

TOWN OF WOODWAY
COUNCIL MEETING AGENDA
MONDAY, JANUARY 3, 2022
6:00 P.M.

Meeting held virtually due to current COVID protocols

- | | | |
|-----------|------|---|
| 6:00 P.M. | | Call to Order, Flag Salute, & Roll Call |
| 6:00 P.M. | I | Oaths of Office – <i>Mayor Mike Quinn, Councilmembers Brian Bogen & Rajeev Thakur</i> |
| 6:05 P.M. | II | Ratify Previously Approved Payments – <i>December 20, 2021 Claims</i>
Approval of Payments – <i>2021 Claims, January 3, 2021 Claims,</i>
<i>December 2021 Payroll</i> |
| 6:10 P.M. | III | Approval of Minutes – <i>December 6, 2021</i> |
| 6:15 P.M. | | Public Comments* |
| 6:20 P.M. | IV | Council Reports |
| 6:25 P.M. | V | Mayor’s Report |
| 6:30 P.M. | VI | Town Administrator’s Report |
| 6:35 P.M. | VII | Confirm Reappointment of Planning Commissioners – <i>Jan Ostlund,</i>
<i>Teresa Pape, Laura Murphy</i> |
| 6:40 P.M. | VIII | Certification of Representative to Snohomish Health District |
| 6:45 P.M. | IX | Resolution 2022-433: Directing the Planning Commission to Conduct a
Public Hearing on an Amendment to the Town’s Code Addressing
Short-Term Rentals |
| 7:00 P.M. | | Public Comments* |

* *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
COUNCIL MEETING AGENDA
CONTINUED

7:05 P.M.	General Council Discussion – Choice of Subjects
7:10 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.*

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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 #13635 through 13652.....\$29,187.23

This 20th day of December 2021.

Mayor

Councilmember

Councilmember

Councilmember



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 #13653 through 13660 and EFT #1723\$4,830.76

This 30th day of December 2021.

Mayor

Councilmember

Councilmember

Councilmember

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

1. ESRI GIS subscription – 1 year: \$1,104.00
2. WSAPT fall conference travel cost for K. Sullivan: \$213.70
3. Vehicle fuel: \$577.50 (PD - \$140.37, PW - \$501.42)



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 2022 payment:

Claims checks #13661 through 13666.....\$118,298.10

This 3rd day of January 2022.

Mayor

Councilmember

Councilmember

Councilmember



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 December 2021 Payroll transactions, for 6.75 FTE, are approved for 2021 payment:

EFT transactions #1653 through 1658 and 1702 through 1722.....\$76,641.07

This 30th day of December 2021

Mayor

Councilmember

Councilmember

Councilmember

* There were 1.25 comp time hours accrued in December 2021

**TOWN OF WOODWAY
COUNCIL MEETING MINUTES**

**MONDAY, DECEMBER 6, 2021
6:00 P.M.**

Meeting held virtually due to current COVID conditions

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 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 Pro Tem Mitchell called the meeting to order at 6:01 p.m.

I - OATHS OF OFFICE – MAYOR MIKE QUINN, COUNCILMEMBER JOHN BROCK

Clerk-Treasurer Napolitano administered the oath of office to Mayor Mike Quinn and Councilmember John Brock.

II - RECOGNITION: COUNCILMEMBER TOM WHITSON

Mayor Quinn presented a recognition plaque (via Councilmember Whitson's wife, Joyce) to Councilmember Whitson. He commended Councilmember Whitson for his fiscal acumen and Town leadership. Former Mayor Nichols, Councilmembers, and several others thanked Councilmember Whitson for his many years of service to the residents of Woodway.

III - APPROVAL OF PAYMENTS – DECEMBER 6, 2021 CLAIMS

Councilmember Whitson moved to approve the December 6, 2021 claims checks #13614 through 13634 and EFT #1612 totaling \$25,861.34. *Councilmember Mitchell* seconded the motion. The motion passed unanimously.

III - APPROVAL OF PAYMENTS – NOVEMBER 2021 PAYROLL

Councilmember Bogen moved to approve the November 2021 payroll EFT transactions #1573 through 1592 totaling \$68,852.16. *Councilmember DeDonker* seconded the motion. The motion passed unanimously.

IV - APPROVAL OF MINUTES – NOVEMBER 15, 2021

Councilmember DeDonker moved to approve the November 15, 2021 council meeting minutes. *Councilmember Bogen* seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS

Resident Bill Krepick recapped the points he made in a recent email to the mayor and all councilmembers.

V - COUNCIL REPORTS

Councilmember Mitchell reminded attendees that the rights-of-way regulation update project would be on hold until 2022 due to lack of staff availability.

Councilmember Brock:

- Thanked Public Works Director Bryant for filling a pothole on Algonquin Road.
- Recently attended an elected officials training presented by AWC.

Councilmember Bogen commented on the damaged speed limit sign on N. Deer Drive.

VI - MAYOR'S REPORT

- Shared that other potholes had also been filled.
- Responded to two points in Mr. Krepick's email, including a reminder that the Town was still working with its insurance carrier on the Town Hall water leak emergency and a review of the 2022 Capital Projects (REET) Fund budgeted expenses.
- Presented the proclamation repealing the Town Hall water leak emergency.

VII - TOWN ADMINISTRATOR'S REPORT

- Shared additional information about the work being done related to the Town's rights-of-way.
- Clarified that one of the largest 2022 Capital Projects (REET) Fund budgeted expenses was a transfer to the general fund allowed by state legislative action.
- Public Works Director Bryant has gotten preliminary cost information about paving.

VIII - RESOLUTION 2021-431: AUTHORIZED SIGNERS ON US BANK ACCOUNT

Clerk-Treasurer Napolitano presented Resolution 2021-431: Authorized Signers on US Bank Account.

Councilmember Bogen suggested that the Town consider requiring the mayor or mayor pro tem to sign all checks above an agreed-upon amount.

ACTION:

Councilmember Mitchell moved to approve Resolution 2021-431: Authorized Signers on US Bank Account. *Councilmember Brock* seconded the motion. The motion passed unanimously.

ACTION:

Staff will research Councilmember Bogen's suggestion and present information at a future meeting.

IX - ORDINANCE 2021-634: 2021 BUDGET AMENDMENT

Mayor Quinn reviewed the 2021 budget amendment ordinance and highlighted several items, including the temporary allowance to use REET revenue for maintenance and operation of capital items and an additional IT expense to replace obsolete failing equipment (the deposit would be paid in 2021 and the remainder in 2022). Mayor Quinn and Town Administrator Faison also presented the financial forecasts for the operating budget and the Capital Projects (REET) Fund. They also shared an updated list of Town Hall emergency repair expenses.

ACTION:

Councilmember Brock moved to approve Ordinance 2021-634: 2021 Budget Amendment. *Councilmember Whitson* seconded the motion. The motion passed unanimously.

X - RESOLUTION 2021-432: ARPA EXPENDITURES

Town Administrator Faison presented Resolution 2021-432: ARPA Expenditures. He clarified that the resolution was not mandatory but served to confirm that the Council approved the expenditures and deemed them necessary and appropriate under the ARPA funding guidelines.

ACTION:

Councilmember DeDonker moved to approve Resolution 2021-432: ARPA Expenditures. *Councilmember Mitchell* seconded the motion. The motion passed unanimously.

XI - DISCUSSION: ADUs & SHORT-TERM HOME RENTALS

Town Administrator Faison presented the memo related to short-term rentals and guest houses/caretaker's cottages/accessory dwelling units (ADUs). Mr. Faison reviewed the Town's current regulations and shared information on other jurisdictions' regulations. The state legislature would likely be discussing ADU regulations in the upcoming legislative session.

Mr. Faison reminded the Council that any changes to the zoning code would require review and a public hearing by the Planning Commission. He recommended that the Council discuss the issues and give staff guidance to draft a resolution with specific items for the Planning Commission to review. Discussion included the following items:

- Why must the ADU be detached?
- The number of lots in the R-14.5 zone that could reasonably build a guest house.
- The administrative burden of allowing short-term rentals or guest house rental.
- How changing the regulations might change the character of the Town.
- Short-term rentals.
- Why/whether the Town should address these two issues.

ACTION:

Councilmember Mitchell moved to have staff draft a resolution that would instruct the Planning Commission draft an ordinance banning short-term rentals, to hold a hearing to gather public input on the draft ordinance, and to make a final recommendation to Council on the ordinance. *Councilmember Whitson* seconded the motion. The motion passed 3-2,

with Councilmembers Mitchell, Whitson, and Brock voting for and Councilmembers Bogen and DeDonker voting against.

ACTION:

The consensus of the Council was not to amend the Town's guest houses/caretaker's cottages/accessory dwelling units (ADUs) regulations at that time.

XII - MEETING CANCELLATION & PAYMENT PROCEDURE – DECEMBER 20, 2021

Mayor Quinn proposed that the December 20 Council meeting be cancelled, and the Clerk's Office would follow the standard bill payment procedure to be used in lieu of that meeting and through the end of the year. 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 Bogen moved to approve the Bill Payment Procedure. *Councilmember Whitson* seconded the motion. The motion passed unanimously.

PUBLIC COMMENTS

Resident Tom Tindall commented on four items:

- A pothole on the corner of Chinook Road and Bella Coola Road.
- Chinook Road should be on the list for overlay.
- He is opposed to short-term rentals in the Town.
- He is concerned that the Town's dark skies policy is being ignored Town-wide.

GENERAL COUNCIL DISCUSSION – CHOICE OF SUBJECTS

Councilmember Whitson urged the Council to consider the maintenance and operations costs when approving new projects/expenditures in the future. He thanked the Council for their time working together.

Mayor Quinn and Clerk-Treasurer Napolitano reviewed the items that would be included in the upcoming Woodway Whisper.

ADJOURNMENT

Councilmember Whitson moved to adjourn the meeting. *Councilmember Bogen* seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:17 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.)



December 9, 2021

The Honorable Michael Quinn
Town of Woodway
23920 113th Place W.
Woodway, WA 98020

Re: Annual Certification of Board of Health Representative

Dear Mayor Quinn:

In 2018 the Board of Health passed Res. 18-26 (attached) amending language to the Snohomish Health District Charter regarding membership and city representation. The amended language establishes a more clearly defined process of selection and membership for Board of Health positions for smaller cities and towns. It also implements a rotation amongst the cities in each County Council district on an annual or semi-annual basis. Res. 18-26 became effective January 1, 2019, and the appointment of the 2019 representative was the start of the rotation cycle.

Per the Health District Charter, the largest city within each Council district appoints a Board of Health representative in accordance with that city's procedure for making such appointments. Edmonds is the largest city in District 3 and appoints its own representative.

For the remaining cities, the Charter now calls for the cities and towns in each Council district to select a single representative by **majority vote of those cities**. Woodway shares its representation on the Board with Lynnwood. The current representative for your town is Lynnwood Councilmember Christine Frizzell. Ms. Frizzell also serves on the Board's Administration Committee. She was appointed to the Board for her first term in 2020 and remains eligible to serve in 2022.

The Board sets local public health policy and oversees the operations of the Health District. In addition to attending monthly Board of Health meetings, Board members serve on one of three committees. These committees meet regularly and address topics such as budgeting, Board governance, and policy matters.

The first meeting of the Board in 2022 is Tuesday, January 18, at 3 p.m. Certification must occur before representatives can assume their seat on the Board. It's our hope that Woodway and Lynnwood will certify their representative **by Friday, January 14**. If not, the incumbent continues as a voting member of the Board until the certification process is complete in District 3.

Please mail your city's certification letter signed by you or your city manager to me at the address below or via email to sdejong@snohd.org. Thank you for your assistance with this process, Mayor Quinn. If you have any questions, please contact Sarah de Jong at sdejong@snohd.org or 425-339-8652, or call me at 425-339-8687.

Sincerely,

Shawn Frederick, Administrative Officer

Attach: Board of Health Res. 18-26
cc: Woodway Town Council



SNOHOMISH HEALTH DISTRICT
RESOLUTION OF THE BOARD OF HEALTH

RESOLUTION NUMBER: 18-26

RESOLUTION SUBJECT: AMENDING ARTICLE III OF THE CHARTER OF THE
SNOHOMISH HEALTH DISTRICT ADDRESSING BOARD OF
HEALTH MEMBERSHIP AND CITY REPRESENTATION

WHEREAS, members of the Board of Health are selected to ensure geographic representation of the entire County, including one County Council member from each of the five County Council Districts, one city council member from the largest city in each of the five County Council Districts, and one elected representative selected from among the smaller cities and towns in each of the five County Council Districts; and

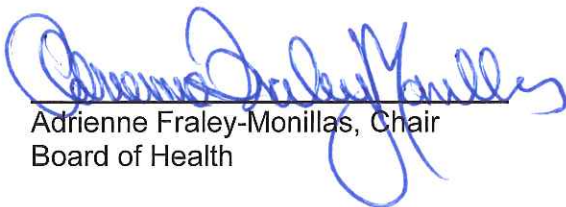
WHEREAS, smaller cities and towns in the county have not had a clear or consistent means of selecting a representative from each of the five County Council Districts that provides fair opportunities for representation; and

WHEREAS, the Board of Health desires to establish a more clearly defined process that includes fair and balanced representation and an opportunity for all smaller cities and towns to participate on the Board of Health;

NOW, THEREFORE, BE IT RESOLVED that the Board of Health for the Snohomish Health District does hereby amend Article III of its Charter as set forth in Exhibit A attached hereto relating to the Board of Health membership and establishing a more clearly defined process of selection and membership for Board of Health positions for smaller cities and towns in each of the five County Council Districts;


AND, BE IT FURTHER RESOLVED that this amendment takes effect January 1, 2019.

ADOPTED this 11th day of December 2018.



Adrienne Fraley-Monillas, Chair
Board of Health

ATTEST:



Jefferson S. Ketchel, MA, RS
Administrator

EXHIBIT A

ARTICLE III – MEMBERSHIP

1. Board Membership. The Board of Health shall be composed of a total of 15 members, with 3 members geographically from each of the 5 Snohomish County Council Districts.
 - (a) One Snohomish County Council member shall represent each of the 5 County Council Districts.
 - (b) The largest city within each of the 5 County Council Districts, as determined by the most recent official population numbers from the State of Washington, shall select one Board of Health representative from the city's council.
 - (c) The cities and towns within each of the 5 County Council Districts, other than the largest city, shall collectively select one Board of Health representative from among their elected mayors and Council members. Selection of the representative shall be in accordance with sections 3(b) below.
2. When any city has residents within more than one County Council District, that city shall be considered to belong to the Council District wherein the majority of the city's population resides.
3. Selection Procedure for City/Town Representatives/Certification
 - (a) The largest city within each County Council District shall appoint a Board of Health representative in accordance with each city's procedure for making such appointments. The representative appointed shall be certified annually by the mayor or city manager as properly appointed in a letter to the Health District.
 - (b) Cities and towns other than the largest within each County Council District jointly shall annually select a single representative by a ~~method of their choosing~~ majority vote of all cities and towns but excluding the largest city within the County Council District. If eligible, the Board position shall continue to be held by the incumbent until the appointment and certification for the ensuing year. In the event of a tie vote the Chair of the Board of Health shall cast the deciding vote by coin toss at a meeting that's open to the public. This representative shall be jointly certified annually by the mayors or city managers as properly appointed in a letter to the Health District. Provided, however, in County Council Districts where there is more than one small city or town, no representative of a city or town shall serve more than two consecutive years unless, where applicable, a majority plus one of the cities and towns eligible to vote (a super majority) agree to such additional year or years of service. Where a super majority is not applicable, because of the number of small cities and towns in a County Council District, a unanimous vote shall be required to authorize more than two consecutive years. The filling of a vacancy for a partial term of office shall be counted as one year of the two consecutive years maximum. Once a

representative of an eligible city or town has served on the Board of Health the next selection of a representative shall be from a different city or town within the County Council District until all cities and towns have had an opportunity to serve. Once all cities and towns within the Council District have had an opportunity for a representative of their city or town to serve, the order of selection from all cities and towns shall be repeated in the same order. If a city or town declines to offer an elected mayor or councilmember to serve on the Board of Health, a representative from another city or town shall be considered. No city or town shall have a representative appointed for subsequent terms to the Board of Health until all cities and towns within a County Council District have had an opportunity for a representative to serve.

- (c) Certification of representatives must occur before representatives can assume their seat on the Board of Health.

4. Terms of Office.

- (a) The term of office for Snohomish County Council members shall be that of each member's term of office on the County Council.
- (b) No specific term of office shall be established for representatives of ~~any city or group of cities or towns~~ the largest city within a County Council district. The term of office for the smaller cities and towns in each County Council District shall be as set forth in section 3(b) above. Such representatives to the Board of Health shall serve pursuant to appointments made by their respective cities and towns, and annual certification by the respective mayor(s) or city manager(s).
- (c) Membership on the Board of Health of an individual shall continue until the date on which the successor to the seat has been appointed or has assumed elected office and, in the case of representatives from cities and towns, certification as described in 3. above has been received by the Health District; PROVIDED, that should a member no longer hold the public office which qualifies such person for membership, or should a member resign from the Board of Health, membership ceases with the effective date of leaving office or resignation. In such cases, a representative from the same city or town from which the position on the Board of Health was vacated shall be appointed by that city or town to fill the remainder of the term on the Board of Health. If no representative from the same city or town offers to serve, the cities and towns shall by majority vote select a representative from another city or town. The filling of a vacancy for a partial term of office shall be counted as one year of the two consecutive years maximum.
- (d) Execution of an Oath of Office is required of each member of the Board of Health at the beginning of the term of office.

**TOWN OF WOODWAY
RESOLUTION 2022-433**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODWAY DIRECTING
THE PLANNING COMMISSION TO CONDUCT A PUBLIC HEARING ON AN
AMENDMENT TO THE TOWN'S CODE ADDRESSING SHORT-TERM RENTALS

WHEREAS, the primary purpose of the Town of Woodway ("Town") Residence Zones and UR Urban Restricted Zone ("Residential Zones") within the Woodway Municipal Code ("WMC") is to provide for one-family dwelling units with incidental, compatible secondary uses; and

WHEREAS, while short-term rental housing is not identified as a permitted primary or secondary use within the Town's Zoning code, neither the Town's Zoning code nor the Town's Business Licensing code directly address short-term rentals; and

WHEREAS, it is the position of the Town Council ("Council") that short-term rentals are prohibited and inconsistent commercial uses within the Town's Residential Zones; and

WHEREAS, the Council desires to receive public input and a recommendation from the Town's Planning Commission ("Planning Commission") on an amendment to the WMC that would clarify the Town's prohibition on short-term rentals;

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

Section 1. The Council directs the Planning Commission to review the WMC, draft an amendment that will clarify the Town's prohibition on short-term rentals in the Town's Residential Zones, receive public comment on such amendment, and make a recommendation to Council with respect to the amendment.

PASSED this 3rd day of January 2022 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

Michael S. Quinn, Mayor

ATTEST:

Heidi K. S. Napolitano, Clerk-Treasurer