

TOWN OF WOODWAY
COUNCIL MEETING AGENDA
MONDAY, NOVEMBER 1, 2021
6:00 P.M.

Meeting held virtually due to current COVID restrictions

6:00 P.M.		Call to Order, Flag Salute, & Roll Call
6:00 P.M.	I	Approval of Payments – <i>November 1, 2021 Claims, October 2021 Payroll</i>
6:05 P.M.	II	Approval of Minutes – <i>July 19, 2021; August 16, 2021; September 7, 2021</i>
6:10 P.M.		Public Comments*
6:15 P.M.	III	Council Reports
6:20 P.M.	IV	Mayor’s Report
6:25 P.M.	V	Town Administrator’s Report
6:30 P.M.	VI	Public Hearing: Final 2022 Budget
6:45 P.M.	VII	Ordinance 2021-633: 2022 Budget
6:50 P.M.		Public Comments*
6:55 P.M.		General Council Discussion – Choice of Subjects
7:00 P.M.		Adjournment

* *Public comments: Those who wish to make a public comment for this meeting can do so via video or audio connection. Please keep yourself muted until the appropriate time. Phone callers can unmute themselves by dialing *6.*

Council agendas are subject to change before or during the council meetings upon motion. All times are approximate.

Anyone with a disability requiring special accommodations should contact the Town Clerk's Office at Town Hall or call (206)542-4443 before 1:00 p.m. the Thursday preceding the Council Meeting. For TDD relay service, call (206)587-5500, or outside the Seattle area #1-800-833-6388.



TOWN OF WOODWAY
CLAIMS APPROVAL

“I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein and that the claim is a just, due, and unpaid obligation against the Town of Woodway, Snohomish County, Washington, and that I am authorized to authenticate and certify to said claims.”

Clerk Treasurer

The following transactions are approved for 2021 payment:

Claims checks #13584 through 13602 and EFT #1472\$86,838.20

This 1st day of November 2021.

Mayor

Councilmember

Councilmember

Councilmember

*The three largest charges on the credit card bill are:

1. Sand & Rocks for Town Hall leak repair/front yard reconstruction: \$1,225.44
2. Concrete for Town Hall leak repair/front yard reconstruction: \$1,552.94
3. Pipe to reconstruct sprinkler system for Town Hall leak repair/front yard reconstruction: \$1,202.11



TOWN OF WOODWAY
PAYROLL APPROVAL

“I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein and that the claim is a just, due, and unpaid obligation against the Town of Woodway, Snohomish County, Washington, and that I am authorized to authenticate and certify to said claims.”

Clerk-Treasurer

The following October 2021 Payroll transactions, for 8.5 FTE, are approved for 2021 payment:

EFT transactions #1449 through 1461, 1463 through 1469, and check #13583\$66,287.38

This 29th day of October 2021

Mayor

Councilmember

Councilmember

Councilmember

*There were no comp time hours accrued in October 2021

**TOWN OF WOODWAY
COUNCIL MEETING MINUTES**

**MONDAY, JULY 19, 2021
6:00 P.M.**

Hybrid meeting

In-person at Town Hall | 23920 113th Place W. | Woodway, WA 98020
Virtually via Teams

Members Present	<input checked="" type="checkbox"/> Mayor Mike Quinn	<input checked="" type="checkbox"/> Councilmember Brian Bogen*
	<input checked="" type="checkbox"/> Councilmember Elizabeth Mitchell	<input checked="" type="checkbox"/> Councilmember Andrew DeDonker*
	<input type="checkbox"/> Councilmember Tom Whitson	<input checked="" type="checkbox"/> Councilmember John Brock
Staff & Guests Present	<input checked="" type="checkbox"/> Town Administrator Eric Faison	<input checked="" type="checkbox"/> Clerk-Treasurer Heidi Napolitano
	<input type="checkbox"/> Building Official Tom Phillips	<input type="checkbox"/> Town Engineer John Forba
	<input type="checkbox"/> Police Chief Alan Correa	<input checked="" type="checkbox"/> Public Works Director Terry Bryant*

*Attended virtually

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Mayor Quinn called the meeting to order at 6:07 p.m. Councilmember Whitson had an excused absence.

I - RATIFY PREVIOUSLY APPROVED PAYMENTS – JULY 6, 2021 CLAIMS

Councilmember Brock moved to approve the July 6, 2021 Claims Checks #13462 through 13475 totaling \$13,906.38. *Councilmember Mitchell* seconded the motion. The motion passed unanimously.

I - APPROVAL OF PAYMENTS – JULY 19, 2021 CLAIMS

Councilmember Mitchell moved to approve the July 19, 2021 Claims Checks #13476 through 13489 totaling \$294,197.30. *Councilmember Brock* seconded the motion. The motion passed unanimously.

I - APPROVAL OF PAYMENTS – JUNE 2021 PAYROLL

Councilmember DeDonker moved to approve the June 2021 Payroll EFT Transactions #812 through 833 totaling \$67,011.70. *Councilmember Mitchell* seconded the motion. The motion passed unanimously.

II - APPROVAL OF MINUTES – JUNE 21, 2021

Councilmember Brock moved to approve the June 21, 2021 council meeting minutes. *Councilmember Mitchell* seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS

Resident Bill Krepick asked if the Council had any questions on his recent email. The Council had no questions.

Resident Tracy Westlake asked for a copy of the claims details from the meeting.

III - COUNCIL REPORTS

Councilmember Mitchell:

- Met with Public Works Director Bryant to discuss rights-of-way landscaping and Town gardens.

Councilmember Brock:

- Visited the site of the proposed Wachusett Road crosswalk.
- Reported that the recent first aid/CPR class was excellent.

Councilmember Bogen:

- Thanked the public works department for the careful tree removal in the Town right-of-way on Wachusett Road.

Councilmember DeDonker

- Reported that several residents have asked him if the speed limit in the southeast corner of Town could be reduced and asked for a staff recommendation.

ACTION:

Staff will research and bring a recommendation to the next meeting for Council action.

IV - MAYOR'S REPORT

- The 4th of July was a success: the 5K through Woodway went smoothly and there were no issues with fireworks.
- The Mayor's e-newsletter will be sent out the third Tuesday of each month. July's issue will discuss Public Works and Police duties & responsibilities.
- The mayor and staff will continue to work on other communication efforts.

V - TOWN ADMINISTRATOR'S REPORT

- The Town received an additional \$70,000 in REET revenue in June. Reported on the temporary use of REET funding.
- The Town's ARPA funding has not yet been allocated; a portion will be used for temporary Public Works staff.
- Kiosk update: materials have been purchased to repair kiosks throughout Town. Discussion followed of who would be responsible for maintaining the kiosks.

VI - DISCUSSION: WACHUSETT ROAD CROSSWALK

The Council discussed possible options to increase safety for walkers crossing at the corner on the bottom of Wachusett Road hill.

ACTION:

The consensus of the Council was to not install a crosswalk, but instead install signs saying, “Watch for Pedestrians”. The Mayor will also include a note in his next e-newsletter.

VII - CONTRACT FOR TREE REMOVAL: UPDATE FOR ADDITIONAL HAZARD TREES

Public Works Director Bryant presented the updated contract for additional hazard tree removal in the Town’s rights-of-way.

ACTION:

Councilmember Mitchell moved to authorize the Mayor to execute the updated contract for additional hazard tree removal with the wording amendment to items 1 & 2. *Councilmember Brock* seconded the motion. The motion passed unanimously.

VIII - INTERAGENCY DATA SHARING AGREEMENT BETWEEN TOWN OF WOODWAY AND THE OFFICE OF THE WASHINGTON STATE AUDITOR

Clerk-Treasurer Napolitano presented the agreement and explained that it was required in advance of the 2019-2020 audit, which would begin in September.

ACTION:

Councilmember Bogen moved to authorize the Clerk-Treasurer to execute the Interagency Data Sharing Agreement between the Town of Woodway and the Office of the Washington State Auditor. *Councilmember DeDonker* seconded the motion. The motion passed unanimously.

IX - RESOLUTION 2021-427: REPEALING RESOLUTION 2020-420 WHICH AUTHORIZED THE MAYOR TO UTILIZE THE EMERGENCY POWERS GRANTED UNDER CHAPTER 2.36 WOODWAY MUNICIPAL CODE AND CHAPTER 38.52 RCW

ACTION:

Councilmember Brock moved to approve Resolution 2021-427: Repealing Resolution 2020-420 Which Authorized the Mayor to Utilize the Emergency Powers Granted Under Chapter 2.36 Woodway Municipal Code and Chapter 38.52 RCW. *Councilmember Mitchell* seconded the motion. The motion passed unanimously.

X - POLICE DEPARTMENT UPDATE – POLICE CHIEF ALAN CORREA

Chief Correa updated the Council on several Police Department items including:

- New hires: Deputy Chief Jason Valentine & Officer Noah Rodgers.
- Increased community presence once the new officers complete their orientation.
- Significant legislative changes that will be effective on July 25.

XI - 2ND QUARTER 2021 FINANCE REPORT

Mayor Quinn presented highlights of the 2nd quarter 2021 finance report including:

- Higher than anticipated general fund revenue because the Town received \$194k in ARPA funding and increased sales tax.
- Significantly higher REET revenue.

- Expenses were in line with expectations.

Discussion followed.

XII - MEETING CANCELLATION AND PAYMENT PROCEDURE

Clerk-Treasurer Napolitano shared that the August 2 meeting would be cancelled and outlined the standard bill payment procedure to be used in lieu of that meeting. The procedure involves the Clerk-Treasurer preparing the claims checks for payment, circulating the list of claims to the Mayor and Council, and allowing a few days for questions/comments about those claims before mailing the checks.

ACTION:

Councilmember Mitchell moved to approve the Bill Payment Procedure. *Councilmember Brock* seconded the motion. The motion passed unanimously.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

- *Councilmember Mitchell* asked for information from staff on insecticide application on the front lawn.
- *Councilmember Brock* suggested that the Town create a comprehensive vaccination policy. Discussion followed.
- Town Administrator Faison shared that a resident suggested that the Town consider selling parkland to offset future budget shortfalls. He gave a brief history of how the Reserve parcels were obtained (lots were donated, purchased with grant money from various entities, and purchased with REET money) and of the deed restrictions on the different lots. Discussion followed.
- Mayor Quinn asked for a recommendation from the Council on how to best acknowledge former Mayor Carla Nichols' 25 years of service to the Town. It was suggested that the Town could rename a park to honor former Mayor Nichols. Discussion followed including which park should be renamed and what wording to use.

ACTION:

Councilmember Mitchell moved to honor former Mayor Nichols by naming a park after her. *Councilmember Brock* seconded the motion. The motion passed 3-0-1 with Councilmember Bogen abstaining.

Councilmember Brock moved to rename Deer Creek Park after former Mayor Nichols. *Councilmember Mitchell* seconded the motion. Discussion followed.

Councilmember DeDonker moved to amend the motion to rename the Reserve instead of Deer Creek Park. The motion died for lack of a second. Discussion followed.

Councilmember DeDonker withdrew his amendment. *Councilmember Brock* withdrew his motion.

Councilmember Mitchell moved to dedicate the Woodway Reserve and rename it to the Carla A. Nichols Park. *Councilmember Brock* seconded the motion. Discussion followed.

Councilmember Mitchell moved to amend the motion to include the whole Reserve and rename it the Carla A. Nichols Reserve. *Councilmember DeDonker* seconded the motion. The motion passed unanimously.

ADJOURNMENT

Councilmember Brock moved to adjourn the meeting. *Councilmember Mitchell* seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:56 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Heidi K. S. Napolitano, Clerk-Treasurer

Michael S. Quinn, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)

**TOWN OF WOODWAY
COUNCIL MEETING MINUTES**

**MONDAY, AUGUST 16, 2021
6:00 P.M.**

Hybrid meeting

In-person at Town Hall | 23920 113th Place W. | Woodway, WA 98020
Virtually via Teams

Members Present	<input checked="" type="checkbox"/> Mayor Mike Quinn*	<input checked="" type="checkbox"/> Councilmember Brian Bogen
	<input checked="" type="checkbox"/> Councilmember Elizabeth Mitchell*	<input checked="" type="checkbox"/> Councilmember Andrew DeDonker*
	<input checked="" type="checkbox"/> Councilmember Tom Whitson	<input checked="" type="checkbox"/> Councilmember John Brock
Staff & Guests Present	<input checked="" type="checkbox"/> Town Administrator Eric Faison*	<input checked="" type="checkbox"/> Clerk-Treasurer Heidi Napolitano
	<input checked="" type="checkbox"/> Building Official Tom Phillips*	<input checked="" type="checkbox"/> Town Planner Bill Trimm*
	<input type="checkbox"/> Police Chief Alan Correa	<input type="checkbox"/> Public Works Director Terry Bryant

*Attended virtually

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Mayor Quinn called the meeting to order at 6:00 p.m.

I - RATIFY PREVIOUSLY APPROVED PAYMENTS – AUGUST 2, 2021 CLAIMS

Councilmember Mitchell moved to ratify the previously approved August 2, 2021 Claims Checks #13492 through 13505 totaling \$8,836.70. *Councilmember Bogen* seconded the motion. The motion passed unanimously.

I - APPROVAL OF PAYMENTS – AUGUST 16, 2021 CLAIMS

Councilmember Whitson moved to approve the August 16, 2021 Claims Checks #13506 through 13516 totaling \$151,971.12. *Councilmember Brock* seconded the motion. The motion passed unanimously.

I - APPROVAL OF PAYMENTS – JULY 2021 PAYROLL

Councilmember Mitchell moved to approve the July 2021 Payroll EFT Transactions #1014 through 1024, 1026, 1027, 1029 through 1034, and checks 13490 & 13491 totaling \$63,790.97. *Councilmember DeDonker* seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS

Resident Bill Krepick commented on four items:

- The Woodway/Chevron settlement agreements from the early 2000s and sale of park land.
- Tree removal in the Town's rights-of-way.
- Requested that the Town create a model developer agreement related to the possible future Point Wells annexation.
- Asked the Town to increase its two-way communication with residents via the website.

II - COUNCIL REPORTS

Councilmember DeDonker

- Encouraged the Council to consider holding future meetings virtually only until a virtual component is no longer required.

Councilmember Mitchell:

- Reported on the recent WCIA audit meeting:
 - The insurance market is tight and future renewals will include increased cost for less coverage.
 - Discussed the Town's property schedules and asset valuation.

Councilmember Bogen:

- Shared that a resident asked about the Wachusett Road pedestrian crossing.

Councilmember Brock:

- Shared photos of updated kiosks.

III - MAYOR'S REPORT

- Reviewed information from Sound Transit (included in meeting packet).
- Shared more information about the recent WCIA audit.
- Town Fair planning was in progress.
- The next Woodway Whisper was just mailed out.

IV - TOWN ADMINISTRATOR'S REPORT

- A future agenda will include a discussion of insurance coverage in relation to reserve levels.

V - GEOLOGIC HAZARD CODE UPDATE CONTRACT

Town Planner Bill Trimm introduced the scoping document with Associated Earth Science, Inc. to update the Town's geologic hazard code. The update would include a review of existing codes and maps, preparation of recommendations for updates, and attendance at several meetings.

ACTION:

Councilmember Mitchell moved to authorize the Mayor to execute the Geologic Hazard Code Update contract. *Councilmember Whitson* seconded the motion. The motion passed 4-1, with Councilmember Bogen opposed.

VI - AMENDMENTS TO THE URBAN VILLAGE ZONE DISTRICT WMC 14.40

Town Administrator Faison recommended that portions of the Town's Urban Village Zone District WMC 14.40 be revised to eliminate the development agreement requirement for single-family development. He further recommended that Woodway's code be amended to duplicate language in the Snohomish County code related to minimum density. Woodway's code requires that the Planning Commission begin the process.

ACTION:

Councilmember Brock moved, pursuant to WMC 14.44.020, to request the Planning Commission to provide due notice, conduct a public hearing and a forward a recommendation to the Council regarding text amendments to the Urban Village zone district WMC 14.40. *Councilmember Bogen* seconded the motion. The motion passed unanimously.

VII - DISCUSSION: GUEST HOUSES/CARETAKER'S COTTAGES

Town Administrator Faison shared that a resident had contacted the Town and asked about constructing a guest/caretaker's cottage in the R-14.5 zoning district. Building Official Tom Phillips outlined the current regulations and asked the Council to decide if they would like to direct the Planning Commission to study the issue and make a recommendation whether to allow guest/caretaker's cottage in the R-14.5 zoning district and/or whether to change the rental regulations. Discussion followed.

ACTION:

Councilmember Bogen moved to direct the Planning Commission to study whether the Town should allow guest/caretaker's cottage in the R-14.5 zoning district and review the rental regulations for guest/caretaker's cottages, take public input, and then make a recommendation to Council. *Councilmember DeDonker* seconded the motion.

Councilmember Mitchell moved to amend the study items to include review of the regulations for hobby shops. *Councilmember DeDonker* seconded the amendment.

Councilmember Bogen withdrew his motion. The consensus of the Council was to get more information from staff and discuss the issue at a future meeting.

VIII - RESOLUTION 2021-428: REPEAL OF RESOLUTION 13-370B REGARDING SEWER SERVICES

Town Administrator Faison presented the resolution, explaining that the resolution would repeal the current 10-year notice to assume Olympic View Water & Sewer District's sewer service and facilities within the Town's limits, slated to take place in 2023. Mr. Faison clarified that approving the resolution would not limit the Town's ability to proceed with an assumption in the future, it would only reset the 10-year clock. Discussion followed.

ACTION:

Councilmember Mitchell moved to approve Resolution 2021-428: Repeal of Resolution 13-370B Regarding Sewer Services. *Councilmember Brock* seconded the motion. The motion passed unanimously.

IX - ORDINANCE 2021-629: SALARY SCHEDULE

Mayor Quinn introduced the ordinance and Town Administrator Faison reviewed the changes to the salary schedule. The adjustments in the ordinance were consistent with the amounts discussed at the June 2021 Council retreat. Mr. Faison reminded the Council that the Council sets the salary ranges for positions and the Mayor sets salaries for employees.

ACTION:

Councilmember Brock moved to approve Ordinance 2021-629: Salary Schedule. *Councilmember DeDonker* seconded the motion. The motion passed unanimously.

X - VACCINATION DISCUSSION

The Council discussed several items related to COVID vaccinations:

- Whether the Council would like to require staff or visitors to Town Hall to be vaccinated.
- The current mask mandate.
- The state and county regulations currently in place.
- The building's HVAC system and whether any changes need to be made to improve air circulation and filtration.
- Whether to send information to residents in the Mayor's e-newsletter.

The consensus of the Council was to follow the State's mask and vaccination regulations instead of having stricter requirements and ensure that the Town's website has updated links to state and county vaccine information.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

- *Councilmember Whitson* commented on a resident's request to sell park land. Discussion followed.

ADJOURNMENT

Councilmember Bogen moved to adjourn the meeting. *Councilmember DeDonker* seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Heidi K. S. Napolitano, Clerk-Treasurer

Michael S. Quinn, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)

Draft

**TOWN OF WOODWAY
COUNCIL MEETING MINUTES**

**TUESDAY, SEPTEMBER 7, 2021
6:00 P.M.**

Meeting held virtually due to current COVID restrictions

Members Present	<input checked="" type="checkbox"/> Mayor Mike Quinn	<input type="checkbox"/> Councilmember Brian Bogen
	<input type="checkbox"/> Councilmember Elizabeth Mitchell	<input checked="" type="checkbox"/> Councilmember Andrew DeDonker
	<input checked="" type="checkbox"/> Councilmember Tom Whitson	<input checked="" type="checkbox"/> Councilmember John Brock
Staff & Guests Present	<input checked="" type="checkbox"/> Town Administrator Eric Faison	<input checked="" type="checkbox"/> Clerk-Treasurer Heidi Napolitano
	<input type="checkbox"/> Building Official Tom Phillips	<input checked="" type="checkbox"/> Town Planner Bill Trimm
	<input type="checkbox"/> Police Chief Alan Correa	<input type="checkbox"/> Public Works Director Terry Bryant

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Mayor Quinn called the meeting to order at 6:00 p.m. Councilmembers Mitchell and Bogen had excused absences.

I - APPROVAL OF PAYMENTS – SEPTEMBER 7, 2021 CLAIMS

Councilmember DeDonker moved to approve the amended September 7, 2021 Claims Checks #13517 through 13539 and EFT #1234 totaling \$32,146.12. *Councilmember Whitson* seconded the motion. The motion passed unanimously.

I - APPROVAL OF PAYMENTS – AUGUST 2021 PAYROLL

Councilmember DeDonker moved to approve the August 2021 Payroll EFT Transactions #1179 through 1199 totaling \$63,658.68. *Councilmember Brock* seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS

None.

II - COUNCIL REPORTS

Councilmember Brock:

- Forwarded communication from the Town to My Edmonds News.

Councilmember DeDonker

- Congratulated Town staff and volunteers on a successful Town Fair.

III - MAYOR'S REPORT

- Commented on the success of the Town Fair; a wide variety of residents attended, and the Town honored four recent retirees.
- Two previously planned agenda items were moved to a future meeting to allow participation when all Councilmembers could attend: additional public lands and Wachusett Road crosswalk discussions.
- Noted the recent water leak that flooded the Town Hall electrical/server room. Staff triaged the leak, and the issue will be discussed more later in the meeting.

IV - TOWN ADMINISTRATOR'S REPORT

- The Town and a consultant were continuing to investigate the source of the groundwater that leaked into Town Hall.

V - PUBLIC HEARING: AMENDMENTS TO THE URBAN VILLAGE ZONE DISTRICT WMC 14.40

Mayor Quinn opened the public hearing at 6:19 pm. Town Planner Bill Trimm reviewed the recommendation of the Planning Commission relating to the amendments to the Urban Village Zone District WMC 14.40 and presented the staff report. The Planning Commission is recommending approval of three amendments:

- Allowing single-family construction without a development agreement;
- Mirroring the Snohomish County code's minimum density of four dwelling units per acre; and
- Adding a requirement from RCW35A.14.296 that the zoning remain constant for five years after annexation.

No member of the public present made comments. Mayor Quinn closed the public hearing at 6:28 pm.

VI - PROFESSIONAL SERVICES CONTRACT WITH LANDAU ASSOCIATES, INC. FOR ON-CALL GEOTECHNICAL ENGINEERING SERVICES

Town Administrator Faison shared that the Town had engaged Landau Associates to assist with the water leak emergency, related to the Mayor's emergency proclamation. Discussion followed.

ACTION:

Councilmember Brock moved to authorize the Mayor to engage Landau Associates, Inc. ("Engineer") for geotechnical services related to Town Hall emergency repairs and improvements and ratify and confirm the Mayor's prior authorization to perform such work, in a total amount not to exceed \$20,000. *Councilmember DeDonker* seconded the motion. The motion passed unanimously.

VII - ORDINANCE 2021-630: CONTRACT APPROVAL AUTHORIZATION

Town Administrator Faison presented Ordinance 2021-630: Contract Approval Authorization. It would authorize the Mayor to execute certain contracts without prior Council approval. Discussion followed.

ACTION:

Councilmember DeDonker moved to approve Ordinance 2021-630: Contract Approval Authorization. *Councilmember Whitson* seconded the motion. The motion passed unanimously.

VIII - EMERGENCY DECLARATION

Town Administrator Faison presented the Mayor's emergency proclamation related to the recent water leak that flooded the Town Hall electrical/server room. While the proclamation did not have a legal requirement of approval by the Council, the Council had traditionally ratified and confirmed emergency proclamations in Woodway.

ACTION:

Councilmember DeDonker moved to ratify and confirm the Mayor's emergency proclamation related to the recent water leak that flooded the Town Hall electrical/server room. *Councilmember Brock* seconded the motion. The motion passed unanimously.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

- Mayor Quinn noted that the City of Edmonds had hired a new Police Chief, Michelle Bennett.

ADJOURNMENT

Councilmember DeDonker moved to adjourn the meeting. *Councilmember Brock* seconded the motion. The motion passed unanimously. The meeting was adjourned at 6:58 p.m.

Respectfully Submitted,

APPROVED BY THE TOWN COUNCIL

Heidi K. S. Napolitano, Clerk-Treasurer

Michael S. Quinn, Mayor

(These minutes accurately reflect what was said at the Council Meeting. Publication does not vouch for the veracity of these statements.)

Town of Woodway
2022 Final Budget Financial Forecast
10/28/2021

Beginning Fund Balances	2019	2020	2021	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Operating Funds Beginning Balances	1,681,236	1,727,103	1,647,164	1,647,164	1,862,188	2,163,222	2,112,911	1,857,592	1,526,862	1,171,601	730,196	261,572	(299,398)	(891,818)

Operating Funds	2019	2020	2021 Budget	2021 Projected	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Revenues	2,013,183	2,124,552	1,881,256	2,429,775	2,402,635	2,119,437	1,946,817	1,967,109	1,987,942	2,009,302	2,031,179	2,053,565	2,076,455	2,099,848
Expenses	(1,967,315)	(2,204,491)	(1,992,100)	(2,214,751)	(2,101,601)	(2,169,748)	(2,202,136)	(2,297,838)	(2,343,203)	(2,450,708)	(2,499,802)	(2,614,535)	(2,668,874)	(2,791,150)
	45,868	(79,939)	(110,844)	215,024	301,034	(50,311)	(255,319)	(330,729)	(355,261)	(441,406)	(468,623)	(560,971)	(592,419)	(691,302)

*2020 Revenues & Expenses include \$169,737 of one-time transfers due to changes in the fund structure

Beginning Fund Balances	2019	2020	2021	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
301 - Capital Projects (REET) Fund	493,842	711,429	901,443	901,443	925,597	310,597	258,244	193,244	333,244	473,244	613,244	753,244	893,244	1,033,244

Town of Woodway | 2022 Final Budget Summary

<i>General Fund</i>	2021 Budget	2021 Proj. YE	2022 Proposed		
Beginning Fund Balance	1,605,933	1,605,933	1,801,479	2021	
Revenues	1,861,256	2,409,775	2,382,635	Difference in revenue:	548,519
Expenses	1,992,100	2,214,229	2,101,601	Difference in expenses:	222,129
Ending Fund Balance	1,475,089	1,801,479	2,082,513		
<i>Replacement Reserve Fund</i>	2021 Budget	2021 Proj. YE	2022 Proposed		
Beginning Fund Balance	41,232	41,232	60,709	2021	
Revenues	20,000	20,000	20,000	Difference in revenue:	-
Expenses	-	522	-	Difference in expenses:	522
Ending Fund Balance	61,232	60,709	80,709		
<i>Deposit Fund</i>	2021 Budget	2021 Proj. YE	2022 Proposed		
Beginning Fund Balance	-	-	-	2021	
Revenues	-	-	-	Difference in revenue:	-
Expenses	-	-	-	Difference in expenses:	-
Ending Fund Balance	-	-	-		
<i>Affordable Housing Sales Tax Fund</i>	2021 Budget	2021 Proj. YE	2022 Proposed		
Beginning Fund Balance	494	494	499	2021	
Revenues	1,700	1,705	1,700	Difference in revenue:	5
Expenses	1,700	1,700	1,700	Difference in expenses:	-
Ending Fund Balance	494	499	499		
<i>Capital Projects Fund (REET)</i>	2021 Budget	2021 Proj. YE	2022 Proposed		
Beginning Fund Balance	901,443	901,443	925,597	2021	
Revenues	120,000	400,000	200,000	Difference in revenue:	280,000
Expenses	245,000	375,846	815,000	Difference in expenses:	130,846
Ending Fund Balance	776,443	925,597	310,597		
<i>Stormwater Utility Fund</i>	2021 Budget	2021 Proj. YE	2022 Proposed		
Beginning Fund Balance	119,266	119,266	78,424	2021	
Revenues	80,000	84,165	80,000	Difference in revenue:	4,165
Expenses	136,134	125,007	155,063	Difference in expenses:	(11,127)
Ending Fund Balance	63,132	78,424	3,361		

Town of Woodway | 2022 Final Budget Revenues

	2019	Actual 2020	Actual 2021	Budget YTD 10/28	2021 Projected	2022 Proposed
General Fund	1,678,600	2,022,875	1,861,256	1,611,956	2,409,775	2,382,635
Transportation Fund	314,582	-	-	-	-	-
Replacement Reserve Fund	20,000	20,000	20,000	-	20,000	20,000
Deposit Fund	-	81,677	-	-	-	-
Affordable Housing Sales Tax Fund	-	494	1,700	1,705	1,705	1,700
Capital Projects Fund (REET)	347,102	258,515	120,000	398,615	400,000	200,000
Stormwater Utility Fund	85,840	95,967	80,000	84,165	84,165	80,000
Agency Fund	9,455	6,299	-	4,873	4,873	-
Grand Total	2,455,580	2,485,827	2,082,956	2,101,314	2,920,518	2,684,335

Notes

2020 includes \$60k in CARES funding; 2021 & 2022 include \$194k in ARPA funding each year

Conservative revenue projection because we only spend money in the bank

	2019	Actual 2020	Actual 2021	Budget YTD 10/28	2021 Projected	2022 Proposed
General Fund	1,678,600	2,022,875	1,861,256	1,611,956	2,409,775	2,382,635
General	1,539,357	1,744,532	1,674,742	1,437,703	1,919,680	1,921,609
Property Tax	906,648	1,115,915	1,142,110	712,188	1,142,110	1,167,090
Sales/Excise Taxes	235,681	228,198	191,130	222,001	240,329	219,970
Utility Taxes/Fees	183,458	187,378	290,845	264,624	292,656	293,529
Licenses/Other Permits/Fees	11,337	11,032	8,250	8,992	9,300	8,250
Intergovernmental Revenue	34,042	91,394	28,707	220,145	224,281	224,370
Interest	50,567	15,411	7,200	2,454	2,839	2,200
Fines	25,365	5,269	4,400	2,870	3,700	4,400
Other Revenue	8,652	1,875	2,100	4,430	4,465	1,800
Facility Rental	-	-	-	-	-	-
Interfund Loans & Transfers	83,607	88,060	-	-	-	-
Building & Planning	139,244	204,456	109,388	102,881	108,046	85,750
Development Permits/Fees	108,360	149,640	76,888	73,029	75,665	53,250
Development Permits/Fees - Reimbursements	30,197	54,816	32,500	29,853	32,381	32,500
Licenses/Other Permits/Fees	688	-	-	-	-	-
Public Works & Parks	-	73,737	77,126	65,942	376,619	375,276
Development Permits/Fees	-	10,645	6,300	5,772	6,300	3,675
Development Permits/Fees - Reimbursements	-	-	-	-	-	-
Licenses/Other Permits/Fees	-	-	250	50	50	50
Intergovernmental Revenue	-	26,708	30,708	20,252	30,708	28,366
Interfund Loans & Transfers	-	36,384	39,868	39,868	339,561	343,185
Public Safety	-	150	-	5,430	5,430	-
Intergovernmental Revenue	-	-	-	5,430	5,430	-
Other Revenue	-	150	-	-	-	-

Notes

Includes sales tax on building materials and items delivered to Woodway

2021 includes new franchise fees and utility taxes of \$63k

2020 includes \$60k in CARES funding; 2021 & 2022 include \$194k in ARPA funding each year

Includes annual transfers from Stormwater Fund for stormwater work performed by Public Works; includes transfers from REET per RCW 82.46 (\$270k in 2021; \$287k in 2022)

Town of Woodway | 2022 Final Budget Revenues

	2019 Actual	2020 Actual	2021 Budget YTD 10/28	2021 Projected	2022 Proposed
Transportation Fund	314,582	-	-	-	-
Public Works & Parks	314,582	-	-	-	-
Property Tax	226,662	-	-	-	-
Development Permits/Fees	7,518	-	-	-	-
Licenses/Other Permits/Fees	400	-	-	-	-
Intergovernmental Revenue	46,763	-	-	-	-
Other Revenue	-	-	-	-	-
Interfund Loans & Transfers	33,239	-	-	-	-
Replacement Reserve Fund	20,000	20,000	20,000	20,000	20,000
General	20,000	20,000	20,000	20,000	20,000
Property Tax	20,000	20,000	20,000	20,000	20,000
Deposit Fund	-	81,677	-	-	-
General	-	81,677	-	-	-
Facility Rental	-	-	-	-	-
Interfund Loans & Transfers	-	81,677	-	-	-
Affordable Housing Sales Tax Fund	-	494	1,700	1,705	1,700
General	-	494	1,700	1,705	1,700
Sales/Excise Taxes	-	494	1,700	1,705	1,700
Capital Projects Fund (REET)	347,102	258,515	120,000	398,615	200,000
General	319,402	258,515	120,000	398,615	200,000
REET	276,240	258,515	120,000	398,615	200,000
Utility Taxes/Fees	-	-	-	-	-
Interest	-	-	-	-	-
Interfund Loans & Transfers	43,162	-	-	-	-
Public Works & Parks	27,700	-	-	-	-
Intergovernmental Revenue	27,700	-	-	-	-
Stormwater Utility Fund	85,840	95,967	80,000	84,165	80,000
Public Works & Parks	85,840	95,967	80,000	84,165	80,000
Utility Taxes/Fees	85,840	83,962	80,000	83,430	80,000
Fines	-	60	-	735	-
Other Revenue	-	11,945	-	-	-
Interfund Loans & Transfers	-	-	-	-	-
Agency Fund	9,455	6,299	-	4,873	-
General	9,273	6,071	-	4,762	-
Sales/Excise Taxes	-	-	-	3	-
Intergovernmental Revenue	-	-	-	-	-
Fines	9,273	6,071	-	3,577	-
Other Revenue	-	-	-	1,183	-
Building & Planning	182	228	-	111	-
Development Permits/Fees	182	228	-	111	-
Grand Total	2,455,580	2,485,827	2,082,956	2,920,518	2,684,335

Notes

All items for the transportation fund were rolled into the General Fund per 2020 ord.

Woodway Pointe development deposit (refunded in 2020)

Revised revenue projection to \$200k/yr. We only spend money in the bank.

2020 included one-time capital facilities charges for new homes

Town of Woodway | 2022 Final Budget Expenses

	2019	Actual 2020	Actual 2021	Budget YTD 10/28	2021 Projected	2022	Proposed	Notes
General Fund	1,525,754	2,023,811	1,992,100	1,834,231	2,214,229	2,101,601		2021 projected includes \$51K in ARPA expenses (police salaries, tree removal & temp PW staff) and \$270k in REET expenses (PW staff, tree removal, bridge and Town Hall). 2022 includes \$128k in ARPA expenses (police salaries & temp PW staff) and \$287k in REET expenses (PW staff, tree removal and Town Hall).
Transportation Fund	393,630	88,060	-	-	-	-		
Replacement Reserve Fund	47,932	10,943	-	522	522	-		
Deposit Fund	-	81,677	-	-	-	-		
Affordable Housing Sales Tax Fund	-	-	1,700	-	1,700	1,700		
Capital Projects Fund (REET)	129,516	68,501	245,000	36,463	375,846	815,000		2022 includes \$450k in road overlays & \$287k transfer to General Fund
Stormwater Utility Fund	47,762	64,900	136,134	121,355	125,007	155,063		2022 includes \$45k for Stormwater Comp Plan Update. Remaining \$55k will be in 2023.
Agency Fund	136,225	6,299	-	2,609	2,609	-		
Grand Total	2,280,818	2,344,191	2,374,934	1,995,180	2,719,913	3,073,364		

	2019	Actual 2020	Actual 2021	Budget YTD 10/28	2021 Projected	2022	Proposed	Notes
General Fund	1,525,754	2,023,811	1,992,100	1,834,231	2,214,229	2,101,601		
General	453,131	497,034	457,597	311,346	459,762	451,690		
Salaries & Benefits	191,036	209,953	214,916	169,704	215,894	228,494		Includes 1.5 FTE (Town Administrator & Clerk-Treasurer) and all of staff's retention bonus amount
Operating Expenses	34,703	43,176	56,934	37,400	51,642	57,448		2020 Actual & 2021 Projected had lower than expected training/travel expenses due to COVID
Utilities	23,017	23,655	25,478	19,239	26,791	26,243		
Insurance	10,901	10,767	18,648	18,730	18,730	22,902		2022 includes increased charges following insurance audit of asset valuations
Governmental Services	27,198	9,352	32,520	24,457	36,750	9,740		2021 includes State Auditor costs, which is an every-other-year expense
Supplies	4,627	6,788	5,550	3,295	3,000	4,700		
New Equipment	5,751	6,019	4,500	4,814	5,905	4,500		
Equipment Maintenance	1,832	1,654	1,800	823	1,800	1,800		
Contract/Prof. Services - Legal	93,076	50,952	35,000	27,998	37,000	35,000		All legal expense. 2021 includes \$18k in Pt. Wells related litigation and advice. 2022 includes \$15k.
Contract/Prof. Services - Other	-	-	-	-	-	-		
Fairs & Events	6,149	-	5,610	4,587	5,610	5,722		Mayor will work to cover 1/2 of the Town Fair costs with donations
Debt Service	54,741	53,041	56,641	300	56,641	55,141		
Facility Rental	100	-	-	-	-	-		
Interfund Loans & Transfers	-	81,677	-	-	-	-		
Building & Planning	170,244	240,893	194,950	166,515	235,919	232,985		
Salaries & Benefits	95,299	108,514	128,015	97,894	136,257	162,950		Includes 1.5 FTE (Dep. Clerk/Permit Tech, Building Official, & Building Inspector); 2021 includes Dep. Clerk/Permit Tech overlap due to retirement; 2022 includes full-time Dep. Clerk/Permit Tech
Operating Expenses	632	305	1,435	911	1,735	1,935		
Supplies	-	-	-	-	-	100		
Contract Services - Fire & BLS	3,135	1,119	500	-	3,500	500		

Town of Woodway | 2022 Final Budget Expenses

	2019	Actual 2020	Actual 2021	Budget YTD 10/28	2021 Projected	2022	Proposed	Notes
Contract/Prof. Services - Other	49,089	74,663	35,000	35,777	58,790	35,000		Includes engineering, planning, and hearing examiner costs. 2020 includes updates to tree and clearing & grading codes
Contract/Prof. Services - Other - Reimbursible	22,090	56,292	30,000	31,932	35,637	32,500		
Public Works & Parks	31,730	395,447	418,252	469,276	602,486	464,021		
Salaries & Benefits	-	289,041	294,088	279,734	330,841	336,449		Includes 3 FTE (Public Works Director, 2 Crew Members) and ARPA funded summer help (two in 2021 and one in 2022)
Operating Expenses	-	443	3,550	1,084	1,594	2,550		
Insurance	-	12,270	13,569	13,630	13,630	15,151		
Supplies	-	3,329	1,530	1,549	2,000	1,550		
Fuel & Oil	-	3,353	4,000	4,910	4,910	4,700		Reflects increased fuel costs
New Equipment	-	1,534	2,500	3,181	4,000	3,000		
Equipment Maintenance	-	2,739	7,000	2,925	5,500	4,500		
Vehicle Maintenance	-	3,953	2,500	1,305	2,500	2,520		
Facility Management	30,241	31,249	50,465	89,110	162,483	53,301		2021 includes \$60k for bridge inspection & \$45k for Town Hall leak expenses; 2022 includes \$5k for Town Hall french drain & \$12k for exterior painting (which was rolled over from 2021). All funded from REET.
Contract/Prof. Services - Other	1,489	47,536	39,050	71,849	75,028	40,300		2021 includes tree removal -- \$48k from ARPA and \$23k from REET
Public Safety	870,648	890,437	921,301	887,095	916,062	952,905		
Salaries & Benefits	85,219	91,821	93,570	71,895	90,815	98,698		Includes 0.75 FTE (6 part-time employees - Police Chief, 4 officers, police records clerk). Recalculated Police Chief salary. ARPA funded: \$53k in 2021 and all 2022 compensation.
Operating Expenses	905	267	2,500	77	1,050	2,000		
Utilities	440	480	515	400	515	530		
Insurance	7,134	7,047	7,810	7,865	7,865	9,340		
Supplies	548	270	1,350	330	1,350	1,350		
Fuel & Oil	1,221	996	1,575	851	1,000	1,200		
New Equipment	-	-	1,030	-	1,030	1,061		
Equipment Maintenance	155	154	258	-	258	266		
Vehicle Maintenance	541	229	1,250	1,980	2,000	1,250		Includes slightly higher patrol car maintenance
Facility Management	-	-	420	210	420	441		
Contract Services - Fire & BLS	542,652	558,931	575,704	575,699	575,699	592,975		3% annual increase
Contract Services - Police/Dispatch	225,688	228,338	233,356	226,480	232,097	241,772		3% annual increase
Contract/Prof. Services - Other	1,701	1,904	1,963	1,308	1,963	2,022		
Debt Service	4,445	-	-	-	-	-		
Transportation Fund	393,630	88,060	-	-	-	-		All items for the transportation fund were rolled into the General Fund per 2020 ordinance
Public Works & Parks	393,630	88,060	-	-	-	-		
Salaries & Benefits	262,239	-	-	-	-	-		
Operating Expenses	491	-	-	-	-	-		
Insurance	10,869	-	-	-	-	-		
Supplies	829	-	-	-	-	-		
Fuel & Oil	3,770	-	-	-	-	-		

Town of Woodway | 2022 Final Budget Expenses

	2019	Actual 2020	Actual 2021	Budget YTD 10/28	2021 Projected	2022	Proposed	Notes
New Equipment	2,947	-	-	-	-	-	-	
Equipment Maintenance	20,032	-	-	-	-	-	-	
Vehicle Maintenance	1,038	-	-	-	-	-	-	
Facility Management	57,039	-	-	-	-	-	-	
Contract/Prof. Services - Other	34,376	-	-	-	-	-	-	
Interfund Loans & Transfers	-	88,060	-	-	-	-	-	
Replacement Reserve Fund	47,932	10,943	-	522	522	-	-	
Public Works & Parks	47,932	10,943	-	522	522	-	-	
New Equipment	-	10,943	-	522	522	-	-	
New Vehicle	47,932	-	-	-	-	-	-	
Deposit Fund	-	81,677	-	-	-	-	-	
General	-	-	-	-	-	-	-	
Facility Rental	-	-	-	-	-	-	-	
Building & Planning	-	81,677	-	-	-	-	-	Woodway Pointe development deposit refunded in 2020
Other Expenses	-	81,677	-	-	-	-	-	
Affordable Housing Sales Tax Fund	-	-	1,700	-	1,700	1,700	1,700	
General	-	-	1,700	-	1,700	1,700	1,700	
Operating Expenses	-	-	1,700	-	1,700	1,700	1,700	
Capital Projects Fund (REET)	129,516	68,501	245,000	36,463	375,846	815,000	815,000	
General	60,000	60,000	60,000	20,671	60,000	60,000	60,000	
Capital Projects	-	-	-	-	-	-	-	
Debt Service	60,000	60,000	60,000	20,671	60,000	60,000	60,000	Town Hall bond payments
Interfund Loans & Transfers	-	-	-	-	-	-	-	
Public Works & Parks	69,515	8,501	185,000	15,792	315,846	755,000	755,000	
Capital Projects - Grants	51,600	8,501	-	-	-	-	-	
Facility Management	5,992	-	-	1,246	1,246	-	-	
Capital Projects	11,923	-	185,000	14,546	14,600	455,000	455,000	Road overlays
Interest	-	-	-	-	-	-	-	
Interfund Loans & Transfers	-	-	-	-	300,000	300,000	300,000	REET transfer to the General Fund each year pursuant to new temporary provisions in RCW 82.46
Stormwater Utility Fund	47,762	64,900	136,134	121,355	125,007	155,063	155,063	
Public Works & Parks	47,762	64,900	136,134	121,355	125,007	155,063	155,063	
Operating Expenses	2,833	2,722	4,700	3,615	4,700	4,796	4,796	
Governmental Services	-	-	5,100	4,049	5,100	5,100	5,100	Utility tax remittance
Supplies	525	647	966	683	850	982	982	
Facility Management	10,133	3,879	8,500	9,345	10,000	10,000	10,000	
Contract/Prof. Services - Other	1,032	-	22,000	-	1,000	46,000	46,000	The original stormwater comprehensive plan was created in 2006; 2022 includes Phase I of the Stormwater Comprehensive Plan update. Phase II will be in 2023
Other Expenses	-	-	-	-	-	-	-	
Capital Projects	-	21,268	55,000	63,796	63,796	45,000	45,000	This is the remainder of the Twin Maples and Kulshan Road stormwater projects
Interfund Loans & Transfers	33,239	36,384	39,868	39,868	39,561	43,185	43,185	Annual transfer to general fund for Public Works stormwater work

Town of Woodway | 2022 Final Budget Expenses

	2019	Actual	2020	Actual	2021	Budget	YTD 10/28	2021	Projected	2022	Proposed	Notes
Agency Fund	136,225		6,299		-		2,609	2,609		-		
General	136,043		6,071		-		2,550	2,550		-		
Governmental Services	9,273		6,071		-		2,550	2,550		-		
Other Expenses	-		-		-		-	-		-		
Interfund Loans & Transfers	126,769		-		-		-	-		-		
Building & Planning	182		227		-		59	59		-		
Governmental Services	182		227		-		59	59		-		
Contract Services - Fire & BLS	-		-		-		-	-		-		
Grand Total	2,280,818		2,344,191		2,374,934		1,995,180	2,719,913		3,073,364		



ASPHALT VS CHIP SEAL

BENEFITS AND DISADVANTAGES

Asphalt

Benefits:

- Minimal noise
- Durable with a life span of 20+ years
- Energy-efficient -reduces friction between tire and car, which in turn means better fuel economy and a reduction of carbon dioxide emission
- Safer than most pavement options- asphalt gets a smoother and more skid-resistant surface making asphalt a safer option
- Reduced wear and tear on vehicles and tires

Disadvantages:

- More expensive to install compared to bitumen
- Requires a well-prepared surface before paving is done
- Extreme hot temperatures can affect the asphalt negatively and make it go soft

Chip Seal (Bitumen)

Benefits:

- Cheap to install compared to asphalt (15 to 20% less than asphalt)
- Can be recycled instead of going to landfill

Disadvantages:

- The loose rocks on bitumen pavements make the driving experience noisier and wear down tires
- Less durable, 5 to 10 years depending on traffic
- Extreme weather and improper weather conditions tend to make bituminous pavement slick and soft
- Can cause pollution to soil and groundwater
- Susceptible to weather damage, more susceptible to snow, and ice
- Loose gravel leads to windshield damage

Heidi K. S. Napolitino

From: bkrepick@sbcglobal.net
Sent: Tuesday, October 19, 2021 5:33 PM
To: Andrew DeDonker; Brian Bogen; Elizabeth Mitchell; Eric Faison; Heidi K. S. Napolitino; John Brock; Mike Quinn; Tom Whitson; Jan Ostlund; John Zevenbergen; Laura Murphy; Lisa Marquart; Per Odegaard; Rajeev Thakur; Teresa Pape
Subject: PUBLIC COMMENT: more confirmation of Point Wells' Annexation financial risk to Woodway
Attachments: 31_BSRE Reply.PDF

Date: October 19, 2021

To: Mayor Quinn; Woodway Council; Woodway Planning Commission; Eric Faison; Heidi Napolitino

bcc: Interested Woodway residents

From: Bill Krepick

Subj: PUBLIC COMMENT: more confirmation of Point Wells' Annexation financial risk to Woodway

If any of you think that I am crying 'wolf' about the extreme financial risk that the Town faces if it moves forward with unilateral Annexation of Point Wells, just consider the legal threat that the Town recently received from BSRE's lawyers concerning the Town's revised Urban Village single family residential zoning changes (contingent on annexation). Combine that with BSRE's repetitive costly Hearing actions and Court appeals, and its history of not reimbursing Snohomish County for over \$750,000 in professional, technical, and legal fees, and you should see the handwriting on the wall. Point Wells is not a growth opportunity for Woodway. It is a money pit of monstrous proportions.

The attached Court Reply Brief is yet another example of BSRE's outrageous and infinite legal budget conduct. To add insult to injury, they ask the Court to award reasonable costs and attorneys' fees to BSRE! Fingers crossed that the Court will support Snohomish County's decision to terminate the project and force a restart.

I hope you will take all of this into account as you debate whether to annex Point Wells by June 2023. Given all the potential financial and lifestyle/ambience risk to Woodway taxpayers, it seems to me that the prudent decision on annexation is to confirm the Interlocal Agreement with Shoreline and Snohomish County (which limits the size and scope of any Point Wells development) and walk away from annexation. Let the others take on the risks.

Please acknowledge this email by entering my public comments into the Town website under a tab "Resident Input" and please post any responses to it as FAQs. I have asked for this action because 90% of Woodway residents want to see this type of resident input on the Town website.

Thank you

Bill Krepick

8-year Woodway resident

Attached: Reply Brief from BSRE point Wells LLP - .pdf file

Reply Brief summary:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

BSRE POINT WELLS, LP, a Delaware limited partnership,
Petitioner,

v.

SNOHOMISH COUNTY,
Respondent,
v.
CITY OF SHORELINE, a Washington
municipal corporation,
Intervenor.

NO. 21-2-05508-3 SEA
REPLY BRIEF OF PETITIONER
BSRE POINT WELLS, LP
I. INTRODUCTION

Respondent Snohomish County (the “County”) and Intervenor City of Shoreline (“Shoreline”) have failed to demonstrate why the Court should affirm the County Council’s decision (the “County Council Decision”) upholding the Hearing Examiner’s Decision on Remand Denying Land Use Applications Without Environmental Impact Statement (the “Decision”). The County and Shoreline rely on overly broad interpretations of the Snohomish County Code (“SCC”) regarding height setbacks and additional building height that conflict with the plain language of the SCC. The County also relies on skewed data from its consultant to argue that BSRE failed to satisfy the requirements for a landslide hazard deviation. The County incorrectly argues that this Court cannot find that an SCC is invalid, even though it conflicts with state law. The County also argues that BSRE’s request for an extension is moot while ignoring that BSRE will necessarily require an extension if the Court reverses the Decision. The County has also failed to refute the substantial evidence of its bad faith. For these reasons, and the reasons described in BSRE’s opening brief, BSRE respectfully requests that the Court reverse the Decision and County Council Decision and (1) deny the County’s request to deny BSRE’s applications without an environmental impact statement; (2) grant BSRE’s request for an extension or determine that the termination date is December 2022; (3) find that the County acted in bad faith in violation of the King County Superior Court Order from June of 2019; (4) find that SCC 30.61.220 violates state law; (5) reverse all Findings of Fact, Conclusions of Law, or rulings which relate to any of the above issues or, in the alternative, remand the Hearing Examiner’s Decision with instructions for the Hearing Examiner to revise the challenged Findings and Conclusions as set forth herein; and (6) enter such other relief as the Court deems just and equitable, including but not limited to the award of reasonable costs and attorneys’ fees to BSRE.

HON. JOSEPHINE WIGGS-MARTIN

Hearing Date: November 5, 2021

Hearing Time: 9:00 am

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

BSRE POINT WELLS, LP, a Delaware limited)
partnership,

Petitioner,

v.

SNOHOMISH COUNTY,

Respondent,

v.

CITY OF SHORELINE, a Washington
municipal corporation,

Intervenor.

) NO. 21-2-05508-3 SEA

) REPLY BRIEF OF PETITIONER

) BSRE POINT WELLS, LP

I. INTRODUCTION

Respondent Snohomish County (the “County”) and Intervenor City of Shoreline (“Shoreline”) have failed to demonstrate why the Court should affirm the County Council’s decision (the “County Council Decision”) upholding the Hearing Examiner’s Decision on Remand Denying Land Use Applications Without Environmental Impact Statement (the “Decision”). The County and Shoreline rely on overly broad interpretations of the Snohomish

1 County Code (“SCC”) regarding height setbacks and additional building height that conflict
2 with the plain language of the SCC. The County also relies on skewed data from its consultant
3 to argue that BSRE failed to satisfy the requirements for a landslide hazard deviation. The
4 County incorrectly argues that this Court cannot find that an SCC is invalid, even though it
5 conflicts with state law. The County also argues that BSRE’s request for an extension is moot
6 while ignoring that BSRE will necessarily require an extension if the Court reverses the
7 Decision. The County has also failed to refute the substantial evidence of its bad faith.

8 For these reasons, and the reasons described in BSRE’s opening brief, BSRE
9 respectfully requests that the Court reverse the Decision and County Council Decision and
10 (1) deny the County’s request to deny BSRE’s applications without an environmental impact
11 statement; (2) grant BSRE’s request for an extension or determine that the termination date is
12 December 2022; (3) find that the County acted in bad faith in violation of the King County
13 Superior Court Order from June of 2019; (4) find that SCC 30.61.220 violates state law;
14 (5) reverse all Findings of Fact, Conclusions of Law, or rulings which relate to any of the above
15 issues or, in the alternative, remand the Hearing Examiner’s Decision with instructions for the
16 Hearing Examiner to revise the challenged Findings and Conclusions as set forth herein; and
17 (6) enter such other relief as the Court deems just and equitable, including but not limited to the
18 award of reasonable costs and attorneys’ fees to BSRE.

19 II. ARGUMENTS

20 A. Reasonable Doubt Standard.

21 The County argues that BSRE must prevail on every issue raised in its petition or its
22 appeal fails. However, this is not true and is simply an attempt by the County to shift the parties’
23 burdens. SCC 30.61.220 specifically states that, where there is “reasonable doubt that the

1 grounds for denial are sufficient,” the hearing examiner must remand the application for
2 processing. Here, BSRE only has to show reasonable doubt exists on the issues of the
3 applicability of the height setback, the access to high capacity transit for, and desirability or
4 necessity of, additional height, and the availability of the landslide hazard area deviation. As a
5 bonus, BSRE has also shown that the County acted in bad faith, that it is entitled to an extension
6 of the application termination date, and that SCC 30.61.220 violates state law, but those points
7 are not necessary for this matter to be remanded and the County to be directed to continue
8 processing BSRE’s land use applications in good faith. It is enough that BSRE has met its
9 burden by showing reasonable doubt exists for each of the other identified issues.

10 The County, on the other hand, has the burden of proving that each of the alleged issues
11 identified by the County substantially conflicts with the Snohomish County Code *beyond a*
12 *reasonable doubt*. SCC 30.61.220 (emphasis added). The reasonable doubt standard is most
13 often used in the criminal context, where it is described as: “A reasonable doubt is one for which
14 a reason exists and may arise from the evidence or lack of evidence. It is such doubt as would
15 exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the
16 evidence or lack of evidence.” WPIC 4.01. The Court should reverse the Decision and the
17 County Council Decision because the County failed to satisfy its burden of proof on each of the
18 identified issues.

19 **B. The County’s Expansive Interpretation of the Height Setback**
20 **Requirements Contradict the Code’s Plain Language.**

21 The County argues that the Hearing Examiner and County Council correctly decided
22 that BSRE’s site plan did not satisfy the height setback requirement because the adjacent
23 property, which was annexed by the City of Woodway, was zoned as “low density urban

1 residential.” In making this argument, the County urges the Court to ignore the plain language
2 of SCC 30.34A.040(2)(a). The pertinent language from the version of SCC 30.34A.040(2)(a)
3 at issue states, “Buildings or portions of buildings that are located within 180 feet of adjacent
4 R-9600, R-8400, R-7200, T or LDMR zoning must be scaled down and limited in building
5 height” The County effectively asks the Court to impute additional language in the list of
6 zonings to include something to the effect of, “or other low density urban residential zoning.”
7 Because the plain language of SCC 30.34A.040(2)(a) clearly does not include anything to this
8 effect, such an addition is impermissible.

9 “If a statute is clear on its face, its meaning is to be derived from the language of the
10 statute alone.” *Cerrillo v. Esparza*, 158 Wn.2d 194, 201, 142 P.3d 155 (2006) (quoting *Kilian*
11 *v. Atkinson*, 147 Wn.2d 16, 20, 50 P.3d 638 (2002)). “If a statute is ambiguous, [courts] employ
12 tools of statutory construction to ascertain its meaning.” *Id.* “A statute is ambiguous if it is
13 ‘susceptible to two or more reasonable interpretations,’ but ‘a statute is not ambiguous merely
14 because different interpretations are conceivable.’” *Id.* (quoting *Agrilink Foods, Inc. v. Dep’t*
15 *of Revenue*, 153 Wn.2d 392, 396, 103 P.3d 1226 (2005)).

16 Courts do not “subject an unambiguous statute to statutory construction” and must
17 decline “to add language to an unambiguous statute even if [the court] believes the Legislature
18 intended something else but did not adequately express it.” *Id.* (quoting *Kilian*). “Courts may
19 not read into a statute matters that are not in it and may not create legislation under the guise of
20 interpreting a statute.” *Id.* (quoting *Kilian*, 147 Wn.2d at 21).

21 “‘Resort to aids to construction,’ such as legislative history, is appropriate only after a
22 determination that a statute is ambiguous.” *Id.* at 202 (quoting *Dep’t of Ecology v. Campbell*
23 *& Gwinn, L.L.C.*, 146 Wn.2d 1, 12, 43 P.3d 4 (2002)). A statute is not ambiguous if it is only

1 susceptible to more than one interpretation by “the importation of additional language into the
2 statute.” *Id.* at 203. For a statute to be ambiguous, two reasonable interpretations must arise
3 from the language of the statute itself, not from considerations outside the statute. *Id.* at 204.

4 Here, SCC 30.34A.040(2)(a) includes a finite list of zonings that require a height limit
5 or setback. The County cannot expand the scope of SCC 30.34A.040(2)(a) by reference to
6 extraneous materials. BSRE’s site plan is inarguably compliant with the expressly stated
7 requirements of SCC 30.34A.040(2)(a). As such, the Hearing Examiner and County Council’s
8 findings and conclusions to the contrary should be reversed. The County failed to satisfy its
9 burden of showing, beyond a reasonable doubt, that BSRE’s building heights in the Upper Plaza
10 constitute a substantial conflict with the SCC.

11 **C. The County and City’s Interpretation of the High Capacity Transit**
12 **Requirement is Also Unsupported by the Text of the Code.**

13 Both the County and Shoreline argue that the Hearing Examiner and County Council
14 correctly determined that proximity to high capacity transit without access is insufficient to
15 satisfy SCC 30.34A.040(1). These arguments rely on an expansive interpretation of
16 SCC 30.34A.040(1) that go far beyond the text of the ordinance. Because the text of
17 SCC 30.34A.040(1) is clear on its face, the County and Shoreline’s expansive interpretations
18 are incorrect as a matter of law. Under the plain language of SCC 30.34A.040(1), proximity
19 alone is sufficient.

20 The pertinent language of the version of SCC 30.34A.040(1) at issue reads as follows:
21 “A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180
22 when the additional height is documented to be necessary or desirable when the project is
23 located near a high capacity transit route or station ...” (emphasis added). This language could

1 not make it clearer that proximity to a high capacity transit route is sufficient. If the drafters
2 had wanted to restrict additional height to buildings located near a high capacity station only,
3 they could have left out the word “route” or rewritten it as “route and station.” Instead, the
4 drafters chose “or,” indicating that proximity to a high capacity transit route alone is sufficient.

5 Under *Cerrillo, supra*, the Hearing Examiner and County Council should have
6 considered only the text of SCC 30.34A.040(1) when determining whether BSRE was in
7 compliance. *Cerrillo v. Esparza*, 158 Wn.2d 194, 201–04, 142 P.3d 155 (2006). Because the
8 plain language of SCC 30.34A.040(1) unambiguously states that proximity to a high capacity
9 transit route is sufficient, any further interpretation was unnecessary and improper. The County
10 does not dispute that BSRE’s plans satisfied the proximity requirement of SCC 30.34A.040(1);
11 therefore, BSRE should be found to have complied with SCC 30.34A.040(1), and any findings
12 or conclusions to the contrary should be reversed. The County failed to satisfy its burden to
13 show, beyond a reasonable doubt, that the inclusion of buildings up to 180 feet tall constituted
14 a substantial conflict with the SCC.

15 The County and Shoreline both also argue that BSRE needed to obtain a firm
16 commitment from Sound Transit to build a station at Point Wells. But Sound Transit is unlikely
17 to ever give a “firm commitment” to building a station this early in the planning process.
18 Instead, Sound Transit will likely wait until the Point Wells site is built and people move there
19 to determine whether a station is warranted and, if so, which types of transportation should go
20 there. This is a more logical progression that also further explains why SCC 30.34A.040(1)
21 allows proximity to a station *or* route. No new station would be built at a new urban center
22 development until a sufficient population lived there to justify such a stop. This is exactly why
23 the language of SCC 30.34A.040(2)(a) allows for proximity to a high capacity transit route – it

1 allows for a station to be built at a later date once there is sufficient ridership. This same logic
2 also applies to BSRE's proposal for a water taxi.

3 **D. Extra Building Height is Necessary to Meet the FAR Requirements.**

4 As noted above, SCC 30.34A.040(1) states that a building height increase may be
5 approved when the additional height is documented to be necessary or desirable.
6 SCC 30.34A.040(1) does not define "necessary or desirable" or indicate from whose
7 perspective the additional height must be necessary or desirable. The additional height is
8 desirable to BSRE, which is sufficient under SCC 30.34A.040(1).

9 BSRE also satisfied the "necessary" requirement of SCC 30.34A.040(1) by
10 demonstrating that additional building height was necessary to meet the required Floor Area
11 Ratio (FAR). The County argues that this assertion is not factually accurate, citing its own
12 third-party architectural consultant. The County does not dispute, however, that it prevented
13 its consultant from calculating the FAR of BSRE's actual site plan or that it precluded the
14 consultant from working with BSRE or asking BSRE for clarification. PW_025888-91. These
15 contorted calculations cannot be used to impeach BSRE's determination of the necessity of
16 additional height. The County's failure to allow its own consultants to accurately assess the
17 FAR and discuss the calculations with BSRE creates reasonable doubt on the County's assertion
18 that the additional height was not necessary or desirable. Because additional height was
19 necessary for BSRE to meet the FAR requirement and because the additional height was
20 certainly desirable to BSRE, BSRE has satisfied all requirements of SCC 30.34A.040(1). The
21 County has failed to satisfy its burden of showing, beyond a reasonable doubt, that the
22 additional height is a substantial conflict with the SCC where BSRE has demonstrated that it is
23

1 both necessary and desirable and that the property is located adjacent to a high capacity transit
2 route.

3 **E. BSRE Satisfied the Landslide Hazard Deviation Requirements.**

4 The Hearing Examiner and County Council erred by finding that BSRE did not satisfy
5 the requirements for a landslide hazard deviation. The pertinent language from the version of
6 SCC 30.62B.340 at issue states:

7 Deviations from setbacks may be allowed when the applicant
8 demonstrates that the following conditions are met: (i) there is no
9 alternate location for the structure on the subject property; and (ii) a
10 geotechnical report demonstrates that: (A) the alternate setbacks
provide protection which is equal to that provided by the standard
minimum setbacks; and (B) the proposal meets the requirements of
SCC 30.62B.320.

11 SCC 30.62B.340(2)(b). BSRE satisfied each part of SCC 30.62B.340(2)(b), so it should have
12 been granted a deviation.

13 BSRE did in fact demonstrate that there was no alternate location for the buildings to
14 be constructed. BSRE presented evidence that development in the landslide hazard area was
15 the only way to meet the FAR requirement. PW_026187, 026196–97; Exhibit V-19; Exhibit
16 Z-8; Exhibit Z-9. The County once again relied on its own consultant’s skewed FAR
17 calculations to refute BSRE’s evidence, and the Hearing Examiner and County Council
18 accepted the County’s data unquestioningly. This certainly creates reasonable doubt on the
19 County’s allegations and, therefore, the County has failed to meet its burden of proof under
20 SCC 30.61.220.

21 BSRE also demonstrated that its plan satisfied the necessary Factors of Safety.
22 PW_026289-91, 026349. The County takes issue with the fact that BSRE’s expert recalculated
23 a compliant safety factor after having previously calculated a noncompliant safety factor. But

1 as Mr. Bingham explained, the differences between his two calculations were still within all
2 applicable guidelines, just based on different (but equally permissible) assumptions. The
3 County failed to provide any evidence to contradict Mr. Bingham's calculations.

4 The County's own witness, Mr. Sleight, testified that his typical procedure is to meet
5 with developers to discuss a deviation request. Exhibit T-5, PW_022629. It is undisputed that
6 the County did not follow this same procedure with BSRE, despite BSRE's request for such a
7 meeting, and instead denied the deviation request outright. This is just one piece of a larger
8 pattern of the County's failure to deal with BSRE in good faith and failure to follow its own
9 procedures. Had Mr. Sleight met with Mr. Bingham prior to the County attempting to deny
10 BSRE's land use applications, Mr. Sleight may have better understood the change in the factors
11 of safety calculation.

12 Finally, the County argues that because the landslide hazard deviation is discretionary,
13 it was under no obligation to grant one to BSRE—regardless of whether BSRE had satisfied
14 the requirements under SCC 30.62B.340. But discretion to take an action does not give a party
15 *carte blanche*. The court—or in this case, the County—abuses its discretion “when its decision
16 is manifestly unreasonable or is exercised on untenable grounds or for untenable reasons.” *See*,
17 *e.g., Tatham v. Rogers*, 170 Wn. App. 76, 87, 283 P.3d 583 (2012). Denying BSRE's deviation
18 request out of spite, after BSRE demonstrated its compliance with SCC 30.62B.340, is by
19 definition unreasonable and based on untenable grounds. This is especially true where the
20 County was ordered to process BSRE's land use applications in good faith by the Superior
21 Court. Where the County has laid out specific criteria for a deviation and then denies such a
22 deviation request, the denial is an abuse of discretion and further demonstrates the County's
23 bad faith in processing BSRE's land use applications. Because the County—and by extension,

1 the Hearing Examiner and County Council—abused its discretion in denying BSRE’s deviation
2 request, the findings and conclusions on this issue should be reversed.¹

3 **F. This Court Can Find That SCC 30.61.220 Violates State Law.**

4 The County incorrectly argues that BSRE cannot challenge the validity of
5 SCC 30.61.220 because it is not listed as relief available under Chapter 36.70C RCW. The
6 County (once again) ignores the plain language of the applicable statute, here
7 RCW 36.70C.140. This statute states:

8 The court may affirm or reverse the land use decision under review
9 or remand it for modification or further proceedings. If the decision
10 is remanded for modification or further proceedings, the court may
11 *make such an order as it finds necessary to preserve the interests of*
12 *the parties and the public, pending further proceedings or action by*
13 *the local jurisdiction.*

14 (emphasis added). This express language confirms that the Court can do more than just “affirm,
15 reverse, or remand.”

16 While the Hearing Examiner and County Council may not have been able to find that
17 SCC 30.61.220 violated state law, this Court can. A court determines whether an ordinance is
18 in conflict with general laws and is unconstitutional by considering whether the ordinance
19 (1) prohibits what the state law permits, (2) thwarts the legislative purpose of the statutory

20 ¹ The County itself also stated that a deviation request was a recommended revision, but expressly stated
21 that it was not one of the identified “necessary” revisions to BSRE’s land use application to demonstrate
22 compliance with the SCC. See Exhibit K-18 (identifying certain revision as “necessary to demonstrate compliance
23 with applicable County Code requirements for purposes of being able to proceed with preparation of the Draft
EIS” but identifying deviation from Engineering Design and Development Standards (“EDDS”) as being
“recommended by PDS to be included with any revised submittal to allow for coordinated review of the project as
a whole (*although not within the immediate scope of the draft EIS*).” (emphasis added). Thus, the County should
not be able to allege the deviation denial as a “substantial conflict” such that BSRE’s land use applications should
be denied without preparation of an EIS under SCC 30.61.220 at this point. The County’s reliance now on the
denial of the deviations when it expressly states that the deviation request was not a “necessary” revision to show
compliance with the SCC (coupled with its claim that granting a deviation is “discretionary” and completely up to
the County) is yet another example of its bad faith attempts to deny BSRE’s land use applications.

1 scheme, or (3) exercises power that the statutory scheme did not confer on local governments.
2 *See Dep't of Ecology v. Wahkiakum Cty.*, 184 Wn. App. 372, 378, 337 P.3d 364 (2014).

3 Here, SCC 30.61.220 permits the County to exercise power that RCW 43.21C.031 does
4 not confer on local governments; namely, the ability to deny a proposal without performing an
5 environmental impact statement. RCW 43.21C.031(1) requires an environmental impact
6 statement be prepared on proposals having a “probable significant, adverse environmental
7 impact.” Neither the County nor Shoreline disputes that BSRE’s proposal has a probable
8 significant, adverse environmental impact, yet the County denied BSRE’s proposal without
9 preparing an environmental impact statement, citing SCC 30.61.220. But because
10 SCC 30.61.220 conflicts with RCW 43.21C.031, SCC 30.61.220 is invalid, and all findings and
11 conclusions based on SCC 30.61.220 should be reversed.

12 Shoreline incorrectly argues that the Court lacks jurisdiction to determine whether
13 SCC 30.61.220 violates RCW 43.21C.030 because BSRE did not challenge SCC 30.61.220 to
14 the Growth Management Hearings Board and did not do so within sixty (60) days of publication
15 of SCC 30.61.220. Shoreline bases this misleading argument on RCW 36.70A.290(2), which
16 states:

17 All petitions relating to whether or not an adopted *comprehensive*
18 *plan, development regulation, or permanent amendment thereto*, is
19 in compliance with the goals and requirements of this chapter or
chapter 90.58 or 43.21C RCW must be filed within sixty days after
publication as provided in (a) through (c) of this subsection.

20 RCW 36.70A.290(2) (emphasis added). Shoreline tellingly fails to address whether
21 SCC 30.61.220 (Denial without EIS) is covered by RCW 36.70A.290(2). “Comprehensive
22 plan” is defined as “a generalized coordinated land use policy statement of the governing body
23

1 of a county or city that is adopted pursuant to [the Growth Management Act, Chapter 36.70A
2 RCW].” RCW 36.70A.030(5). “Development regulation” is defined as:

3 the controls placed on development or land use activities by a county
4 or city, including, but not limited to, zoning ordinances, critical
5 areas ordinances, shoreline master programs, official controls,
6 planned unit development ordinances, subdivision ordinances, and
7 binding site plan ordinances together with any amendments thereto.

8 RCW 36.70A.030(8). “Development regulation” does *not* include “a decision to approve a
9 project permit application, as defined in RCW 36.70B.020, even though the decision may be
10 expressed in a resolution or ordinance of the legislative body of the county or city.” *Id.*

11 Based on these definitions, SCC 30.61.220 is not a comprehensive plan, development
12 regulation, or permanent amendment thereto. Therefore, the requirements of
13 RCW 36.70A.290(2) do not apply to challenges regarding whether SCC 30.61.220 violates
14 state law. The fact that Snohomish County’s Unified Development Code “implements
15 Snohomish County’s Comprehensive Plan” (see Shoreline Response at 9) does not mean that
16 SCC 30.61.220 is itself the Comprehensive Plan. SCC 30.61.220 does not regulate the types
17 of development permissible in any given area in Snohomish County and was not created to
18 implement the Growth Management Act. It is thus not a comprehensive plan or development
19 regulation and is thus reviewable by this Court in a LUPA petition. This conclusion is
20 supported by the case law cited by Shoreline itself. *See Woods v. Kittitas Cty.*, 162 Wn.2d 597,
21 610, 174 P.3d 25 (2007) (“GMHBs do not have jurisdiction to decide challenges to site-specific
22 land use decisions because site-specific land use decisions do not qualify as comprehensive
23 plans or development regulations . . . LUPA grants the superior court *exclusive jurisdiction* to
review a local jurisdiction’s land use decisions, with the exception of decisions subject to
review by bodies such as the GMHBs.”); *Wenatchee Sportsmen Ass’n v. Chelan Cty.*, 141

1 Wn.2d 169, 179, 4 P.3d 123 (2000) (“[A] GMHB does not have jurisdiction to hear a petition
2 that does not involve a comprehensive plan or development regulation under the GMA.”).
3 Therefore, this Court has authority to consider whether SCC 30.61.220 violates
4 RCW 43.21C.030, and BSRE was not required to bring this challenge within 60 days of its
5 adoption.

6 **G. The Application Expiration Date is Not Moot if the Court Reverses the**
7 **County Council Decision.**

8 The County claims that BSRE’s request for an extension is moot because its application
9 was denied. Obviously BSRE is not requesting an extension for a denied application. If the
10 Court reverses the County Council Decision, BSRE should be granted an extension to revise
11 and resubmit its application to address any alleged remaining issues. The new expiration date
12 could be set for December 2022 or remanded to the Hearing Examiner to determine a different
13 deadline. Either way, if the Court reverses and remands the County Council Decision, BSRE
14 should be given a new deadline for submitting its proposal.

15 **H. The County Has Failed to Refute Evidence of Its Bad Faith.**

16 Although the County claims it has operated in good faith since this Court’s last order, it
17 has failed to refute any of the examples of bad faith provided by BSRE, including:

- 18 • The County admits that it denied BSRE’s request for extension while awaiting
19 a decision on the Appealed Statutory Issues; the County claims this was justified
20 by “substantial conflicts,” but as demonstrated in BSRE’s briefing, no such
21 substantial conflicts existed.
- 22 • The County does not deny that it denied BSRE’s revised Land Use Application
23 without engaging in any prior discussion with BSRE.

- The County does not deny that its invocation of SCC 30.61.220 to deny BSRE's application without preparation of an environmental impact statement (which, as explained above, violates state law) was an extreme response that had only occurred once before in more than twenty years.
- The County does not deny that it inexcusably interfered with its consultant's FAR calculations, as discussed above, ensuring that the results would be skewed in favor of denying BSRE's application.
- The County does not deny that it refused to communicate with BSRE regarding the denial of BSRE's landslide hazard deviation request, in violation of the County's own professed procedures.
- The County does not deny that it raised new reasons for denying BSRE's Land Use Application in 2020, then precluded BSRE from meaningfully addressing these new issues.

The County's self-serving assertions about its exercise of good faith fail to address these (and other) examples of the County's bad faith.

The County's efforts to deflect and blame BSRE for not exercising good faith also fall flat. The County attempts to discredit BSRE by stating that its new application was largely unchanged from its previous one. But this was because BSRE firmly believed its application was satisfactory for the current stage of approval and that the supposed "conflicts" identified by the County were minor technicalities which BSRE addressed. The Hearing Examiner and County Council rubber-stamped the County's manufactured conflicts, which is why BSRE now must turn to this Court for relief.

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III. CONCLUSION

For the foregoing reasons, and the reasons described in BSRE's opening brief, BSRE respectfully requests that the Court reverse the Decision and County Council Decision and (1) deny the County's request to deny BSRE's applications without an environmental impact statement; (2) grant BSRE's request for an extension or determine that the termination date is December 2022; (3) find that the County acted in bad faith in violation of the King County Superior Court Order from June of 2019; (4) find that SCC 30.61.220 violates state law; (5) reverse all Findings of Fact, Conclusions of Law, or rulings which relate to any of the above issues or, in the alternative, remand the Hearing Examiner's Decision with instructions for the Hearing Examiner to revise the challenged Findings and Conclusions as set forth herein; and (6) enter such other relief as the Court deems just and equitable, including but not limited to the award of reasonable costs and attorneys' fees to BSRE.

RESPECTFULLY SUBMITTED this 18th day of October, 2021.

KARR TUTTLE CAMPBELL

By: /s/ Jacque E. St. Romain
Douglas A. Luetjen, WSBA #15334
J. Dino Vasquez, WSBA #25533
Jacque St. Romain, WSBA #44167
701 Fifth Ave., Ste. 3300
Seattle, WA 98104
E-mail: dluetjen@karrtuttle.com
E-mail: dvasquez@karrtuttle.com
E-mail: jstromain@karrtuttle.com
Attorneys for Petitioner

1 **CERTIFICATE OF SERVICE**

2 I, Heather L. Hattrup, affirm and state that I am employed by Karr Tuttle Campbell in
3 King County, in the State of Washington. I am over the age of 18 and not a party to the within
4 action. My business address is: 701 Fifth Ave., Suite 3300, Seattle, WA 98104. On this day,
5 I caused the foregoing document to be filed using the King County Superior Court e-filing
6 system and to be served on the parties listed below in the manner indicated.

7 Matthew Otten, WSBA #40485 ☒ Via ECF/E Service
8 Laura Kisielius, WSBA #28255
9 Deputy Prosecuting Attorneys – Civil
10 Division
11 Robert Drewel Bldg., 8th Floor, M/S 504
12 3000 Rockefeller Ave.
13 Everett, WA 98201
14 motten@snoco.org
15 lkisielius@snoco.org
16 ***Attorneys for Respondent Snohomish***
17 ***County***

18 Margaret King, WSBA #34886 ☒ Via ECF/E Service
19 City Attorney
20 Julie Ainsworth-Taylor, WSBA #36777
21 Assistant City Attorney
22 City of Shoreline
23 17500 Midvale Ave. N.
Shoreline, WA 98133
mking@shorelinewa.gov
jainsworth-taylor@shorelinewa.gov
Attorneys for City of Shoreline

Executed on this 18th day of October, 2021, at Seattle, Washington.

20 /s/ Heather L. Hattrup
21 Heather L. Hattrup
22 Litigation Legal Assistant
23 hhattrup@karrtuttle.com

Heidi K. S. Napolitino

From: bkrepick@sbcglobal.net
Sent: Tuesday, October 19, 2021 6:41 PM
To: Andrew DeDonker; Brian Bogen; Elizabeth Mitchell; Eric Faison; Heidi K. S. Napolitino; John Brock; Mike Quinn; Tom Whitson; Per Odegaard
Subject: RE: PUBLIC COMMENT: more on how lax ROW specs result in significant taxpayer expense for tree maintenance and drainage ditch maintenance
Importance: High

Date: 10/19/2021

To: Mayor Quinn; Town Council; Eric Faison; Heidi Napolitino; Per Odegaard

bcc: Interested Woodway residents

From: Bill Krepick

Subj: PUBLIC COMMENT: more info on 2022 Budget questions relating to how lax ROW specs result in significant taxpayer expense for tree maintenance and drainage ditch maintenance

I just want to give you some “up-close-and-personal feedback” on the financial costs created by the Town’s lax/non-existent ROW specs and ordinances. I live on 239th PI SW – which is a short cul-de-sac of 6 houses – located just below the rear of Town Hall. My street is 26 ft wide and the end circle is 60 ft in diameter. On the Town’s outdated ‘official’ ROW street map it shows my street with a 50 ft wide ROW and the cul-de-sac circle with an 80 ft diameter ROW. Clearly that is absurd because it forces the Town to maintain trees that are 12 ft from each edge of the road, and 10 ft from the edge of the cul-de-sac circle. Most of this 10-12 ft ‘extra’ ROW should be private property. There are at least 5 very tall (100 ft) fir trees that are within the 12 ft extra ROW. My question is very simple – why should the Town pay to trim and maintain these trees? It should be totally the responsibility of the property owners (or the utilities where overhead wires are present).

This same situation exists throughout Woodway. It costs the Town \$100,000 to \$200,000 a year in labor and contractor costs. The Town should correct the situation in the current budget cycle – and redraw the ‘official’ ROW maps such that ROW boundaries are within just a few feet of the road edges or walking paths. In addition the Town should adopt straightforward ordinances that either require the property owner to maintain the trees and/or to reimburse the Town if the Town is forced to trim or cut down trees for road safety reasons.

Additionally, I have seen that some houses have deep drainage ditches at the front of their properties near the road edges, and some don’t, even though the slopes on their lawns are the same. Why should one property owner have the Town responsible for maintaining the drainage ditch – and not the other (who didn’t bother to dig a drainage ditch)? There should be consistency in drainage ditch ROW and maintenance ordinances. The ditches that are deemed to be on private property should require that the property owner maintains those ditches – which is what I see happening in Shoreline as I ride my bike around the hills. I see property owners with wading boots cleaning out the drainage ditches in front of their houses! In Woodway there should be an ordinance that requires property owners to maintain their drainage ditches, and if they don’t, the Town should do the maintenance and then bill the resident.

By tightening up the specifications for ROW and implementing ordinances that put the trimming, cutting, ditch cleaning, etc. responsibilities on the property owners, the Town will likely save \$100,000 to \$200,000 per year. Given the Town’s budget pressures, this is simply too large an expense to ignore. The Council should take immediate action, reduce the ROW budgeted expenses, and deliver the savings to taxpayers.

I suggest that the Council make the changes and ‘announce’ them with the budget finalization. Since the Council never asked residents to vote on new water and storm sewer fees, you shouldn’t need to worry about asking residents to approve this action. It will deliver more savings per year than the revenue associated with the recent water/storm sewer fees!

Please do the right thing and get control of this egregious unnecessary taxpayer expense.

Please post this 'public comment' email along with my other 'public comment' emails on this subject in the Resident Input tab on the Town website – and post your response in the FAQ section. Please remember that 90% of residents want this type of enhanced 2-way communication per my recent resident survey.

Thanks

Bill Krepick

8-year Woodway resident

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Sunday, October 17, 2021 1:22 AM

To: 'Andrew DeDonker' <ADeDonker@townofwoodway.com>; 'Brian Bogen' <BBogen@townofwoodway.com>; 'Elizabeth Mitchell' <EMitchell@townofwoodway.com>; 'Eric Faison' <eric@townofwoodway.com>; 'Heidi K. S. Napolitano (Heidi@townofwoodway.com)' <Heidi@townofwoodway.com>; 'John Brock' <JBrock@townofwoodway.com>; 'Mike Quinn' <mquinn@townofwoodway.com>; 'Tom Whitson' <TWhitson@townofwoodway.com>

Cc: Tracy Westlake (landedinseattle@icloud.com) <landedinseattle@icloud.com>

Subject: PUBLIC COMMENT: questions about lack of ROW specs, taxpayer expense for tree maintenance, lack of street tree ordinances, and 2022 budget

Date: 10/17/2021

To: Mayor Quinn; Town Council; Eric Faison; Heidi Napolitano

From: Bill Krepick

Subj: 2022 Budget questions relating to lack of Town ROW ordinances that subject the Town to unnecessary costs for tree maintenance

I have attached to this email a thread of emails dating back to my original email of July 21, 2021 in which I asked Eric and Mayor Quinn to explain how the Public Works dept determined that the Town was responsible for more than \$60,000 in ROW tree trimming/removal expenses when there are no Town ordinances that delineate various street ROWs and therefore it was a totally subjective decision to have the Town pay for tree maintenance/tree removal when many of the trees were on residents' properties and not on Town ROW. In the Town's proposed 2022 budget there is a note that 2021 tree removal cost the Town \$71K that was funded by ARPA. I don't see any reference to tree removal cost for 2022. The fact that 2021 cost was funded by the Feds with ARPA funds does not make up for the fact that many of those trees were on private property and taxpayers should not have had to foot the bill for their removal!

I refer you to a State of Washington MSRNA article that describes how city/town streets are typically on land that is actually owned by residents, and how the ROW space is at the discretion of the city/town. This article makes it clear that cities/towns do not own the land under their streets with the implication that cities/towns have the obligation to taxpayers to clearly define the boundaries of the street ROW and to specify who is responsible for tree maintenance for trees that are planted in the ROW. I do not believe that Woodway has lived up to that obligation.

<https://mrsc.org/Home/Stay-Informed/MRSC-Insight/January-2014/What-is-the-Nature-of-a-Public-Right-of-Way.aspx>

As near as I can tell, Woodway has no ordinance covering street trees and all street ROWs are ill defined. The ROW street map attached to this email was given to me by Eric. It clearly is at least 20 yrs old and hasn't been updated – since it doesn't even have the Highlands streets – and it shows a street along the south side of Deer Creek which is non-existent. As I ride my bike around Woodway it is striking how different property lines appear to be – as some fences are set back 3-4 ft from the road edges and others are 10 feet away. Many hedges and trees are planted within a few feet of road edges and others are 10-15 ft back. Even along Deer Creek you can see that the Olympic View chain link fences vary between a few feet and 10 ft away from the road edge. Clearly, the ROW is not defined by property owners' fence spacing from the road!

Given a \$70,000 annual tree trimming cost and a lack of ordinances that define the responsibility of residents vs. the Town for tree planting/tree maintenance/tree cutting – it is clear that taxpayers are at risk for material costs when they shouldn't be. It seems obvious to me that the Town should minimize its street ROW in order to put the tree maintenance burden where it belongs – on property owners who have trees on their land that often encroach or endanger Town roads.

As a concerned taxpayer, I want to know how much the Town is budgeting for tree cutting/tree maintenance in 2022 – and when the Town is going to enact ordinances that define street ROWs and put the burden of tree maintenance on individual property owners, rather than on taxpayers at large.

Please answer these questions in one of the Town's two public hearings on the 2022 budget and please post this public comment on the Town's website – and add the appropriate FAQs so all residents can be informed of this issue..

Thank you
Bill Krepick

From: Eric Faison <eric@townofwoodway.com>

Sent: Wednesday, August 11, 2021 11:59 AM

To: bkrepick@sbcglobal.net

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloud.com>; Heidi K. S. Napolitano <Heidi@townofwoodway.com>; Mike Quinn <mquinn@townofwoodway.com>

Subject: RE: questions about ROW trees--working on an ordinance; ROW maps?--ROW map attached

Hi Bill,

Attached is a copy of a map that identifies the width of the Town's rights-of-way throughout Town. We do not know when the document was created and cannot attest to its accuracy. Other than the GIS map that I referred you to, there are no maps that identify the right-of-way in relation to the edge of the pavement.

I want to check your availability between now and October (with the exception of August 30-September 10) to meet and discuss the complex matter of establishment and determination of the Town's ROWs, as well as the Town's tree removal determinations and funding. We also can provide you with an update of the work of Terry and Elizabeth.

e

From: Eric Faison

Sent: Monday, August 2, 2021 1:07 PM

To: bkrepick@sbcglobal.net; Mike Quinn <mquinn@townofwoodway.com>

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloud.com>; Heidi K. S. Napolitano <Heidi@townofwoodway.com>

Subject: RE: questions about ROW trees--working on an ordinance; ROW maps?--more

Bill,

I have provided you with a method on the Town's website where you can look at a map that includes the ROW throughout Town. To my knowledge, we do not have a map that lays out with greater accuracy and specificity the width of the Town's ROW adjacent to each lot. If we have a map that does so in general, we will provide you with a response no later than Wednesday, August 11th.

You also asked a number of questions (and made a number of assumptions) about the facts associated with our ROWs, our processes and the Town's current tree removal activities. We are willing to discuss these matters with you in a

meeting. I can commit to a meeting in October. Any earlier date will require me to have a better sense of availability due to workload/vacations. I understand if you decide that you are uninterested in meeting.

e

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Monday, August 2, 2021 10:30 AM

To: Eric Faison <eric@townofwoodway.com>; Mike Quinn <mquinn@townofwoodway.com>

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloudcom>

Subject: RE: questions about ROW trees--working on an ordinance; ROW maps?--more

Eric

I don't think a meeting is necessary...and certainly it shouldn't take 3 months to get an answer to a straight-forward question. If there aren't any documents or maps showing the width/location of the Town's ROW – then it seems to me the question of determining whether trees are on Town land or private property is quite subjective – and that is problematic when it comes to spending \$70,000 of taxpayer money on cutting trees and potentially replacing them. This is not a minor issue, and taxpayers should know how the Town's ROW is determined and how ROW decisions are made.

Thx

Bill

From: Eric Faison <eric@townofwoodway.com>

Sent: Monday, August 02, 2021 10:02 AM

To: bkrepick@sbcglobal.net; Mike Quinn <mquinn@townofwoodway.com>

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloudcom>

Subject: RE: questions about ROW trees--working on an ordinance; ROW maps?--more

Bill,

Terry is pretty swamped right now. I can set up a meeting with him for you, but I'm guessing we are looking at sometime in October. Feel free to send me dates that you might be available.

e

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Friday, July 30, 2021 1:07 PM

To: Eric Faison <eric@townofwoodway.com>; Mike Quinn <mquinn@townofwoodway.com>

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloudcom>

Subject: RE: questions about ROW trees--working on an ordinance; ROW maps?--more

Thx Eric-

Thanks for the suggestion to look at the Woodway Parcel Map I pulled it up but I'm afraid I can't maneuver my way around the Woodway Parcel Maps to see enough detail on the Town's various ROW associated with each of the roads. I did see that there are 17 acres in two lots under the Town bridge that are apparently owned by Olympic Sewer and Water? I did click and wound up with the SNOCO "NE Quadrant" parcel map that shows North and South Deer Drive – with South Deer Drive shown as "Private Drive" connecting Wachussetts Ave and Woodway Park Road. Clearly there is no such road in existence – and the Deer Creek Park trail goes somewhere near where this ROW is.

<https://www.snoco.org/v1/services/docs/sas/parcelmaps/t27n/r03e/270335-1.pdf>

This quadrant map shows an ROW center line going right down the center of the Town roads, but doesn't show any information on the width of the Town's ROW – or the distance from the edge of the asphalt road where the Town's ROW ends. Are there really no maps that show this?

One reason I'm asking is that I don't understand how Terry can determine which trees are on private property and which are on the Town's ROW unless he has some distance markings from the edge of each road that shows how far the Town's ROW extends. As an example, Terry had included an old cherry tree (or maybe apple tree?) at the corner of Woodway Park Rd and 239th PI SW (my cul-de-sac) that was targeted for cutting down. When I looked at that tree, it seems like it is 10 ft back from Woodway Park Rd – and seems like it might be in my neighbor's yard, not the Town ROW. Why would the Town have planted such a tree "X" number of years ago when the Town knew the tree would create downstream maintenance headaches? What map did Terry use to determine that that tree is in the Town's right of way and not the owner's?

Thanks for helping me understand the variables associated with ROW measurements.
Bill

From: Eric Faison <eric@townofwoodway.com>

Sent: Friday, July 30, 2021 7:14 AM

To: bkrepick@sbcglobal.net; Mike Quinn <mquinn@townofwoodway.com>

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloudcom>

Subject: Re: questions about ROW trees--working on an ordinance; ROW maps?

Bill, you might want to check out the Woodway Parcel Map (under the Explore Woodway tab) on our website to give you a sense of where the ROW is throughout Town.

e

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Thursday, July 29, 2021 6:09:34 PM

To: Eric Faison <eric@townofwoodway.com>; Mike Quinn <mquinn@townofwoodway.com>

Cc: Elizabeth Mitchell <elizabeth@townofwoodway.com>; Terry Bryant <terry@townofwoodway.com>; 'Tracy Westlake' <landedinseattle@icloudcom>

Subject: RE: questions about ROW trees--working on an ordinance; ROW maps?

Hi Eric

Thx for the info. Glad that the Council has put the questions of ROW tree removal and vegetation replacement on the docket. I will certainly stay tuned.

In the meantime, I have copied this email to Council Member Mitchell and Terry Bryant so they have some citizen input (my email below of 7/21/21) to consider as they work on recommendations for a ROW ordinance for the Council. I think it's important for taxpayers to understand how the Town actually determines ROW along various points of various streets. A variation of between 30 and 80 ft for ROW width is enormous. Does the Town have landscape maps that show ROW for each street and for each section of the streets? Are there stakes alongside the roads that show where the Town's ROW ends and private property begins? I don't see how landscaping policies and decisions can be made without knowing where the Town's ROW is with respect to the edge of each street/road? The same holds true for the \$60,000+ tree cutting job that was recently approved by the Council. Certainly there must be some maps somewhere that show ROW boundaries along every street in Woodway?

Thx

Bill

From: Eric Faison <eric@townofwoodway.com>

Sent: Thursday, July 29, 2021 4:54 PM

To: bkrepick@sbcglobal.net; Mike Quinn <mquinn@townofwoodway.com>

Subject: RE: questions about ROW trees--RESEND

Hi Bill,

There is no standard distance for the Town's rights-of-way. They generally vary from 30-80 feet. And the roadway is not always in the center of the right-of-way. This is not uncommon in Washington or nationally.

The Town does not have a landscape/ROW ordinance. At the retreat last month, Council asked Council Member Mitchell and Director Bryant to work on a plan/policy and bring ideas back to Council. They are working on that now, including the issue of replacement vegetation after tree removal. I'm not sure when they will be returning to Council for a discussion. Stay tuned.

e

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Wednesday, July 28, 2021 6:15 PM

To: Eric Faison <eric@townofwoodway.com>; Mike Quinn <mquinn@townofwoodway.com>

Subject: RE: questions about ROW trees--RESEND

Eric/Mike-

Not sure if you got this email or not? I would think you have the information readily available? I don't think I'm asking for any major research effort?

Can you please answer my questions and put the Q's and A's in the Town website so all residents know what's up with the Town right of ways and tree cutting and tree planting guidelines?

Thanks

Bill

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Wednesday, July 21, 2021 9:02 AM

To: 'Eric Faison' <eric@townofwoodway.com>; 'Mike Quinn' <mquinn@townofwoodway.com>

Subject: questions about ROW trees

Eric/Mike-

I understand the Town is spending upwards of \$60,000 removing a lot of dead/decaying trees along the roadside. Obviously where safety is a concern it's needed.

A couple of questions:

1. Is there a standard distance along all 10 miles of Woodway's roads for the Town property/ROW?
2. If there is not a standard distance, how does the Town determine the ROW setback for each road or section of road?
3. It is obviously expensive for the Town to maintain ROW trees – given the speed of growth and the risk of limbs falling or downed trees. Does the Town have a landscape ordinance that covers responsibility for replacing trees in the ROW after they have been cut down?

I would hope that the Town has or will adopt a policy to NOT replace trees in the ROW that are cut down. There is no reason why the taxpayers should have to absorb that expense. When trees in the Town's ROW are taken down, I believe it should be the property owner's obligation to plant trees or hedges on their property if they want to be screened from the road or want to have more trees. In addition, I think there should be some kind of tree setback policy so property owners are required to plant larger/taller trees deeper into their property so the Town does not have to trim and maintain branches that overhang the ROW. I do not believe the Town should incur the expense of buying replacement trees, planting them, and maintaining them. I also believe that the Town should cut down trees and leave the stumps level with the ground and at most plant

some 2-3 ft high ground cover to cover the stumps. We live in natural, forested land, and It is not the Town's responsibility to beautify the roadsides!

Please let me know what the current situation is in Woodway – and if the Town doesn't have a policy, I urge the Town to adopt a policy of minimizing ROW maintenance expense, and putting the onus on the property owner to plant replacement vegetation on their side of the property line – that doesn't require the Town to trim any overhanging branches in the ROW.

Thanks.

Bill

Heidi K. S. Napolitino

From: bkrepick@sbcglobal.net
Sent: Tuesday, October 19, 2021 7:01 PM
To: Per Odegaard; Andrew DeDonker; Brian Bogen; Elizabeth Mitchell; Eric Faison; Heidi K. S. Napolitino; John Brock; Mike Quinn; Tom Whitson
Subject: PUBLIC COMMENTS from last night's Town Council meeting and Public Hearing #1 on 2022 Budget

Importance: High

Date: October 19, 2021

To: Mayor Quinn, Woodway Council; Eric Faison; Heidi Napolitino; Per Odegaard

bcc: Interested Woodway residents

From: Bill Krepick

Subj: my public comments from last night's Council meeting/Public Hearing #1 on 2022 Budget

First of all I want to thank the Mayor and the staff for putting together a detailed review of the proposed 2022 budget for last night's 1st public hearing. It was obvious that you were trying to answer most of the questions that I had submitted in 3 prior emails. I appreciate your efforts. I also very much appreciate the extra 3-minute public comment opportunities during the meeting. I think that allows for more public input and helps to achieve a bit of a sense of back/forth Q & A. However, even with the additional 3-min opportunities, it is not possible to have a completely open Q&A format – which I understand is not possible given the time constraints of the meetings.

I was encouraged to hear that the Mayor believes the Town will not need a tax levy “lift” until 2027/2028 under the current budget. I was also encouraged to hear that the Council will have ongoing discussions of the historic and excessive (in both my and finance professionals' mind) capital reserve requirement of \$1 million in cash. I hope you understand that the mid-6 figure REET fund can be used for many emergency disasters (roads, sewers, bridges, etc.) and that the National Financial Standards bodies recommend a 20-25% capital reserve, or \$400,000 for Woodway (which should include both REET funds and cash reserve balances). If the Council adopts a more realistic capital reserve minimum, this would send a strong signal to taxpayers that the Town is not stuck in the past and is not going to be asking for a tax levy lift when \$400,000 in total capital reserves are prudent and sufficient to cover ‘black swan’ risks. I think it is important for the Mayor and the Council to go ‘on the record’ with the statement that confirms no new property tax levy will be required until at least 2027/2028 under the current budget.

I was also happy to hear that the budgetary objective for the \$400,000 windfall COVID-19 related Fed gov't revenues will be used to “pay-forward” expected future expenses so the Town can budget for lower expenses in the future. I believe it's vitally important to use these funds for that purpose – and not to pay for salary increases or park maintenance or other items that only serve to increase the Town's cost basis – and not significantly reduce future expenses. It is vitally important that the Mayor and Council make it clear that the where/how these windfall revenues are spent will be to reduce future costs – and not increase the Town's cost basis!

The just-received threatening letter from BSRE's attorney re the Town's modification of Point Wells' zoning rules for single family homes is very disturbing. It almost assures the Town that if it goes forward with the unilateral Point Wells annexation before June 2023 – it will signal the start of an expensive journey – and one in which the taxpayers will be subjected to the same abusive and litigious behavior from BSRE that wound up costing Snohomish County taxpayers over \$750,000 in unreimbursed expenses to process the BSRE land development application. Now that there is agreement between Woodway and Shoreline to minimize the scope and size of any future Point Wells' development, I and many other residents think you should take a pass on annexation and let Shoreline take on this burden!

The \$450,000 that is budgeted for 'road overlay repair' for the three Highlands' streets needs more than just a comment that it is a placeholder and "not to worry, the Council will approve any road repair expenses after reviewing several bids." Once a number is put in the budget there is the very real danger that it becomes set in stone and becomes extremely difficult to reduce. If \$100,000 was put in the budget - based on Shoreline's well vetted BST (Bituminous Surface Treatment) asphalt resurfacing process - that would force significant Council consideration and discussion before deciding to overturn a \$100,000 budget item and increase the cost to the \$450,000 level. It seems to me that given the time-tested results and economics that favor the economic and effective BST resurfacing process, that the better decision for budgeting is to budget \$100,000 for the project and require that any over-budget costs would only be undertaken if the Council decides that there is uncontested proof that Shoreline's BST process is not appropriate for the Highlands.

The Town ROW is a large issue. I think the Council should take a more aggressive posture on revising the Town's ROW specifications. A 60 ft wide ROW for the Town's streets does nothing but guaranty that the Town will pay more for tree maintenance than it should. If the Town's ROW specs were reduced to 3 or 4 ft from street edge (or walking path edge) then property owners should be responsible for trimming and maintaining the trees on their property (or the Town could maintain their trees, but will bill back the tree maintenance expense). That change in ROW specs and concurrent tree maintenance ordinance would go a long way to minimizing the Town's \$100K per year expense. You have all reminded us time and again that the Town's annual incremental revenues from property taxes are limited by State law to a 1%, or \$11,000 annual increase. Rather than spend 10X our annual incremental property tax revenue on tree maintenance, the Town needs to enact ROW controls to prevent this from happening! This is a clear case of having property owners step up to pay their fair share!

Lastly, I was very pleased to hear the Mayor say that the Town's Public Safety (police, fire, EMS) expenses are very high - and they should be monitored closely to see if there are opportunities or creative ways to reduce those costs. The \$952,905 cost for 2022 represents a 4% increase from the \$916,067 cost in 2021. It is outrageous that the per call cost for Fire/EMT response is \$7,000 per call - and that the annual cost of Fire/EMS/Police coverage is over \$2,000 per household. The Public Safety costs represent 45.4% of all of Woodway's 2022 expenses!

In addition to considering the above items in helping to reduce the annual budget deficit, I have some comments, suggestions, and a few additional questions that I would appreciate it if you would consider before the next Public Hearing** [** - see suggestion on timing below on the next Public Hearing]

In the Notes sections of the Budget worksheet:

- 1) It would be helpful to describe that REET revenues are comprised of 0.5% excise tax on house sales, and that the budget assumes \$40 million in 2022 sales. If you want to keep the note "conservative revenue projection because we only spend money in the bank" is fine, but not necessary.
- 2) Similarly, the 0.085% sales tax on construction labor and materials should be noted - with the estimate of "X" number of houses and a total of approx.. \$26 million in construction costs
- 3) Revenue from development permits/fees should be notated with "X" houses assumed to be under construction, an assumed cost of "\$X" per sq ft or per estimated retail value, and why the forecasted revenue for 2022 is down 60% compared with the 2020 actual

Other questions include:

- 4) The \$18K for Point Wells legal fees should be revised upward or asterisked based on the recent letter from BSRE's lawyers threatening a lawsuit!
- 5) As I mentioned above, the Highlands' road overlay cost should be entered in the budget as \$100,000 and asterisked in the notes with a clarification that the asphalt resurfacing is under review and can only be increased to a full overlay cost of \$450,000 IF the Council decides that the Shoreline BST process is NOT appropriate for the Highlands. This will assure that \$450,000 only gets spent by exception if the Council determines there is irrefutable evidence that \$450,000 provides the best ROI for such a large expenditure!
- 6) Why do Public Works' salaries go from \$95,299 in 2019, to \$108,514 in 2020, to \$136, 257 in 2021, to \$162,950 in 2022? I see no reason why we should be seeing such increases in our small public works department! We are supposed to be managing costs and tightening our belts! In addition, I would like

to know if there has been any disciplinary action taken on the employee whose negligence in digging into the electrical conduit caused the Town to spend \$62,000 in repairs for 2021 and 2022.

- 7) Why is the Town paying retention bonuses? Who is receiving them? This type of reward payment tends to get baked in to the labor cost basis in future years. That is not helping to control costs. If these are retention bonuses, are the recipients required to commit to working for the Town for 3 years and to return the retention bonuses if they leave before that time?

As with my other Public Comment emails – I hope that the Council sees fit to post this email on the Town website under a new tab for “Resident Input” – and that there are concurrent FAQ posts that address my questions. This was requested by over 90% of residents in a recent survey. In the interest of more open 2-way communications between the Mayor and the Council and residents, I also hope the Mayor will send out an email to the residents at least a week before the next Public Hearing. This email should include the Mayor’s overview of the budget and the critical assumptions and should have embedded Internet links to the proposed budget spreadsheets with updated notes, and an invitation to participate in the next Public Hearing budget meeting.

**** Re the next Public Hearing, I respectfully ask that the Mayor and the Council consider having it on either Nov 8 or Nov 15 – in order to allow the Council and staff more time to privately discuss strategic items (\$450K for road resurfacing; \$100+ K for ROW tree trimming; \$18K for Point Wells litigation; how and where to spend \$400K in Fed gov’t COVID-19 give-aways; position on reducing capital reserve minimum to \$400,000 when including both REET and cash reserves; position on reducing ROW road widths to shift financial responsibility for tree maintenance to property owners; position on how to manage the growing expense to maintain trails in the open space – when only 15% of residents are frequent users of those trails; etc.) and revise the proposed budget spreadsheet and notes – and ultimately give residents access to a ‘final’ budget package at least 1 week before the next Public Hearing. I see no reason to rush to a second Public Hearing on Nov 1 given that staff is buried and Eric is going on vacation – and given that there are several very strategic issues that the Council and Mayor should discuss and resolve prior to showing the residents the ‘final’ proposed 2022 budget .**

Thanks for considering.
Bill

Heidi K. S. Napolitino

From: bkrepick@sbcglobal.net
Sent: Wednesday, October 20, 2021 10:07 AM
To: Per Odegaard; Andrew DeDonker; Brian Bogen; Elizabeth Mitchell; Eric Faison; Heidi K. S. Napolitino; John Brock; Mike Quinn; Tom Whitson
Subject: RE: FOLLOW-ON PUBLIC COMMENT ON 2022 PROPOSED BUDGET: why spend \$455,000 on roads when the job can be done for well under \$100,000? ****a few other thoughts****

Importance: High

Date: October 20, 2021

To: Mayor Quinn; Town Council; Eric Faison; Heidi Napolitino; Per Odegaard

bcc: interested Woodway residents

From: Bill Krepick

Subj: FOLLOW-ON PUBLIC COMMENT ON 2022 PROPOSED BUDGET: Why spend \$455,000 on roads when the job can be done for well under \$100,000? **a few other thoughts**

Following Monday's Council meeting, I took a bike ride around Woodway to check out the street pavement conditions. I would encourage each of you to either walk around, bike, or ride in your cars.

With the current proposed asphalt overlay 2022 budget item approaching \$500,000 – I don't think it is prudent for the Council to list this item in the 2022 budget and cavalierly state that *"this is just a placeholder. The Council will have time to analyze the various paving options that are available, and review the actual bids before making a decision on asphalt overlays."* I have explained in a separate follow-up email yesterday (where I summarized my open issues with the proposed 2022 budget) that this approach is flawed and will result in an expectation that *'since the money is budgeted, it can be spent.'* Taxpayers would be better served if the time-tested and cost effective \$100,000 Shoreline BST process was inserted in the budget. That would put the onus on the Council to prove beyond a reasonable doubt that an exception to the budget would have to be made to spend upwards of \$450,000 to do a complete asphalt overlay on just three streets in the Highlands.

I repeat what I said below in my 10/17/21 email - Why is Woodway proposing to spend \$455,000 when it can do the repaving jobs for well under \$100,000 – with a technology that is proven to last for up to 10 years and cost 1/6 as much as 20 year asphalt overlays? It doesn't make any sense. Is it because the Town feels flush with Fed Government \$400,000+ free ARPA/COVID-19 money grants and just wants to spend it before the 2023 deadline? Why is the Town not thinking about making the best Return on Investment decisions that will reduce future capital expenditures rather than just spending the money as quickly as it can?

When you walk or bike on Woodway streets you can easily see differences in the quality of the road surfaces, especially comparing the three Highlands' streets (West Woodway Ln. and East and West Greystone) vs. Bella Coola Rd. vs. the road behind the Town Hall (the extension of Woodway Park Rd/240th St/116th W.). You can see that Bella Coola Rd is in the worst shape with the most alligator cracks and transverse cracks, the middle/upper section of 116th Ave. W. (mostly in the southbound lane) is second worst, and the Highlands' streets have the fewest cracks. These observations call into question the proposed 2022 budget priority for the \$450,000 overlay of the Highlands' streets.

I would like to offer an alternative strategy for repairing Woodway streets that would afford taxpayers a bigger bang for the buck. By using the Shoreline BST process, the Town would only have to pave streets once every 10 years in order to get the desirable 20 years of service life out of repaving. The cost of this once every 10 year BST-resurfacing is less than 1/ 2 the cost of a 20 year full overlay! The economics are compelling.

Given the relative condition of the streets mentioned above, it seems to me that the most cost effective road paving strategy for 2022 would be to use the Shoreline BST process to pave and surface-seal Bella Coola and approximately 2/3 of 116th Ave. W that has the cracks. I'm guessing the total surface area for these two streets is approximately 1/2 mile of deteriorated road surface – which is likely to cost in the range of \$50,000-\$75,000 for BST repair. This should be first priority given the road surface defects. The 3 Highlands' streets could then be BST-resurfaced at a cost of around \$100,000. The sum total of BST-resurfacing for all five roads would cost well under \$200,000 and would last for 10 years. In 10 years' time, the same BST process could be repeated and all 5 roads will be well maintained and in good condition for 20 years – at a cost of 10-20% less than what has been proposed in the 2022 budget for just 3 streets!

Please consider revising the 2022 budget (with appropriate notes explaining priorities and costs) to be sure that the street repair line item is realistic, cost effective, matches the street repair priorities, and reflects the favorable 20 yr economics of Shoreline's BST paving process.

Thank you,
Bill Krepick
8-year Woodway resident

From: bkrepick@sbcglobal.net <bkrepick@sbcglobal.net>

Sent: Sunday, October 17, 2021 9:27 AM

To: Per Odegaard <POdegaard@townofwoodway.com>; 'Andrew DeDonker' <ADeDonker@townofwoodway.com>; 'Brian Bogen' <BBogen@townofwoodway.com>; 'Elizabeth Mitchell' <EMitchell@townofwoodway.com>; 'Eric Faison' <eric@townofwoodway.com>; 'Heidi K. S. Napolitano (Heidi@townofwoodway.com)' <Heidi@townofwoodway.com>; 'John Brock' <JBrock@townofwoodway.com>; 'Mike Quinn' <mquinn@townofwoodway.com>; 'Tom Whitson' <TWhitson@townofwoodway.com>

Subject: PUBLIC COMMENT ON 2022 PROPOSED BUDGET: why spend \$455,000 on roads when the job can be done for well under \$100,000?

Date: October 17, 2021

To: Mayor Quinn; Town Council; Eric Faison; Heidi Napolitano; Per Odegaard

Bcc: interested Woodway residents

From: Bill Krepick

Subj: PUBLIC COMMENT ON 2022 PROPOSED BUDGET: Why spend \$455,000 on roads when the job can be done for well under \$100,000?

I would like this question addressed in the two upcoming Town hearings for the 2022 budget (October 18th and November 1st?). I would also like this question posted on the Town website under "resident questions/comments." And I would like the Council to post appropriate FAQs on the Town website so all resident can see the answers. A recent survey of Woodway residents showed that over 90% of residents want to see resident questions and Council FAQ answers posted on the Town website!

The Mayor has proposed spending \$455,000 to do asphalt overlays on approximately 1 mile of streets in the Highlands (East and West Greystone and Woodway Park Rd) and one intersection at 226th/Algonquin/North Deer.

This is outrageous and an example where the Town shows no fiscal responsibility. Our neighboring city of Shoreline recently repaved miles of streets in Richmond Beach at a per mile cost of 15% to 20% of what our Mayor is proposing to spend! Why has Woodway not pursued the proven cost effective road maintenance technology called BST – Bituminous Surface Treatment that Shoreline has? Shoreline has almost 400 miles of streets compared with Woodway's 10 miles. Does Woodway think it knows more about cost effective road maintenance than Shoreline? For background on Shoreline's road maintenance programs and cost effectiveness, please visit Shoreline's BST webpage at: [shorelinewa.gov/BST](https://www.shorelinewa.gov/BST) for more information, including a Project Location Map to see which streets in Richmond Beach were improved, what the cost was, and watch a recording of the community BST Presentation held on July 14, 2021. The BST .pdf slide show is at: <https://www.shorelinewa.gov/home/showpublisheddocument/52344/637622896450730000> . The community video presentation is at:

<https://www.youtube.com/watch?v=GqsGsBmR6X8&t=60s> .

Why is Woodway proposing to spend \$455,000 when it can do the repaving jobs for well under \$100,000 – with a technology that is proven to last for up to 10 years and cost 1/6 as much as 20 year asphalt overlays? It doesn't make any sense. Is it because the Town feels flush with Fed Government \$400,000+ free ARPA/COVID-19 money grants and just wants to spend it before the 2023 deadline? Why is the Town not thinking about making the best Return on Investment decisions that will reduce future capital expenditures rather than just spending the money as quickly as it can?

I have ridden my bike many times on the three Highlands' streets in question and I have observed that the streets have almost zero serious alligator cracking, few, if any longitudinal cracks, and only a few storm drains that need asphalt maintenance. The road structure is solid and needs hardly any surface repair preparation prior to having Shoreline's BST process applied to seal and extend the life of the streets for up to 10 years, compared to asphalt overlay overkill that costs 5-6X more and only extends street life by up to 20 years. The economics are obvious.

I hope the Council and Mayor will come to their senses and remove \$355,000 in unnecessary expense from the proposed 2022 budget – or shift that money to cover investments that will be 'paid forward' and will reduce the Town's future expenses. Thanks for doing the homework necessary to make the right financial decision and not waste taxpayer money!

Sincerely

Bill Krepick
8-year Woodway resident

Heidi K. S. Napolitino

From: bkrepick@sbcglobal.net
Sent: Thursday, October 21, 2021 8:01 AM
To: Andrew DeDonker; Brian Bogen; Elizabeth Mitchell; Eric Faison; Heidi K. S. Napolitino; John Brock; Mike Quinn; Tom Whitson
Cc: 'Tracy Westlake'
Subject: PUBLIC COMMENT: Mount Lake Terrace's approach and timetable for using Fed Gov't COVID-19 ARPA funds; funds only have to be obligated by end 2024, and not spent until end 2026!

Date: October 21, 2021
To: Mayor Quinn; Council members; Eric Faison; Heidi Napolitino
bcc: interested Woodway residents
Subj: discrepancy in ARPA funds spending timetable
From: Bill Krepick

I just read this article and extracted and highlighted a few key sections. Most importantly it says that COVID relief funds only have to be obligated by the end of 2024, but not spent until the end of 2026. I think I heard someone say at Monday's Council meeting (or in the Mayor's budget overview?) that Woodway had to spend the ARPA money by the end of 2023? Please clarify for me and the Woodway taxpayers what the real ARPA dates are.

If the rules are to 'obligate' it by the end of 2024, and spend it by the end of 2026, that significantly reduces the pressure to spend immediately, and hopefully allows the Council to steer the funds toward optimal investments that reduce the Town's future cost basis – and not toward 'rushed' payments (like salaries, bonuses, additional ROW and open space tree cutting that should be paid by property owners and users) all of which add to the Town's cost basis and don't really reduce future costs.

Please consider and don't rush to spend the ARPA money – and revise the 2022 budget and future years spending as appropriate.

Thanks
Bill

Highlights:

- (1) ARPA funds can't be used to offset tax reductions or delay a tax or scheduled tax increase, they can't be used in a pension fund, and the money must either be spent or obligated by the end of calendar year 2024. Obligated funds for identified uses would have until the end of 2026 to be spent.
- (2) Cities with populations below 100,000 are mostly holding off at this point on allocating their funds – although some have issued grants to assist low-income households and small businesses.
- (3) Guiding principles that can help the Council determine uses for the funds included the recommendation to avoid creating new long-term programs or ongoing financial commitments, since the relief money is non-recurring.

- (4) Guidelines also recommend time and careful consideration be taken when determining how the funds are used due to the multi-year timeframe provided by ARPA. Hugill noted that means not spending the relief funds all at once, noting, “the recovery may take a long time. The city’s finances are doing well today, but we don’t know how long it’s going to go, so it could be a year, it could be two – we want to consider using these funds over that period of time”
- (5) Also during the meeting, Hugill informed the council that the City of Mountlake Terrace had rolled out its COVID-19 vaccination policy for staff. “It’s modeled after the state’s policy in that employees have two weeks to apply for a medical or religious exemption, and four weeks to provide proof that they’ve had their first vaccination,” he said.
-



City council discusses possible uses for COVID relief funds

Posted: October 19, 2021 62

Mountlake Terrace City Councilmembers talk via Zoom during their Oct. 18 meeting.

The Mountlake Terrace City Council continued discussions about possible uses of assistance funds received from the American Rescue Plan Act (ARPA) and also approved the conceptual illustration for Veterans Memorial Park at its Oct. 18 regular business meeting.

Under ARPA, the City of Mountlake Terrace is eligible to receive nearly \$6 million in COVID-19 pandemic relief funds. Half of that total was made available this summer and the remainder will be paid in mid-2022.

Emergency relief funds available to state, local and tribal governments from ARPA can be used to address rising costs and falling revenues resulting from the pandemic. There is also additional money set aside for states’ education, rental assistance and other programs.

Possible local government uses of the funds allowed for by ARPA include:

- Responding to the public health emergency caused by COVID-19
- Providing assistance to households, small businesses, and nonprofit organizations related to the negative economic impacts of the pandemic
- Aiding impacted industries such as tourism, travel, and hospitality

- Premium pay/hazard pay to eligible local government essential workers of up to \$13 per hour, which cannot exceed \$25,000 to any individual employee
- Grants to eligible private employers to provide hazard pay to essential workers
- Providing government services to the extent of the reduction in revenue of such cities/counties due to COVID-19, relative to their revenues collected in the most recent full fiscal year prior to the emergency. In Washington state, that would be the 2019 calendar year budget
- Making necessary investments in water, sewer and/or broadband infrastructure

Funds can't be used to offset tax reductions or delay a tax or scheduled tax increase, they can't be used in a pension fund, and the money must either be spent or obligated by the end of calendar year 2024. Obligated funds for identified uses would have until the end of 2026 to be spent.

City Manager Scott Hugill said that Snohomish County staff will address possible regional approaches and coordinating uses of the relief funds at an upcoming council meeting. Research into how other cities are allocating ARPA money determined that “most cities are in the same situation we are, in that cities our size are waiting to see how to use these funds,” Hugill noted.

Larger cities in Washington, such as Seattle, Spokane and Bellevue, are focusing their spending on housing, homelessness and mental illness in conjunction with state and county efforts. **Cities with populations below 100,000 are mostly holding off at this point on allocating their funds – although some have issued grants to assist low-income households and small businesses.**

“What I’m finding is that helping households and small businesses is kind of a first phase of programs for cities our size, but then again there are funds from state and county to address those needs,” Hugill said. State and county programs also exist that are responsible for housing, homelessness and mental illness, he added, and “we really don’t have an experience in those social programs.”

The council had **previously indicated** a desire for additional research and outreach to gather more information about needs in the community from various stakeholders. It also asked staff to solicit feedback from the city’s boards and commissions on additional ideas about possible ways to the funds.

Hugill told the council that staff had already received input from some of the boards and commissions. The feedback obtained will then be presented to the council at a meeting in the future after all of those committees have provided comment.

City staff have also developed an online form for community input “that is ready to go this week,” Hugill said. The survey will ask participants about impacts from the pandemic on their household and/or business, and how they would recommend the city might spend its ARPA funds to address those effects.

Guiding principles that can help the council determine uses for the funds included the recommendation to avoid creating new long-term programs or ongoing financial commitments, since the relief money is non-recurring.

Investments in critical infrastructure are considered to be particularly well-suited for uses of ARPA money because of their long-term benefits. “I know that is not really a people-focused investment,” Hugill said, “but if you are looking for a long-term investment infrastructure is the way to go — such as sidewalks or the utilities in particular and see where that could offset utility rates down the road.”

Another guiding principle is having an awareness of partnering efforts in order to avoid duplicating what the state and/or county may already be doing with relief funds and programs. Hugill told the council that the recommendation is essentially to “let the state focus on its programs — housing, health care, rental assistance, education — and also be aware that the state may be using funds for local infrastructure projects.”

Partnering efforts also includes considering regional initiatives “to make the dollars go farther,” he added. “And that’s not just putting money into the pot with others, but also separate programs that we can do to augment what they’re doing.” Regional use examples include schools, transportation agencies and local economic development authorities.

Guidelines also recommend time and careful consideration be taken when determining how the funds are used due to the multi-year timeframe provided by ARPA. Hugill noted that means not spending the relief funds all at once, noting, “the recovery may take a long time. The city’s finances are doing well today, but we don’t know how long it’s going to go, so it could be a year, it could be two – we want to consider using these funds over that period of time”

He said based on the council’s previous discussions and ideas, “that leaves you with essentially broadband internet service for households – how can we provide that for those that don’t have it, vaccine clinics, investments in arts and the creative economy, child care and project employees to help programs get going.” Hugill also noted that the city is currently experiencing difficulties hiring enough staff for its child care program.

“Right now we’re kind of stuck until we hear from the community on what they’d recommend,” along with the city’s boards and commissions, he concluded.

Mayor Pro Term Doug McCardle mentioned the possibility of providing more and/or updated parks’ amenities that can offer additional outdoor recreation options and activities for residents. He noted that feedback received from a member of the Mountlake Terrace Recreation and Park Advisory Commission specifically asked about installing a pickleball court, but McCardle said he felt the pandemic and stay-at-home orders had helped highlight the importance of outdoor activities.

Councilmember Steve Woodard agreed with McCardle that more recreational spaces in the city need to be activated or upgraded and encouraged the council to explore those options.

Councilmember Erin Murray encouraged the council and staff to further explore in the short-term any community needs directly resulting from the pandemic that aren’t currently being met. “I appreciate that we are thinking more strategically, and forward-thinking and equitably in the investments in our community,” she said.

Noting there's a difference between spending as opposed to investing money, Murray added, "So when we're looking back a decade from now I would love for us to feel like we invested these funds in a way that our community benefited from and continues to hopefully benefit from in the future."

Councilmember Bryan Wahl said he felt it's important to ensure the relief funds focus on providing assistance for low-income households and also businesses as a means to help restore the economy. He added that exploring how to address child care needs is crucial and also liked the idea of spending a portion of the money on city infrastructure such as sidewalks and parks.

Mayor Kyoko Matsumoto Wright and Wahl both said that finding a way to help provide households who can't afford or don't have access to broadband internet is important for addressing equity throughout the city.

Councilmember Laura Sonmore said she would like to determine ways to help residents who can't afford to pay their bills, examine child care issues and also "looking at what is the biggest bang for our buck on infrastructure for our city and what can help out most of our residents the most with these funds." She added, "I just want to be very good stewards of this fund and to help people as much as we can." Sonmore also voiced an interest in possibly making investments to recreation and park facilities further down the road.

Also during the meeting, Hugill informed the council that the City of Mountlake Terrace had rolled out its COVID-19 vaccination policy for staff. "It's modeled after the state's policy in that employees have two weeks to apply for a medical or religious exemption, and four weeks to provide proof that they've had their first vaccination," he said.

"Right now we have over 100 employees that are already fully vaccinated, but unfortunately that's not enough," he added. "We continue to have employees have to isolate and quarantine because of exposure both at work and outside of the workplace. And when they're vaccinated that isolation and quarantining is much less time."

He noted the city had tried relying on remote work but "it didn't work well for us in terms of communication and service to the community," he said. Since the city brought staff back this past spring "we're working to get everybody vaccinated or as many as we can," Hugill said. "So in the weeks ahead we'll work on implementing that policy and we'll just continue to work through it."

Summaries of three emails sent to the council were provided during public comments at Monday's meeting. All of those communications expressed opposition to, or displeasure with, the city's policy and its base use of Washington State's guidelines and requirements concerning the vaccination status of public employees.

The council unanimously approved two financial measures that appeared on its consent calendar. Discussions about the measures from last week's work/study session can be [viewed here](#). They include:

– Acknowledging an amendment to the city's professional services agreement with FSi Engineers that provided an additional \$2,000 for inspection and certification services of lighting and HVAC

systems at the Civic Campus project. The lighting work in particular took many more hours than anticipated to complete due to coordination delays and events outside of the firm's control. That resulted in FSi providing additional work and site visits.

— A resolution adopting minor adjustments to the Recreation and Parks fee schedule for 2022-2026. Several of the department's program fees previously scheduled to increase in 2022 will remain at their current levels. In addition, a few fees that didn't have changes planned for next year will now be increased based on recent market comparisons.

Program fees that won't see scheduled increases include indoor playground rentals and play passes, open gym visits, grass field rentals, gym rentals and the per game cost of sports leagues.

However, some youth programs including camps, preschool, Junior Kids Krew and dance recitals, will retain their previously scheduled fee raises. Lighting fees for athletic field rentals will increase by \$2 per hour.

— *By Nathan Blackwell*

Mayor Mike Quinn
Woodway Town Council
Clerk-Treasurer Heidi Napolitano

10/29/21

Dear Mayor,

I would like to add my support for the proposed 2022 town budget. The funding decisions planned by the mayor and council are quite reasonable and very necessary. Maintaining our infrastructure and road surfaces, although occasionally costly are the essential components of a well-managed municipality. The previous town councils have always followed the best industry practices of road maintenance with resurface techniques that stand the test of time.

The legal services budget of approximately \$18,000, is also necessary, giving the Town a comprehensive perspective when negotiating with Snohomish County, Shoreline and the developer on Pt. Wells. I continue to support eventual annexation of this potentially pristine development, which in my view can only enhance the bucolic nature of Woodway, securing a stream of increasing property taxes for decades. The return of Woodway Beach and a lush marine habitat, would bring full circle to our early town development envisioned by Mr. Whitcomb. The process has been long, cumbersome and occasionally annoying, but in the end worthwhile.

I want to thank as do the vast majority of Woodway citizens the efforts and time commitment of the Mayor, Town Council, Planning Commission, professional staff, police officers and employees of this wonderful town.

Sincerely,

Ronald D. Cantu DDS, MPA
23126 Wachusett Rd.
Woodway, Washington
98020

TOWN OF WOODWAY

ORDINANCE 2021-633

AN ORDINANCE OF THE TOWN OF WOODWAY, WASHINGTON ADOPTING THE BUDGET FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, in accordance with R.C.W. 35A.33.075, the estimates of expenditures and the amount of monies required to meet the public expenses of the government of the Town of Woodway for the fiscal year ending December 31, 2022, were filed with the Town Clerk Treasurer in September 2021; and

WHEREAS, a notice of a public hearing in consideration of the 2022 Budget was published in a newspaper of general circulation in the local area at least ten days prior to said hearing, which was held at the hour and place specified in the notice; and WHEREAS, as provided in RCW 35A.33, the Town Council did determine and fix the ad valorem taxes to be levied for 2022; and

WHEREAS, the said proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property of the Town of Woodway for the purposes set forth in said budget; and

WHEREAS, pursuant to RCW 82.46.010 (8), the Town Council desires to use Real Estate Excise Tax revenue for the operation of, maintenance of, and service support for, existing capital projects;

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. The required expenditures for the various needs and the operation of the government of the Town of Woodway, for the fiscal year ending December 31, 2022, are fixed as attached in Exhibit A.

Section 2. The Stormwater Utility Fund shall transfer \$43,185 to the General Fund to offset work done by the Public Works staff on stormwater system maintenance & repair.

Section 3. The Capital Projects (REET) Fund shall transfer \$300,000 to the General Fund to offset work done by the Public Works staff and other costs related to the operation of, maintenance of, and service support for, existing capital projects.

Section 4. A complete copy of the final budget for 2022, as adopted, together with a copy of this adopting ordinance, shall be transmitted by the Clerk-Treasurer to the Office

of the State Auditor of the State of Washington, Division of Municipal Corporation,
and to the Association of Washington Cities.

Section 5. If any part or portion of this Ordinance is declared invalid for any such reason, such
declaration of invalidity shall not affect any remaining portion.

Section 6. This Ordinance shall take effect 5 days after date of publication by ordinance title
only.

PASSED this 1st day of November 2021 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

Michael S. Quinn, Mayor

ATTEST:

Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:

Greg Rubstello, Town Attorney

Date Passed by the Town Council:

Date Published:

Effective Date:

Ordinance 2021-633 | Exhibit A

2022 Town of Woodway Annual Budget

Fund	Description	Estimated BFB	Revenues	Expenditures & Transfers	Estimated EFB
001	General	\$1,801,479	\$2,382,635	\$2,101,601	\$2,082,513
002	Replacement Reserve	60,709	20,000	0	80,709
004	Deposit	0	0	0	0
107	Affordable Housing Sales Tax	499	1,700	1,700	499
301	Capital Projects (REET)	925,597	200,000	815,000	310,597
420	Stormwater Utility	78,424	80,000	155,063	3,361
Totals		\$2,866,708	\$2,684,335	\$3,073,364	\$2,477,679