert answered he was not.

**COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER WAMBOLT, FOR RECONSIDERATION. UPON ROLL CALL, MOTION CARRIED (4-3), COUNCILMEMBERS WAMBOLT, MOORE, PLUNKETT AND ORVIS IN FAVOR, AND COUNCIL PRESIDENT OLSON AND COUNCILMEMBERS DAWSON AND MARIN OPPOSED.**

Mayor Haakenson advised the matter would be scheduled on an upcoming agenda.

A Taste of  
Edmonds  
Proclamation

**3. PROCLAMATION IN HONOR OF THE GREATER EDMONDS CHAMBER OF COMMERCE "A TASTE OF EDMONDS" 25TH ANNIVERSARY, AUGUST 10 - 12, 2007.**

Mayor Haakenson read a proclamation in honor of the Greater Edmonds Chamber of Commerce 25<sup>th</sup> anniversary of the Taste of Edmonds and presented the proclamation to Chamber of Commerce Executive Director Jan Vance and Sandra Waldo, Chamber Board Member and Taste of Edmonds organizer.

Ms. Vance thanked the City for the proclamation, commenting on the Chamber's 100<sup>th</sup> anniversary and 25<sup>th</sup> anniversary of the Taste of Edmonds. Ms. Waldo encouraged everyone to attend the event.

Sewer Special  
Connection  
Districts

**4. PUBLIC HEARING ON PROPOSED ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 7.30 ECC, WATER RATES AND SEWER CHARGES, TO ADD A NEW SECTION 7.30.036, SEWER SPECIAL CONNECTION DISTRICTS, ESTABLISHING A SPECIAL CONNECTION FEE FOR CERTAIN PROPERTIES ON 88TH AVENUE WEST, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

City Engineer Dave Gebert explained the City has completed construction of the 220th Street SW Improvements project. During the planning for that project, it was determined three private properties along 220th Street SW within the project limits (21903, 21904 and 21911 88th Avenue West) would be

sewer customers of the City of Edmonds sewer utility if/when they connected to the sewer system. Due to the likelihood that these properties would need to connect to the sewer system in the future because of septic system failure, future development, etc., it was determined by staff and Council to be appropriate to install a sewer collector stub out for these properties in conjunction with the 220th Street SW Improvement project to avoid future cutting into 220th Street SW to connect these properties to sewer after the 220th Street SW Improvement project was completed.

A neighborhood meeting was held in February 2004 to inform affected property owners of the City's plans to construct a sewer collector stub out in conjunction with the 220th Street SW Improvement project for future connection of these properties to the sewer system and to implement a sewer special connection fee. In March 2004, the City Council directed staff to proceed with the construction of the sewer collector stub out and the establishment and implementation of a sewer special connection fee. Accordingly, the construction of the 220th Street SW Improvement project included installation of an 8-inch diameter sewer line from the sewer main located in 220th Street SW to the edge of the right-of-way at the northeast corner of the intersection of 220th Street SW and 88th Avenue West. The sewer stub out was capped and available for the future connection of three private properties to the City sewer system. Mr. Gebert noted the future construction of the sewer collector to connect these properties to the collector stub out installed by the City would be the responsibility of these property owners.

The City sewer capital improvement Fund 412-300 provided the funds for construction of a sewer collector stub out for these three properties and the cost of construction should be recovered from the private property owners who will use and benefit from the sewer collector stub out constructed. Per the City Attorney, there is no legal requirement for the City to recover the cost from the private property owners; however, the City should recover the cost for reasons of consistency with past practices and fairness to other rate payers. The City has historically required private property owners pay the cost of extending utility systems to serve their private properties. Special connection fees are authorized by RCW 35.92.020 and must be adopted by City Council ordinance.

Mr. Gebert explained in March 2004 the Council directed staff to proceed with establishing the sewer special connection fee with the following elements:

- Equitable fee prorated among the private properties based upon actual costs.
- Special connection fee must be paid in full at time of connection.
- The property owners will be allowed to defer connection.
- Include in the ordinance the ability to adjust the connection fee for inflation to account for the City fronting the money from the time of construction to the time of connection and that the special connection fee to be in addition to the City's normal sewer connection fee and all other applicable permit fees.
- Upon completion of construction and determination of the actual costs, staff present an ordinance for adopting the special connection fee

Construction has been completed and the actual costs have been determined; the actual final cost of the sewer collector stub out is \$12,852.87, or \$4,284.29 per lot.

Mr. Gebert explained in February 2004, preliminary estimates for the sewer special connection fee were in the range of \$2,000 to \$3,000 and affected property owners were informed of the preliminary estimate. The actual amount is higher than the 2004 estimates due primarily to significant increases in construction costs since then attributed to inflation. The affected property owners have been advised in writing of the amount of the actual costs and proposed special connection fee and of the scheduled public hearing.

Mr. Gebert reviewed his response to questions posed by the property owners since being informed of the amount of the sewer special connection fee:

- *Could the special connection fee be paid in advance or in installments?* Mr. Gebert advised the fee could be paid in advance but City policy did not allow for installment payments.
- *Would properties at 8805 220<sup>th</sup> and 21919 88<sup>th</sup> Avenue West be allowed to connect to the stub out?* Mr. Gebert answered no as both properties were connected to the sewer system via an adequately sized sewer connection.
- *If one property owner incurred the total cost to install their portion of the 8-inch sewer line to connect their property and the other two properties did not participate, would the other two property owners be required to pay a special connection fee and how would the one property owner recover the cost?* Mr. Gebert answered the other property owners would be required to pay the special connection fee and there were several options for recovering the cost, the most viable being a latecomers agreement which the City would assist with establishing.
- *Why is the actual cost significantly higher than the estimated cost?* Mr. Gebert answered the initial estimate was prepared in late 2003 and assumed construction in 2004, however, the project was not constructed until 2005. Since that time construction costs have escalated significantly industry-wide due to increases in material costs as well as the amount of work available does not require contractors to bid on government jobs and when they do, their bids are high. He recalled the 220<sup>th</sup> project received only two bids; the low bid was somewhat higher than the engineer's estimate and the second bid was significantly higher than the estimate. The actual costs of the special connection fee are based on the bid unit prices and actual quantities. The property owners requested a detailed cost breakdown of the work that was done which staff provided.
- *Could the Council adopt a smaller amount for the fee than the actual cost?* Mr. Gebert reviewed the following breakdown of the cost elements:

	Design Engineering	Construction Contract			Construction Engineering/ Management	Total
		Direct Items	Indirect Items*	Total Construction Contract		
Cost	\$1,162.00	\$8,824.17	\$1,979.30	\$10,803.47	\$887.40	\$12,852.87
Divided by # of developable lots	3	3	3	3	3	3
Special connection fee = total per lot	\$387.33	\$2,941.39	\$659.77	\$3,601.16	\$295.80	\$4,284.29

\* Prorated allocation of indirect construction contract costs such as mobilization, traffic control, surveying, etc.

Mr. Gebert noted the cost breakdown did not include in-house costs. He concluded the Council could establish a fee that was less than the actual cost as it could be argued that there was benefit to the general public by connecting these properties to sewer. However, if benefited property owners did not pay for the connection, the sewer utility rate payers paid the costs.

He noted the general sewer connection fee covered the costs of typical connections and special connection fees covered special costs. He recalled other funding alternatives had been considered such as a Local Improvement District (LID) which would have included additional costs such as appraisal costs, in-house salary costs, etc. He noted the City also anticipated another special connection fee for a project on Olympic View Drive. The fee established in this instance was likely to set a precedent for the fee for that project. Mr. Gebert recommended the Council adopt the special connection fee in the amount of the actual cost - \$4,284.29.

Councilmember Plunkett asked why the City did not accept installment payments and whether other cities did. Mr. Gebert answered it was the Finance Department's policy and the advice of the City Attorney for administrative reasons, and to avoid loaning funds, that the City not accept installment payments. He recalled this was discussed in March 2004 and a decision was made that the connection fee would be paid in full at the time of connection.

Councilmember Plunkett recalled the last time there were a number of property owners connecting to sewer was in Perrinville. Mr. Gebert explained that was done via an LID and there were a large number of properties connecting.

Councilmember Moore recalled when she lived in Woodway, sewers were installed on Woodway Park Road and they were assessed twice the amount of the proposed connection fee for the stub out and were allowed to make installment payments to the Town of Woodway. She encouraged the Council to consider installment payments if the full cost of the connection fee was adopted. She referred to staff's comment about inflation affecting the estimate and suggested re-estimating projects closer to the time of construction or factor in inflation. Mr. Gebert answered for the 220<sup>th</sup> project, a consultant updated the engineer's estimate a few months prior to bid using the latest WSDOT bids and the bids were fairly close; the engineer's estimate was \$4.2 million and the low bid was \$4.3 million. He reviewed 2003 estimates for each element of the project that resulted in a per lot connection fee of \$1,962. That amount was adjusted in anticipation of inflation and cost escalation. Property owners were informed the amount would be in the range of \$2,000 to \$3,000, anticipating construction would occur in 2004; however, construction did not begin until 2005. He pointed out the contract bid was a unit price bid; the actual cost was actual quantities at the bid unit prices. He noted if the quantities were as estimated, the special connection fee would have been \$5,472; the actual quantities were less which resulted in a lower special connection fee.

Councilmember Moore asked when staff became aware of the \$5,472 amount. Mr. Gebert answered May 2005. Councilmember Moore asked whether staff informed the property owners of the increase at that time. Mr. Gebert answered he did not. Councilmember Moore expressed concern the property owners were not informed that the estimate had increased. She also objected to staff's comment that staff time was not factored in, remarking that was the engineering department's job. Mr. Gebert agreed when a project was for the general utility or general public; however, this was a project for the sole benefit of specific property owners.

Councilmember Dawson recalled when this was discussed in 2004, the reason for constructing the stub out in conjunction with the 220<sup>th</sup> project was to benefit the property owners. She asked the cost to the property owners if it had not been done in conjunction with the 220<sup>th</sup> project. Mr. Gebert answered the property owners would avoid the cost of cutting into and repairing the street and frontage improvements. He noted there were also reasons it could cost the property owners less such as they would not be required to pay prevailing wages as the City was. He summarized the reason the stub out was constructed in conjunction with the 220<sup>th</sup> project was to avoid the property owner's cost of cutting into the pavement and to avoid a cut and patch on the new street.

Councilmember Dawson asked whether the property owners would be required to connect to sewer. Mr. Gebert answered the ordinance allowed the property owners to connect when they chose to or needed to. He explained the City code required connection within 60 days of installation of the stub out; however, Council direction in 2004 was that they be allowed to defer connection which the proposed ordinance permitted. Councilmember Dawson pointed out the property owners could begin setting funds aside for their eventual connection.

Councilmember Dawson inquired about one property owner connecting. Mr. Gebert explained they would pay only their special connection fee but there would be significant costs to install the sewer line from the stub up the street to their residence. Payment by the other property owners could be addressed via a latecomers agreement.

Councilmember Dawson inquired about the indirect costs. Mr. Gebert explained it was a prorated allocation of costs for mobilization, traffic control, surveying, etc. for the entire contract and not directly attributable to a single work item. Councilmember Dawson commented that due to the significant increase in the cost, a rational reduction may be to subtract the indirect costs. Mr. Gebert agreed the Council could establish the connection fee via subtracting one or more of the cost elements. Councilmember Dawson acknowledged this may set a precedent for future projects. Mr. Gebert responded the only other project he was aware of was on Olympic View Drive. In that project a stub out would be installed for 8-10 lots and laterals installed for 6-7 properties.

Councilmember Dawson asked whether all the costs had been included in prior special connection fees. Mr. Gebert answered he was not aware of any other special connection fees; in the past connections had been addressed via an LID. He advised the proposed ordinance established a new section in the Water and Sewer rates and charges section for special connection districts; this would be the first special connection district. She asked whether past LIDs had been accessed the entire cost. Mr. Gebert answered he had not been involved in an LID in the City but believed all costs were included in the Perrinville LID including in-house costs, appraisal fees, etc.

Councilmember Plunkett asked why the City constructed the stub out rather than requiring the property owners to install it. Mr. Gebert answered that option was considered; however, it would have required the property owners install the stub out as well as incur the significant cost of extending the sewer line to their residences. He noted there was no code language to require the property owners to install the stub out. Councilmember Plunkett asked whether the property owners would have paid more if they had had the stub out installed themselves. Mr. Gebert was uncertain, anticipating they would have paid in the range of the City's costs.

Councilmember Moore commented in addition to the special connection fee, the property owners also faced the fee to connect to their homes. She asked whether a lien would be placed on the property so that the fee would be paid when the house was sold. Mr. Gebert answered staff did not intend to place a lien on the property. Staff would flag the property in the permit system so that the fee would need to be paid before a permit was issued to connect to the sewer. Councilmember Moore commented the home could be sold and the property owner had not paid the fee. Mr. Gebert acknowledged one of these property owners purchased his home in 2006 and was not informed of the special connection fee. Councilmember Moore recalled Woodway placed a lien on the properties in the amount of the connection fee which encouraged many property owners to pay the fee immediately. Mayor Haakenson advised that was the process for an LID.

Councilmember Plunkett expressed concern that a subsequent property owner may not be aware of the special connection fee. He was uncertain whether the real estate disclosure form addressed that issue.

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

**John Wood, Edmonds**, affected property owner, commented they were told one amount, never informed that the costs had increased and now were informed the fee would be higher. He believed the fee could have been avoided if the three property owners had installed and connected to the sewer before the 220<sup>th</sup> project was completed. He pointed out a fourth house, 21919 88<sup>th</sup> Avenue, was connected via a side sewer across a neighbor's yard which he asserted was illegal and unfair. He questioned whether each

property owner was required to pay for the sewer in front of their home including a property that was connected illegally through another's yard. He summarized the significantly higher connection fee would require that they defer connection.

**Kim Sharpe, Edmonds**, affected property owner, commented they tried several times to connect to sewer on their own during the past six years, thus had incurred some costs already. He expressed concern regarding the cost increase, noting they had not been notified that the cost had increased. He suggested the precedence that should be set was not requiring citizens to pay for the City's overruns. He summarized it was not that they would not pay the special connection fee but that it wasn't fair and should be within the range of the estimate provided in 2004. He inquired about the possibility of an LID with the Olympic View Drive sewer. He noted they had been paying an \$8 per month sewer supplement fee since the 1980s for the privilege of hooking up to a stub in the future.

Mr. Wood asked the amount of the connection fee for residents on 88<sup>th</sup> Place West located behind their street and in Snohomish County which had the exact situation.

**Paul Samione, Edmonds**, affected property owner, explained when he purchased the property in September 2006 he was not informed of the special connection fee. He expressed concern with the approximately 43% increase in the connection fee over the high end of the estimate, noting connecting to the sewer would cost each home an additional \$20,000 to \$25,000. He emphasized the importance of communication and more accurate estimates.

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

In response to the comment that the property owners had tried to connect to sewer in the past, Mr. Gebert noted one of the options discussed at the neighborhood meeting in February 2004 was establishing an LID to construct their sewer collector on their own. He acknowledged at that time the City planned to begin construction on 220<sup>th</sup> in 2004 but was delayed a year. With regard to the increased cost, he acknowledged the costs had increased and the project was under-estimated due to the delay.

With regard to the \$8 per month sewer supplement fee, Public Works Director Noel Miller explained the unconnected charge was imposed to defray the cost of constructing the wastewater treatment plant large enough to include future wastewater treatment for this area. He concluded otherwise a smaller treatment plant would have been constructed.

With regard to the other properties on 88<sup>th</sup> Place West, Mr. Gebert acknowledged they were Olympic View Water and Sewer District customers for whom sewer laterals similar to this were installed in conjunction with the 220<sup>th</sup> Street project. Olympic View Water and Sewer District did not plan to establish a special connection fee for those property owners but includes the cost in the base for their general connection fee. Edmonds' philosophy is the general connection fee is capital costs that are general system costs such as new sewer lift stations, sewer main replacement, etc. and that capital costs that serve individual properties should be paid by those property owners. With regard to the alleged illegal connection across a neighboring property, Mr. Gebert advised he obtained the as-built drawing from the Olympic View Water and Sewer District that indicated the connection was inspected and accepted by an Olympic View Water and Sewer District inspector. He did not research whether the appropriate permits had been obtained.

Councilmember Dawson proposed changing staff's recommendation due to delays associated with this project that were not anticipated at the time this was presented to the Council and that were no fault of the property owners.

**COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER MARIN, FOR APPROVAL OF ORDINANCE NO. 3657, TO ESTABLISH A SPECIAL CONNECTION FEE IN THE REDUCED AMOUNT OF \$2,941.39.**

Councilmember Dawson explained these were the direct construction costs associated with this project, it was within the range of fees that were proposed to the property owners, and was within the amount considered by the Council.

Councilmember Moore spoke in favor of the motion, suggesting the precedent that should be set was communicating with residents earlier and accurately.

Councilmember Plunkett commented the real estate disclosure form included a question regarding permits and if that did not address this situation, there was a catch-all question asking the homeowner to identify anything a future buyer may need to know. He concluded a property owner would disclose this issue in that manner. With regard to an installment plan, he pointed out a property owner could do their own installment plan based on when they planned to hook up. He noted hooking up to sewer would increase the home's value in excess of the amount required to hook-up to sewer. He urged the Council to approve the revised special connection fee, commenting it was good for the City and after the investment was made, it would be good for the homeowner.

Councilmember Marin supported the motion, commenting a reduced amount was justifiable based on additional costs incurred during the delay. However, if the stub had not been installed, the result could have been the property owners digging up and patching the new street. He commented septic failures were expensive and once a septic system failed, the property would need to connect to the sewer. He acknowledged costs had escalated and the increases were difficult to predict but it was not the fault of staff.

Council President Olson spoke in favor of the motion, finding it a good compromise. She acknowledged the property owners would incur some costs but connecting to the sewer would increase the value of their homes.

Councilmember Wambolt did not support the proposed special connection fee. Although he empathized with the increased cost, the homeowners could establish their own installment plan by timing their hook up. He noted many of the City's bids had been significantly over the estimate due to the atypical construction climate, not due to any fault of staff. He noted even if staff had informed the residents the fee had increased, it would have impacted the amount of the fee.

**MOTION CARRIED (6-1), COUNCILMEMBER WAMBOLT OPPOSED.**

**5. AUDIENCE COMMENTS**

**Jan Vance, Executive Director, Greater Edmonds Chamber of Commerce**, commented the Taste of Edmonds had grown over the last 25 years to be the largest community festival in Snohomish County. In addition to food booths, arts and crafts, commercial booths, a kids' area, beer garden and wine area, there are also three entertainment stages. She cited facts about the Chamber and Taste, the Chamber runs the Taste and raises all funds, they have tried unsuccessfully to involve local merchants, there is no public funding for the Taste and the Chamber pays for City services. She explained the fundraiser pays for a wide variety of member services made available by the Chamber and finances many other events and provides funding to sponsor programs and services for a variety of community service organizations, over \$15,000 in the past year. She commented the Taste of Edmonds was the economic engine that made the

4<sup>th</sup> of July and other community events possible. The Taste of Edmonds this year will be held on August 10, 11 and 12.

Lake Ballinger  
Interlocal  
Agreement

**Dave Page, Edmonds**, commented on a newspaper article regarding the unruly conduct of the audience at a Key Largo, Florida City Council meeting. Next he advised City staff was working on an Interlocal Agreement with Shoreline, Lynnwood and Mountlake Terrace regarding Lake Ballinger and there were plans for a basin study. As Lynnwood was a big contributor of untreated water into Lake Ballinger, he noted it was important that the construction projects proposed on Hwy. 99 address wastewater management. He advised additional information would be provided in the future and assistance requested from the City.

Channel 21  
Video Concerns

**Roger Hertrich, Edmonds**, recalled the July 17 meeting included discussion regarding the use of Channel 21 and the 6-year TIP; however, the meeting was not televised due to poor quality of the video. He obtained a copy of the tape and a DVD of the meeting, acknowledging the tape was poor quality; however, the quality of the DVD was acceptable. He was concerned the citizens did not have the opportunity to view the July 17 meeting including the Council's discussion regarding the use of Channel 21. He questioned whether the DVD could be used to broadcast the meeting on Channel 21 if the tape quality was unacceptable. Pointing out that the City had a problem with video quality, he urged the Council to either fix the problem or purchase new equipment. Next, he referred to the property owners and 33 citizens discussing redevelopment of the old Safeway site. As the project was now public, he suggested Mayor Haakenson discontinue the non-disclosure agreement he signed regarding his participation in discussions regarding the project.

Redevelopment  
of Old Safeway  
Site

**David Thorpe, Edmonds**, thanked the Council, Mayor and staff for the time and energy they devoted to community members' problems whether 2-3 residents or thousands. He commented Edmonds was a unique City due to access to government, citing the ease of obtaining information at City Hall. He commented on Forward Thrust that financed clean-up of Lake Washington as well as other projects, noting that effort had a vision and required leadership. He acknowledged leadership was often difficult, requiring one be rough at times, gentle at other times, and be understanding of others' views. He urged the Council to listen to the citizens when discussing redevelopment of neighborhood centers. He encouraged the Council to temper growth with the environment and the health of the people who live and work in Edmonds.

Neighborhood  
Centers  
Redevelopment

Channel 21  
Video  
Equipment

In response to Mr. Hertrich's comments about the equipment malfunction, Council President Olson reported a technician was hired who had fixed the problem. She explained the reason the DVD could not be used to broadcast the meeting was because it had chapters and stopped at each chapter requiring a staff member to restart the DVD. She advised the DVD was available for purchase at City Hall for \$3.00; it could not be given away because that would be a gift of public funds.

Broadcast of  
Council  
Meetings

Councilmember Plunkett advised he requested the next Council retreat include a discussion regarding establishing a Council policy to determine when a Council meeting would not be broadcast. Council President Olson advised Councilmember Wambolt and she viewed the video and agreed the quality was unacceptable. Councilmember Wambolt agreed.

## 6. MAYOR'S COMMENTS

Mayor Haakenson advised next week's Council meeting was committee meetings which were not broadcast. The next Council meeting will be held on Monday, August 20 due to the primary election on Tuesday, August 21.

Mayor Haakenson announced he planned to conduct the Economic Development Director interviews on August 14 and had asked Council President Olson to select two Councilmembers to participate on the interview team.

**7. COUNCIL COMMENTS**

Council President Olson wished Councilmember Marin a belated Happy Birthday on July 30.

Economic  
Development  
Director

Councilmember Plunkett offered to serve on the Economic Development Director interview panel.

Community  
Transit

Councilmember Marin announced Community Transit had selected a manufacturer for the Bus Rapid Transit buses and identified the station locations. In Edmonds, stations would be located at 238<sup>th</sup> on the east side near Gobs of Knobs, and in front of Honey Baked Hams on the west side; at 216<sup>th</sup> near the hospital and the thrift store; and northbound in front of Schucks at 200<sup>th</sup> and southbound at 196<sup>th</sup> in front of the former Arco and Jimbos. He advised Community Transit was proceeding with purchasing the required easements and had a contract in place for design/build of the stations.

Graffiti

Councilmember Dawson referred to the public hearing later this month on a graffiti ordinance. She reported approximately 50 people including Edmonds staff attended Snohomish County Executive Reardon's graffiti summit. The summit included presentations from Snohomish County Code Enforcement, the Sheriff's office, she made a presentation on Snohomish County's proposed ordinance, Marysville made a presentation on their regulations and an organization in Seattle described their annual paint-out event. She announced a Snohomish County graffiti paint-out event on October 6. She relayed Marysville's comment that if cities did not work together on the issue, the problem would be pushed from one city to another.

Harbor Square  
Redevelopment

With regard to the waterfront "secret" meetings, Councilmember Wambolt explained the meetings began in early 2006 between Port Commissioner Bruce Faires and he who met a few times; they then invited City staff and the Mayor to participate and also had discussions with the Port of Everett regarding their redevelopment. They soon learned the private property owners needed to be involved. The property owners set the terms of those meetings which included Mayor Haakenson signing a non-disclosure agreement. The process has progressed to include the public and 33 citizens were selected to participate. The group has met three times and he planned to provide each Councilmember with the information that had been provided to the group. He noted the Port met yesterday to discuss funding the next phase, noting there was no cost to the City in the next phase as the costs would be borne by the property owners. He concluded the meetings with the 33 citizens were open to the public and he anticipated further information would be available in October.

Harbor Square  
Redevelopment

Councilmember Moore asked whether the non-disclosure agreement was still required. Councilmember Wambolt advised only Mayor Haakenson was required to sign a non-disclosure/confidentiality agreement. To avoid Councilmember Wambolt signing a confidentiality agreement, it was agreed if there was anything a Councilmember should not hear because it may taint his judgment, he would leave the room which he did not recall had ever happened. He offered to ask whether the confidentiality agreement was now moot as they were not discussing anything confidential. Mayor Haakenson commented it was part of his job to attend the meetings and Councilmember Wambolt agreed he needed to participate.

07/26/07  
Community/  
Development  
Services  
Committee  
Meeting

Councilmember Moore encouraged the Council and the public to read the minutes of the July 26 Community Services/Development Services Committee Meeting that included public comment on the difficulties obtaining permits and ideas for improvement; she anticipated a positive outcome as a result of the meeting. She advised Councilmember Marin planned to have staff consider the ideas posed and

return to the Committee next month. Mayor Haakenson advised staff had already met twice and planned to provide a report to the Council at their next meeting.

Cameras in  
Council  
Chambers

Councilmember Moore suggested the Council consider upgrading the cameras in Council Chambers as the picture quality was not very good. She recalled the Council had identified funds in the budget for cameras. Senior Executive Council Assistant Jana Spellman advised the cost to upgrade the cameras three years ago was \$15,000.

Student Representative Callahan recognized the Waste Warriors, a group of high school students who would be picking up trash at the Taste of Edmonds.

**8. ADJOURN**

With no further business, the Council meeting was adjourned at 8:32 p.m.