

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, July 27, 2023



AGENDA
CITY COUNCIL REGULAR MEETING
Thursday, July 27, 2023 – 7:00 p.m.

Stanwood-Camano School District, Admin. Building Board Room
26920 Pioneer Highway, Stanwood, WA 98292

Members of the public may attend Stanwood City Council meetings
in-person at the address above, or Via Zoom.
Instructions to join the meeting by telephone or online are posted on the
City Website <https://www.stanwoodwa.org>

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA**
- 4. PRESENTATIONS**
- 5. PUBLIC COMMENTS**
Written comments must be provided to the Clerk by 9:00 a.m. the day of the meeting via this link:
<https://stanwoodwa.org/FormCenter/City-Clerk-5/City-Council-Meeting-Remote-Public-Comme-61>;
verbal comments may be provided in-person, or online via Zoom, call 360-454-5213 for assistance.
- 6. STAFF / DEPARTMENT REPORTS**
Parks Team Update – First Year Report **6.1**
- 7. COUNCIL COMMITTEE REPORTS**
 - a. Community Development Committee Minutes – July 7, 2023 **7.1**
 - b. Planning Commission Meeting Minutes – June 12, 2023 **7.3**
 - c. Parks and Trails Advisory Committee Meeting Minutes – June 20, 2023 **7.9**
 - d. Public Safety Committee Meeting Minutes – July 13, 2023 **7.13**
- 8. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks **8.1**
 - b. Approve City Council Regular Meeting Minutes – July 13, 2023 **8.7**
- 9. UNFINISHED BUSINESS**
Storefront Improvement Program Amendments **9.1**
- 10. PUBLIC HEARING - NONE**
- 11. NEW BUSINESS**
 - a. 72nd Avenue Property Surplus Resolution #2023-11 **11.1**
 - b. Country Store Street Vacation Resolution #2023-12 **11.7**
 - c. Solid Waste ILA with Snohomish County **11.19**
- 12. PUBLIC CLOSING COMMENTS**
- 13. EXECUTIVE/LEGISLATIVE REPORTS**
 - a. Mayor's Report
 - b. City Administrator's Report
 - c. Councilmember's Reports/Questions
- 14. RECESS TO EXECUTIVE SESSION:**
- 15. ADJOURN**

Upcoming Meetings:

August 10, 2023, Special Workshop 5:00pm

August 10, 2023, Regular City Council Meeting 7:00pm

September 14, 2023 Regular City Council Meeting 7:00pm



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 6

DATE: July 27, 2023

SUBJECT: Parks and Recreation Feasibility Study Implementation
Year One Report

CONTACT PERSON: Carly Ruacho, Parks Planning Manager

ATTACHMENTS: A – Park Photos

PURPOSE

The purpose of this agenda item is to update Council on the status and accomplishments of the Parks Team (Phase 1 and 2 of the Parks and Recreation Feasibility Study) after the first year of implementation.

BACKGROUND

For several years, the Parks and Trails Advisory Committee (PTAC) and members of the public were requesting that the city hire a full time Parks and Recreation Director. This pressure seemed to stem from the desire to improve park aesthetics and communication with the city.

A community survey conducted in 2019 placed a high priority on future parks and recreation program planning in Stanwood. Top priorities included trails and waterfront access. With the growth of Stanwood and the community's desire for a robust parks and recreation services and facilities, a Parks and Recreation Feasibility Study was included in the 2021 / 2022 biennial budget and associated work plan. The study identified a phased approach to provide improved park and recreational services in Stanwood.

Service Level 1: Parks Team

Move the current half time Senior Planner to Public Works for better communication with the Parks Team. A Parks email and phone number will be set up creating a direct link between the public and parks. This is the first step in creating a parks division within Public Works.

Service Level 2: Parks Division with Public Works

The reviewing Boards and Commissions recommended moving to Parks Service Level 2 as quickly as possible. Below is a proposed organization chart showing how a parks division could be implemented within the Public Works department using existing staff, rehiring the vacant Assistant Public Works Director / City Engineer position, and hiring one new Senior Parks Technician.

Service Level 3: Parks Department

The following organization chart shows a full parks department within Public Works once recreational programming is provided. Recreational programming includes providing recreation classes, hosting / managing tournaments, and / or building a community center or other buildings that support parks and recreation.

Scalable Approach: Service Level 1 - 3

City of Stanwood				Separate Parks District
Current	Parks Team	Parks & Rec. Supervisor	Parks & Rec. Department	Parks District
Level of Service Current Service Level Current LOS	Level of Service Service Level 1 - Improved park and ballfield maintenance - Improved communication with public	Level of Service Service Level 2 - Coordinating recreation programming - More cohesive approach to park development, programming, budgeting, and strategic planning	Level of Service Service Level 3 - Operating recreation programming and facilities - Expanded park and ballfield maintenance	Level of Service Service Levels 1 -3 Parks districts can operate at a variety of service levels
Description - Decentralized - Services split between City departments	Milestones - Dedicated staff for park services - Centralized (e.g., Public Works)	Milestones - Staff supervision needs - Recreational programming coordination - Budget & strategic planning needs	Milestones - Operating recreational programming and facilities - Other programming and activities needs (e.g., special events, partnerships) - Park system expansion	Milestones - City is unable to dedicate sufficient funds - Service demands from outside the City outpace City-resident demand
Est. Biennial Cost (2021 \$) \$1.2M*	Est. Biennial Cost (2021 \$) \$1.2M-\$1.4M	Est. Biennial Cost (2021 \$) \$1.7M-\$2.1M	Est. Biennial Cost (2021 \$) \$2.3M-\$2.7M	

On March 24, 2022, City Council approved implementation of Phase 1 of the Parks/Rec Feasibility Study with the direction to move to Phase 2 as soon as possible. On May 2, 2022, the new Parks Team was formed with the reclassification of the half-time Senior Planner to Parks Planning Manager (still ½ time) and 2 existing PW Techs being reassigned to work exclusively on parks operations and maintenance as well as 1 Engineering Tech to work as needed on parks projects (approximately ½ - ¾ time). The allocation of 2 PW Techs was more than originally planned for Phase 1, but with the desire to aggressively change the level of service for sports fields and general park upkeep, it was determined to be necessary.

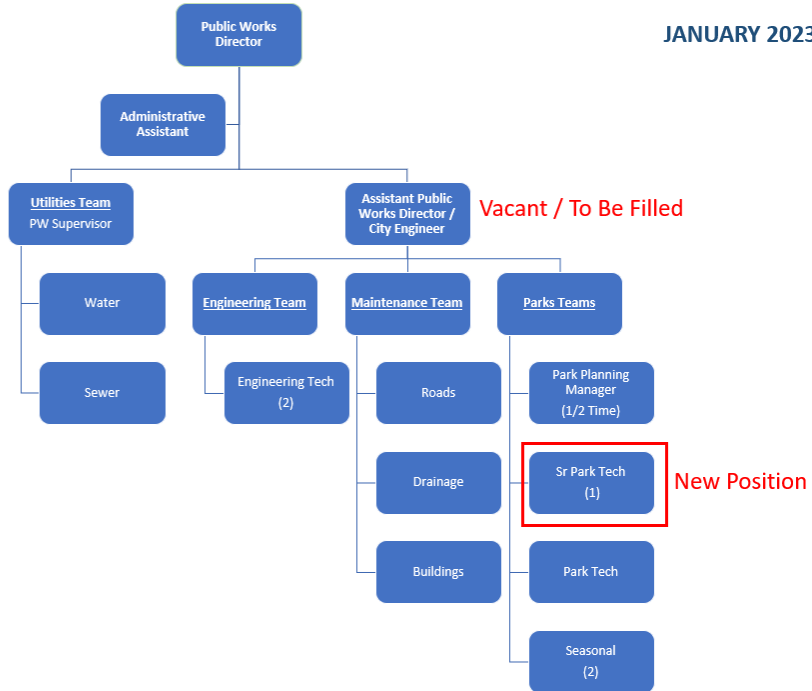
As of June 2023, additional steps were taken to progress the implementation to Phase 2 and the Engineering Tech was reclassified to Parks Team Lead and has increased his oversight of the PW Techs and parks maintenance. Although the Assistant PW Director/City Engineer position remains vacant at this time an Engineering Tech was promoted to Associate Engineer and is providing project oversight for Parks projects. Two of the five fulltime city summer help hires were also dedicated exclusively to parks to assist with the increase of mowing and watering needs during the spring and summer months to allow the maintenance of the higher level of service during the peak growing season.

Service Level 2

Parks Division Model:

- Rehire Assistant Public Works Director / City Engineer with Some Parks Planning Background
- Create / Clarify Engineering, Maintenance, and Parks Teams
- Hire New Sr Parks Tech Position

Cost: \$150,000 - \$200,000 Per Year
One New Position and Minor
Reclassification of Sr Planner to
Parks Planning Manager



ANALYSIS

The Parks Team was relocated to one central location in Public Works and began holding weekly meetings to discuss daily work tasks, upcoming projects, citizen comments, work plan management and division needs (equipment, supplies, etc.). Website modifications were implemented to allow more direct access to parks information as well as a new phone number and email dedicated exclusively to parks for direct communication regarding park concerns or needs from the public.

Parks maintenance level of service for playfields and park areas increased immediately after the team was formed with more staff time spent daily on tasks including mowing, watering and weed control. More time was also spent on delayed maintenance projects and improving aesthetics within parks. Equipment needs were evaluated, and new equipment purchases were made to support the increased level of service including a water trailer, new mowers, new staff vehicle and a side-by-side with spreader, sprayer and plow attachments.

Significant accomplishments over the past year include:

- Planning and installation of the new skatepark upgrades
- Planning, design and construction of 3 new sports courts at Heritage Park and Church Creek Park including basketball and pickleball
- Final design and contract for construction of Hamilton Park
- 90% design for the Stanwood Port Susan Trail (Phase 2)
- Development of partnerships for use of Ovenell for community-based programs
- Significant tree clearing at Church Creek Park to increase visibility on frontage and safety within the park
- Relandscaping of the flagpole circle at Church Creek Park
- Inhouse reconditioning of the Church Creek Park baseball field and Heritage Park soccer field

- Oversight of contractor installation of new irrigation installation on Field #3 at Heritage Park
- Design, contract and installation of new drainage pumps at Heritage Park (Baseball fields)
- Design completion of large dog park at Heritage Park
- Construction of new dug-out benches at Church Creek Park
- Wetland study completion for Church Creek Park masterplan
- Ground leveling and landscaping modifications at City Hall Park
- Oversight of frontage tree removal and installation of 88 new trees at Heritage Park
- Improved walking trail conditions at Church Creek Park

For the remainder of the current biennial budget cycle (2023/24) staff will work toward completing the following budgeted projects:

- Cover Dugouts/Foul Netting at Heritage Park
- Construct Large Dog Park at Heritage Park
- Improve Dugouts at Church Creek Park
- Add Crosswalk to High School at Church Creek Park
- Gateway/Wayfinding Signage at Heritage Park and Church Creek Park
- Continued Tree Management at Church Creek Park
- Loop Trail(s) extensions at Heritage Park and Church Creek Park
- Replace Picnic Shelter Roof at Church Creek Park
- Complete Restroom Plumbing Upgrade at Heritage Park
- Construct Hamilton Landing Park
- Construct Port Susan Trail - Phase 2

Staff will also continue to strive to meet the priority desires as stated in the Parks Feasibility Study including increased maintenance levels to have tournament-ready ballfields, increased wayfinding signage, improved trails and walkability, increased parking capacity and improved parking maintenance, increased park development and planning.

RECOMMENDATIONS

N/A

CITY COUNCIL OPTIONS

N/A

Heritage Park Skatepark



Heritage Park Pickleball Courts



Heritage Park Soccer Field



Lions Park



Church Creek Park



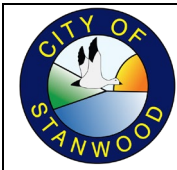


**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7a
DATE: 07/27/2023
SUBJECT: Community Development Committee Meeting Minutes
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A – 07/06/2023 Meeting Minutes

SUMMARY STATEMENT:

Minutes from the 07/06/2023 Community Development Committee Meeting are attached to this staff report for approval as presented.



Community Development Committee Meeting Minutes Thursday, July 6, 2023, 2023 | 5:00 pm

Council Members Present: Steve Shepro, Tim Schmitt, Marcus Metz

Staff Present: Patricia Love, Audrey Rotrock, Sarah Cho

Others Present: N/A

Steve Shepro called the meeting to order at 5:00 p.m.

1. Storefront Improvement Program Amendments

After storefront improvement program applications will be seen first by the Economic Development Board (EDB), and then by the Community Development Committee (CDC). Once EDB and CDC have completed their review, the applications will go to City Council where they will approve or deny them in their entirety. Applicants with a denied application will then have the opportunity to make changes to or withdraw their applications.

2. West End Gateway

Of the four options presented, Council members support Option 4 that would add four banner poles next to the Stanwood Hotel and Bank of America with an art element and possible solar string lights. They would also like staff to work with businesses to ensure the poles do not block any signage or entrances to surrounding businesses. Consider adding a wayfinding sign on the corner of 102nd Avenue NW and 270th Street NW to direct people toward the brick road rather than north that would lead people out of town.

3. HASCO Interlocal Agreement

Council members are supportive of the HASCO Interlocal Agreement and approve moving it forward to the full City Council.

4. SMC Title 7 – Health and Sanitation and Title 8 - Animals

Council members would like additional information on whether or not the City will have the ability to enforce some of the more strict nuisance regulations. Consider adding a limited time window for basketball games in residential neighborhoods as they can produce considerable noise. The east end of the Twin City Mile has a lot of options for outdoor dining. Consider making the whole east end a no smoking/vaping area. Clarify in the code how the city will address pets roaming on to neighboring properties.

Adjourn: 6:23 p.m.





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7b

DATE: July 27, 2023

SUBJECT: Planning Commission Meeting Minutes

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – June 12, 2023 Meeting Minutes

SUMMARY STATEMENT

Minutes from the June 12, 2023 Planning Commission Meeting are attached to this staff report for approval as presented. These minutes were approved at the July 10, 2023 Planning Commission Meeting.



Planning Commission
Meeting Minutes
June 12, 2023 – 6:30 pm

Call to Order: 6:32 pm

Roll Call

Commissioners Present:

Eric Warnat, Commissioner (online)
Robert Hicks, Commissioner
Patrick Hosterman, Commission Chair
Cody Davis, Commission Vice-Chair
Jeff Wheatley, Commissioner (online)

Staff Present:

Patricia Love, Community Development Director
Tansy Schroeder, City Planner
Audrey Rotrock, Associate Planner

Absent: Melissa Toner, Commissioner; Justin Burns, Commissioner

Also known to be present: Carly Ruacho (Stanwood Parks Planning Manager), Peter Kamb, Rick Williams, Melissa Williams, Tony Bonnalie

Public Requests and Comments:

None

Approval of Minutes:

The minutes from the April 24, 2023 Planning Commission meeting were unanimously approved.

New Business:

Public Meeting: Stanwood Port Susan Trail Phase 2

The City of Stanwood is proposing the Stanwood/Port Susan Trail Phase 2 project, which will provide a 1.4 mile American with Disabilities Act (ADA) compliant non-motorized, multi-use path from the Community Transit Park & Ride on 267th Street NW at the east end to an existing overlook west of the proposed Hamilton Landing Park project. A portion of trail footprint was previously constructed with Phase 1 in 2021. The trail will cross over Irvine Slough via a new pedestrian bridge. The project also includes multiple shoreline variance requests to allow construction of the proposed trail within critical areas and their buffers, to allow the trail to be constructed out of impervious materials for ADA access, and to allow the trail to exceed 5 feet in width for ADA access.

Commissioner Questions & Comments

- Will there be benches along the trail? Yes, there will be plazas along the trail that will be located at viewpoints. The plazas will have views of the river and benches similar to those being installed for the Twin City Mile project.
- How will the farm/property to the south of the sewage plant be affected by this project? The trail will be on existing, City owned, access road and should not impact surrounding properties.
- Will this trail affect flooding issues? No, the trail will be paved with asphalt on the existing berm.
- Will there be new parking for the trail? No new parking will be added. Trail users can park at the park & ride on Marine Drive, and at Hamilton Landing Park.
- Will there be river access from the trail? The will river be accessed from Hamilton Landing Park.
- Will there be restrooms? Restrooms are planned for Hamilton Landing Park.



Planning Commission
Meeting Minutes
June 12, 2023 – 6:30 pm

- Will the trail be connected to Leque Island Park? A connection to Leque Island Park may be a future goal of this project, but it is not currently planned and would need to involve multiple parties such as Washington Department of Transportation (WADOT).
- Fencing between the trail and private property is under consideration.
- Due to budget concerns, Phase 2 of the Port Susan Trail, may need to be split into Phase 2a, 2b, etc.

Public Comments & Questions

- Rick & Melissa Williams, owners of the farm south of the sewage plants, have the following comments and concerns:
 - People using the trail might view their farm as a nuisance (dust and odors from farming).
 - Trash may be left on the trails and/or their farm.
 - Trail users may enter their private property, causing a liability.
 - A fence would be a helpful barrier between the trail and private property.
 - Construction of the trail will negatively affect salmon migration.
 - Construction of the trail will negatively affect the Larsen dam that controls flood waters.
- Tony Bonnalie, owner of Mission Motors, commented that he would also like to see a fence between his property along with other nearby businesses, and the trail.
- Peter Kamb, local resident, had the following comments:
 - Strongly supports this project as non-motorized trails are needed in the area.
 - This trail would provide an opportunity for people to appreciate the surrounding agriculture. Farm owners could add signs describing what, and how they grow, their crops.
 - Supports a trail connection to Leque Island Park and Camano Island. The Stillaguamish Tribe had previous plans to create a pedestrian bridge to Leque Island Park.
 - Create a southern connection to Florence Island or a bike lane on Marine Drive.

Parks, Recreation, and Open Space Survey

Planning staff are starting the Parks, Recreation, and Open Space (PRO's) update portion of the 2024 Comprehensive Plan. One of the RCO certification requirements is to conduct a public survey. The City has prepared a youth survey and an adult survey that will be open through June and July 2023. The survey will be available to complete online, and hard copies will be distributed to the YMCA, the library, and other youth programs.

In addition to starting the park survey work, the following sections of the PROS plan has been identified as needing an update:

- The PROS plan will be redesigned in a similar format at the Comprehensive Plan;
- Goals and policy;
- Integrate photos and graphics into the design;
- Update demographics: population, age, etc.;
- Review level of service standards;
- Update park profiles: amenities and acquisitions; and
- Updated CIP matching Master Plan priority lists.



Planning Commission
Meeting Minutes
June 12, 2023 – 6:30 pm

Commissioner Questions & Comments

- The survey has good questions for prompting responses about parks.
- Add fishing to the list of options that people would like to see in a Stanwood park.
- Promote disc golf at Church Creek Park. It is currently not well marked and difficult to see.
- Keep as many trees at Church Creek Park as possible.
- Lacrosse is an up-and-coming sport. Add lacrosse to the list of options for the parks.
- In the introduction of the survey, add language that mentions all parks in the City.

Public Comments & Questions

- Continue discussions with BNSF Railroads about the rails to trails for the tracks at Ovenell Park. A simple trail at the park would be sufficient.
- Consider adding language to the survey on why a splash pad would not currently work for the City.

2024 Comprehensive Plan: Transportation Element Goals and Policies

The Transportation Element provides the framework to guide the growth and development of the City's transportation infrastructure. The Transportation Element implements and is consistent with the land use element of the Comprehensive Plan to ensure that the transportation network is planned to serve existing and future developments. The Element should address the development of a balanced, multi-modal transportation network for the City and also recognizes the regional nature of the transportation network and the need for continuing interagency coordination to improve the system.

The goals and policies of the Transportation Element are required to address the following items pursuant to the Washington State Growth Management Act and the PSRC Vision 2050 in addition to addressing Stanwood's community vision for the transportation system.

- Travel Demand Based on Land Use
- Estimated Traffic Impacts to State-Owned Facilities
- Facility and Service Needs
 - Inventory of Transportation Facilities
 - Level of Service (LOS) Standards
 - Actions to Bring Facilities up to LOS
 - Traffic Forecasts
 - Consistency with Statewide Multi-Modal Plan
- A Multiyear Financing Plan
- Intergovernmental Coordination Efforts
- Demand Management Strategies
- Non-Motorized Access for Pedestrians and Bikes
- Consistency with Transportation Element, 6-year CIP, and 10-year State Investment Plan (RCW 47.05.030)



Planning Commission
Meeting Minutes
June 12, 2023 – 6:30 pm

Commissioner Questions & Comments

- Why are airports mentioned in this element when Stanwood does not have an airport? Staff would prefer to leave airports in the element for future possibilities. In some cases, leaving items more generic is better than being too specific.

Public Comments & Questions

- The reason kids don't walk to school is the roads aren't safe to walk on due to traffic and visibility.
- Invest in full, separated paths instead of a sidewalk next to cars and traffic.
- Use more direct language pertaining to rails to trails preservation.
- Roundabouts could solve some traffic issues on SR 532.

Old Business:

None

Miscellaneous Business:

2022 / 2023 Washington State Legislative Bill Summary

The Community Development Department has asked the City Attorney's summer intern to summarize the 2022 / 2023 Washington State Legislative Bills and describe what will apply to Stanwood and our Land Use.

Recent Council Action on Commission Items:

- Adoption of SMC Titles 9 and 13
- Housing Action Plan is going to Council on June 22, 2023
- Building Code Update – Delayed by six months due to provisions in the Energy Code

Upcoming Items:

- SMC Titles 3 and 5
- Land Use and Housing Elements
- Park Policies

Adjourn: 8:22 pm

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7c

DATE: July 27, 2023

SUBJECT: Parks Trails Advisory Committee Meeting Minutes

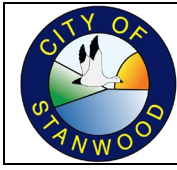
CONTACT PERSON: Carly Ruacho, Parks Manager

ATTACHMENTS: A- June 20th, 2023, Parks Trails Advisory Committee Meeting Minutes

SUMMARY STATEMENT

Minutes from the June 20th, 2023, Parks Trails Advisory Committee Meeting Minutes are attached to this staff report for approval as presented.

These minutes were approved at the July 17th, 2023 Parks Trails Advisory Committee Meeting.



Parks and Trails Advisory Committee Meeting Minutes June 20, 2023

1. Call to Order: 3:09PM

Roll call:

Present:

Gordy Holmes
Matt Withers
Cathy Wooten
Judy Williams

Others Present:

Carly Ruacho, Parks Planning Manager
Kevin Hushagen, Public Works Director
Peter Kamb, public

Absent:

Dave Hall
Lisa Bruce
Meagen Watne

1. Citizen Comments

Peter Kamb wanted to discuss a topic that was brought up by Patricia Love at the last Planning Commission meeting regarding the western section of the Port Susan Trail being canceled and rerouted up the 102nd street sidewalk. Carly advised that that discussion is on the agenda for this meeting.

2. Approval of May 2023 Meeting Minutes

Carly will be adding comment made by Meagan Watne regarding ADA access to the playgrounds. Judy Williams moved to accept the May 2023 PTAC as amended. Matt Withers seconded the motion.

3. PROS Plan Outline Review

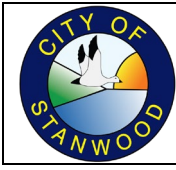
The PTAC members reviewed the PROS Plan (Parks, Recreation, and Open Space) brought forth by Patricia Love Community Development Director. This was just a discussion no action was taken.

4. Church Creek Striping Plan

Carly went over the striping plan for Church Creek Park. She showed the members the plan for striping. There is not a quote ready yet. The members wanted to table this until they have the pricing.

5. Civic Plus Park Scheduling

Carly went over the plan for the parks department wanting to get a scheduling software so the community can see what facilities, fields, and picnic shelters are available. This is not a budgeted item, so it would have to go to council to review and decide if they want to move forward and do a budget amendment. It was asked if Amanda has talked to other parks departments to see what programs they have and are using. Several other software scheduling programs were also suggested to look into. No action was taken.



Parks and Trails Advisory Committee Meeting Minutes June 20, 2023

6. Church Creek Park Crosswalk

Carly let the members know that the city is moving forward with on the crosswalk from the high school to Church Creek Park. The project was estimated at 35,000.00, but the cost will be covered by another public works fund other than parks. Estimated time of completion is 2-3 months.

Cathy Wooten asked about the trees that had been taken out at CCP. Kevin Hushagen let the members know they were taken out to accommodate the 72nd Avenue sidewalk project.

No action taken

7. Park/Trail Updates

Pickleball construction

Heritage Park pickleball- there has been issues with the striping and getting the lines in the correct places. It has taken three times so far. It is moving forward.

Church Creek Park sports court- The contractor has been unable to get the lines to fit squarely on the new concrete pad so adjustments were needed to the concrete.

June 1st was the contract completion date but with the struggles and weather it has been pushed out. The hope is to have both courts completed and opened by end of June.

Ribbon cutting will be sometime in July.

Hamilton Park construction

The requests for proposals went out and are due back June 28th, 2023. Carly will talk at the next meeting about the bid results.

Port Susan Trail

The members discussed the progress and challenges with the Port Susan Trail. The budget that the parks was given for the trail boardwalk was significantly less than the actual costs that we are now getting. Currently the City is looking into limiting some trail options in order to stay within budget. No action taken.

8. Committee Member Comments

Cathy Wooten asked if the company who is putting in the pickleball courts has ever done any in the past. Carly said they have done tennis courts which are essentially the same in construction.

Adjourn: 4:49 PM

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7d
DATE: July 27, 2023
SUBJECT: Public Safety Committee Report
CONTACT PERSON: Jason Toner, Police Chief
ATTACHMENTS: A – Safety Committee Meeting Minutes 07/13/2023

SUMMARY STATEMENT

The minutes of the July 13, 2023, Public Safety Committee Meeting are attached to this staff report for approval as presented.



STANWOOD

PUBLIC SAFETY COMMITTEE

Meeting Minutes

July 13th, 2023

LOCATION: School Admin Bldg., 26920 Pioneer Hwy Stanwood WA

ATTENDANCE:

- City Council Members – Tim Schmitt, Andreena Bergman, and Dani Gaumond
- Stanwood Police – Chief Jason Toner
- North County Regional Fire- Chief Jon Cermak

CALLED TO ORDER: Meeting Called to Order at 6:00 pm

DISCUSSION:

- Chief Cermak discussed the upcoming levy lid lift and the benefits it will bring to the city. Staffing station 96 and adding much needed personnel to the northeast side of town, where there is a lot of growth.
- There were six brush fires on the Fourth of July in the Regional Fire District, one inside Stanwood City Limits.
- Chief Cermak reminded the committee about the 9/11 ceremony in September.
- Chief Toner discussed an uptick in gas and property thefts this past month along with the drug issues at the Community Transit Park and Ride south of town.
- Chief Toner talked about noise complaints that have increased this spring and summer.
- Chief Toner spoke about upcoming community events, Coffee with the Chief 7/20 at the Mustard Seed, National Night Out on August 1st, and the Stanwood Parade.

Adjourn: Meeting Adjourned at 6:27



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8a

DATE: July 27, 2023

SUBJECT: Approval of Voucher and Payroll Checks

CONTACT PERSON: Amy Bergemeier, Accounting Specialist

ATTACHMENTS: A - Voucher Check Detail

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank voucher checks 37201 through 37234 and electronic fund transfers in the amount of \$597,712.81. Approve issuance of Washington Federal payroll benefit checks 2149 through 2161 and electronic fund transfers in the amount of \$389,981.78.

RECOMMENDED MOTION

MOTION TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 37201 THROUGH 37234 AND ELECTRONIC FUNDS TRANSFERS IN THE AMOUNT OF \$597,712.81. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL BENEFIT CHECKS 2149 THROUGH 2161 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$389,981.78.

CHECK REGISTER

City Of Stanwood

Time: 10:08:08 Date: 07/12/2023

06/28/2023 To: 07/12/2023

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3280	07/07/2023	Payroll	3	EFT		4,558.44	June 2023 Payroll
3281	07/07/2023	Payroll	3	EFT		4,651.13	June 2023 Payroll
3282	07/07/2023	Payroll	3	EFT		4,548.08	June 2023 Payroll
3283	07/07/2023	Payroll	3	EFT		2,580.76	June 2023 Payroll
3284	07/07/2023	Payroll	3	EFT		3,029.27	June 2023 Payroll
3285	07/07/2023	Payroll	3	EFT		467.20	June 2023 Payroll
3286	07/07/2023	Payroll	3	EFT		3,397.66	June 2023 Payroll
3287	07/07/2023	Payroll	3	EFT		2,489.78	June 2023 Payroll
3288	07/07/2023	Payroll	3	EFT		3,750.94	June 2023 Payroll
3289	07/07/2023	Payroll	3	EFT		7,769.66	June 2023 Payroll
3290	07/07/2023	Payroll	3	EFT		4,554.05	June 2023 Payroll
3291	07/07/2023	Payroll	3	EFT		2,530.63	June 2023 Payroll
3292	07/07/2023	Payroll	3	EFT		3,722.90	June 2023 Payroll
3293	07/07/2023	Payroll	3	EFT		3,288.84	June 2023 Payroll
3294	07/07/2023	Payroll	3	EFT		3,454.22	June 2023 Payroll
3295	07/07/2023	Payroll	3	EFT		1,235.90	June 2023 Payroll
3296	07/07/2023	Payroll	3	EFT		487.20	June 2023 Payroll
3297	07/07/2023	Payroll	3	EFT		4,258.36	June 2023 Payroll
3298	07/07/2023	Payroll	3	EFT		3,983.42	June 2023 Payroll
3299	07/07/2023	Payroll	3	EFT		7,225.86	June 2023 Payroll
3300	07/07/2023	Payroll	3	EFT		1,539.18	June 2023 Payroll
3301	07/07/2023	Payroll	3	EFT		5,722.12	June 2023 Payroll
3302	07/07/2023	Payroll	3	EFT		2,024.23	June 2023 Payroll
3303	07/07/2023	Payroll	3	EFT		2,382.55	June 2023 Payroll
3304	07/07/2023	Payroll	3	EFT		5,873.96	June 2023 Payroll
3305	07/07/2023	Payroll	3	EFT		5,413.71	June 2023 Payroll
3306	07/07/2023	Payroll	3	EFT		4,125.89	June 2023 Payroll
3307	07/07/2023	Payroll	3	EFT		487.30	June 2023 Payroll
3308	07/07/2023	Payroll	3	EFT		3,927.29	June 2023 Payroll
3309	07/07/2023	Payroll	3	EFT		487.58	June 2023 Payroll
3310	07/07/2023	Payroll	3	EFT		2,933.38	June 2023 Payroll
3311	07/07/2023	Payroll	3	EFT		5,356.75	June 2023 Payroll
3312	07/07/2023	Payroll	3	EFT		3,064.81	June 2023 Payroll
3313	07/07/2023	Payroll	3	EFT		437.20	June 2023 Payroll
3314	07/07/2023	Payroll	3	EFT		2,364.69	June 2023 Payroll
3315	07/07/2023	Payroll	3	EFT		3,175.78	June 2023 Payroll
3316	07/07/2023	Payroll	3	EFT		1,923.27	June 2023 Payroll
3317	07/07/2023	Payroll	3	EFT		1,643.24	June 2023 Payroll
3318	07/07/2023	Payroll	3	EFT		3,685.03	June 2023 Payroll
3319	07/07/2023	Payroll	3	EFT		487.11	June 2023 Payroll
3320	07/07/2023	Payroll	3	EFT		3,086.47	June 2023 Payroll
3321	07/07/2023	Payroll	3	EFT		5,194.36	June 2023 Payroll
3322	07/07/2023	Payroll	3	EFT		487.39	June 2023 Payroll
3323	07/07/2023	Payroll	3	EFT		5,106.35	June 2023 Payroll
3324	07/07/2023	Payroll	3	EFT		4,628.99	June 2023 Payroll
3325	07/07/2023	Payroll	3	EFT		7,159.48	June 2023 Payroll
3326	07/07/2023	Payroll	3	EFT		4,620.33	June 2023 Payroll
3327	07/07/2023	Payroll	3	EFT		2,326.36	June 2023 Payroll
3328	07/07/2023	Payroll	3	EFT		5,044.35	June 2023 Payroll
3331	07/07/2023	Payroll	3	EFT	HSA Bank	949.00	Pay Cycle(s) 07/07/2023 To 07/07/2023 - HSA Contributions ER; Pay Cycle(s) 07/07/2023 To 07/07/2023 - HSA Contr EE
3332	07/07/2023	Payroll	3	EFT	Internal Revenue Service (941)	78,063.49	941 Deposit for Pay Cycle(s) 10/01/2023 - 10/31/2023

CHECK REGISTER

City Of Stanwood

Time: 10:08:08 Date: 07/12/2023

06/28/2023 To: 07/12/2023

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3333	07/07/2023	Payroll	3	EFT	WA St Department Of Retirement Systems	51,639.34	Pay Cycle(s) 07/07/2023 To 07/07/2023 - PERS2; Pay Cycle(s) 07/07/2023 To 07/07/2023 - PERS 3; Pay Cycle(s) 07/07/2023 To 07/07/2023 - 457 - DRS (DCP)
3371	07/03/2023	Claims	3	EFT	Heartland Payment Systems	927.24	June 2023 Merchant Fees
3373	07/05/2023	Claims	3	EFT	Chase Paymentech	4,049.73	June Paymentech Fees
3374	07/06/2023	Claims	3	EFT	Xpress/Bill Pay	661.69	June Fees
3334	07/07/2023	Payroll	3	2149	AFLAC	221.39	Pay Cycle(s) 07/07/2023 To 07/07/2023 - AFLAC, Pre-Tax; Pay Cycle(s) 07/07/2023 To 07/07/2023 - AFLAC, Post-Tax
3335	07/07/2023	Payroll	3	2150	AWC Employee Benefit Trust	24,121.57	Pay Cycle(s) 07/07/2023 To 07/07/2023 - AWC - Health First 250; Pay Cycle(s) 07/07/2023 To 07/07/2023 - AWC- Dental J; Pay Cycle(s) 07/07/2023 To 07/07/2023 - AWC - Vision; Pay Cycle(s) 07/07/2023 To;
3336	07/07/2023	Payroll	3	2151	Colonial Life Insurance	66.75	Pay Cycle(s) 07/07/2023 To 07/07/2023 - Colonial Life Ins
3337	07/07/2023	Payroll	3	2152	Great-West Life & Annuity	4,920.00	Pay Cycle(s) 07/07/2023 To 07/07/2023 - 457 - Empower (Mass Mutual); Pay Cycle(s) 07/07/2023 To 07/07/2023 - Roth 457(b)Empower(MassMutual)
3338	07/07/2023	Payroll	3	2153	Legal Shield	63.85	Pay Cycle(s) 07/07/2023 To 07/07/2023 - Legal Shield
3339	07/07/2023	Payroll	3	2154	Mission Square	3,651.87	Pay Cycle(s) 07/07/2023 To 07/07/2023 - 457 - Mission Square Ret(ICMA)
3340	07/07/2023	Payroll	3	2155	Navia Benefits	505.00	Pay Cycle(s) 07/07/2023 To 07/07/2023 - Navia Limited FSA
3341	07/07/2023	Payroll	3	2156	Western Conference of Teamsters Pension Trust	2,368.86	Pay Cycle(s) 07/07/2023 To 07/07/2023 - WCTPP Contributions
3342	07/07/2023	Payroll	3	2157	Teamsters Union Local 231	1,786.00	Pay Cycle(s) 07/07/2023 To 07/07/2023 - Teamsters Dues
3343	07/07/2023	Payroll	3	2158	Washington Teamsters Welfare Trust	38,826.30	Pay Cycle(s) 07/07/2023 To 07/07/2023 - Teamsters Dental; Pay Cycle(s) 07/07/2023 To 07/07/2023 - Teamsters Medical
3412	07/12/2023	Payroll	3	2159	Dept of Labor and Industries	9,177.26	2ND Quarter L&I: 04/01/2023 - 06/30/2023
3413	07/12/2023	Payroll	3	2160	ESD - PFMLA	5,185.81	Pay Cycle(s) 04/01/2023 To 06/30/2023 - PFMLA
3414	07/12/2023	Payroll	3	2161	Employment Security Dept	1,741.84	2nd Quarter Unemployment: 04/01/2023 - 06/30/2023
3213	06/29/2023	Claims	3	37201	Bud Clary Ford Hyundai	36,018.75	City of Stanwood
3248	07/05/2023	Claims	3	37202	Aramark Uniform Services Inc	109.36	937963000; 937963000
3249	07/05/2023	Claims	3	37203	Cascade Natural Gas Corp	222.00	839 440 0000 5; 127 540 0000 3; 498 440 0000 7; 931 607 9072 6; 953 540 0000 2; 608 440 0000 4; 022 201 7579 4
3250	07/05/2023	Claims	3	37204	City of Everett *	1,000.00	STACITG
3251	07/05/2023	Claims	3	37205	Confluence Environmental Company, Inc	10,487.00	City of Stanwood
3252	07/05/2023	Claims	3	37206	Databar Inc.	897.84	8952

CHECK REGISTER

City Of Stanwood

Time: 10:08:08 Date: 07/12/2023

06/28/2023 To: 07/12/2023

Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
3253	07/05/2023	Claims	3	37207	Edge Analytical Inc	617.00	STA01; STA01
3254	07/05/2023	Claims	3	37208	Fastenal	21.93	WAARN1604; WAARN1604
3255	07/05/2023	Claims	3	37209	Global Industrial	57.41	7066636
3256	07/05/2023	Claims	3	37210	Hamilton Lumber LLC	36.59	City of Stawnood; City of Stawnood; City of Stanwood
3257	07/05/2023	Claims	3	37211	ICONIX Waterworks (US) Inc.	1,842.83	CITSTA
3258	07/05/2023	Claims	3	37212	Lenz Enterprises Inc	113.22	City of Stawnood
3259	07/05/2023	Claims	3	37213	Les Schwab Tire Centers	236.40	S34-00006
3260	07/05/2023	Claims	3	37214	Navia Benefits	50.00	City of Stanwood
3261	07/05/2023	Claims	3	37215	ODP Business Solutions, LLC	240.15	36274097; 36274097
3262	07/05/2023	Claims	3	37216	PUD Of Snohomish County *	381.02	200592889
3263	07/05/2023	Claims	3	37217	Petty Cash/ Marcy Mathis -Custodian	40.00	City of Stanwood
3264	07/05/2023	Claims	3	37218	Safeway	25.52	191483
3265	07/05/2023	Claims	3	37219	Skagit Farmers Supply	3,475.42	135052; 135052
3266	07/05/2023	Claims	3	37220	Sno Co District Court	503.69	DCT34003
3267	07/05/2023	Claims	3	37221	Snohomish County Treasurer	10.77	City of Stanwood
3268	07/05/2023	Claims	3	37222	Lisa Sokolik	60.93	City of Stanwood
3269	07/05/2023	Claims	3	37223	Stanwood Ace	315.13	20013; 20013; 20013; 20013; 20013
3270	07/05/2023	Claims	3	37224	Stanwood Auto Parts	465.35	56100; 56100; 56100; 56100; 56100
3271	07/05/2023	Claims	3	37225	Stanwood Camano News	76.75	SCN-1254859
3272	07/05/2023	Claims	3	37226	Stanwood City Utility	6,517.79	2741; 3439; 2732; 1075; 2688; 2749; 2886; 2964; 2965; 3184; 4962
3273	07/05/2023	Claims	3	37227	Stilly Auto Parts Napa	41.40	27197
3274	07/05/2023	Claims	3	37228	USA Bluebook	1,092.15	478228
3275	07/05/2023	Claims	3	37229	Unum Life Insurance	88.40	0220603-036 2
3276	07/05/2023	Claims	3	37230	WA Assn Sheriffs/ Police Chiefs	180.00	City of Stanwood
3277	07/05/2023	Claims	3	37231	WA St Dept of Licensing *		incorrect amount per P.D.
3278	07/05/2023	Claims	3	37232	WA St Treasurer	1,316.48	City of Stanwood
3279	07/05/2023	Claims	3	37233	Washington State Patrol *	159.00	91-6001127
3353	07/06/2023	Claims	3	37234	Sunset Ford	525,373.87	City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood
001 General Fund						192,168.74	
101 Street Fund						38,229.00	
104 Park And Trail Improvement Fund						-1.00	
107 Equipment Reserve Fund						232,185.54	
110 Building Improvement Fund						10,487.00	
401 Sewer Fund						81,710.72	
410 Drainage Fund						28,640.89	
411 Drainage Construction Fund						297.71	
421 Water Fund						74,325.91	
457 Sewer Equipment Reserve						240,308.76	
458 Drainage Equipment Reserve						24,898.32	
459 Water Equipment Reserve						64,000.00	
630 Agency Fund						443.00	
						987,694.59	Claims: 597,712.81 Payroll: 389,981.78

CHECK REGISTER

City Of Stanwood

Time: 10:08:08 Date: 07/12/2023

06/28/2023 To: 07/12/2023

Page: 4

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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CERTIFICATION: 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 City of Stanwood, and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer Wendy Corder Donhouse Date: 7-12-23
(X) Deputy Finance Director

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 8b
DATE: July 27, 2023
SUBJECT: City Council Regular Meeting Minutes – July 13, 2023
CONTACT PERSON: Lisa Sokolik, City Clerk
ATTACHMENTS: A – Council Regular Meeting Minutes

SUMMARY STATEMENT

July 13, 2023, Regular City Council Meeting minutes are attached.

RECOMMENDED MOTION

MOTION TO APPROVE THE JULY 13, 2023, CITY COUNCIL REGULAR MEETING MINUTES AS PRESENTED.

CITY OF STANWOOD
Regular Meeting of the City Council
Thursday, July 13, 2023 – 7:00 p.m.
In-Person & Zoom Online Meeting
MINUTES

1. Call to Order and Pledge of Allegiance

Mayor Sid Roberts called the meeting to order at 7:00 p.m. Councilmember Metz led the Pledge of Allegiance.

2. Roll Call

City Clerk Lisa Sokolik called the roll with the following Councilmembers present: Dani Gaumond, Marcus Metz, Darren Robb, Tim Pearce, Steve Shepro, Andreena Bergman, Tim Schmitt. The meeting was quorate.

Also present: City Administrator Shawn Smith, Community Development Director Patricia Love, Finance Manager Wendy Dowhower, Police Chief Jason Toner, Fire Chief John Cermak, City Attorney Nikki Thompson, City Planner Tansy Schroeder, Associate Planner Audrey Rotrock, Associate Engineer Alan Lytton, Building Official Scott Black, Human Resource Manager Pat Adams, and City Clerk Lisa Sokolik.

3. Approval of the Agenda

Mayor Roberts asked Council to amend the agenda by adding item 14. executive session to discuss pending city litigation in accordance with RCW 42.30.110 (1)(i),

*Motion by Councilmember Pearce, second by Councilmember Metz to approve the agenda as amended. **Motion carried unanimously.***

4. Presentations

Employee Recognition Awards

Mayor Roberts presented the second annual Employee Excellence Awards to two employees who were nominated by citizens and their peers. This year's awards went to Tansy Schroeder for her outstanding external customer service and to Wendy Dowhower for her endless support internally. Congratulations to you both on your achievement and thank you for your outstanding service to our organization and community.

5. Public Comments

Written:

Sara Stiers, Stanwood

Topic:

Noise disturbance coming from the Redemption Hills Church and its zoning violation.

Megan Dascher Watkins

Response to Kylie Robert's email to council.

6. Staff / Department Reports

- a. Police Compstat Report – June
- b. Comprehensive Plan / Municipal Code Quarterly Project Report

7. Council Committee Reports

- a. Economic Development Board Meeting Minutes – April 21, 2023
- b. Finance Committee Meeting Minutes – June 22, 2023
- c. Parks and Trails Advisory Committee Meeting Minutes – May 16, 2023
- d. Public Works Committee Meeting Minutes – June 5, 2023

8. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve City Council Regular Meeting Minutes – June 22, 2023

*Motion by Councilmember Metz, second by Councilmember Gaumond to approve the consent agenda items A and B. **Motion carried unanimously.***

9. Unfinished Business

Authorize the Mayor to Sign a Purchase and Sale Agreement for the Ramaley Property and a Commerce Grant Amendment

Love said the Ramaley property is located on Pioneer Highway adjacent to the fire station. The property's purpose will be for building a new police station and/or civic buildings.

In 2016, the City of Stanwood received a grant from the Washington State Department of Commerce to purchase the 72nd Avenue property for a Police Station / City Hall civic campus. Subsection 14(B) of the grant agreement allows the city to sell and purchase another property for the same use with approval of the Department of Commerce. Commerce has approved the Ramaley Purchase and Sale agreement.

*Motion by Councilmember Metz, second by Councilmember Robb to authorize the Mayor to sign the Washington State Department of Commerce Grant Amendment, attached as Exhibit A or with minor edits as approved by the City Attorney, reallocating the local and community project 2016 program funds to the property located at 26855 Pioneer Highway. **Motion carried unanimously.***

*Motion by Councilmember Pearce, second by Councilmember Robb to authorize the Mayor to sign the Ramaley Purchase and Sale Agreement attached as Exhibit B for the property located at 26855 Pioneer Highway. **Motion carried unanimously.***

10. Public Hearing – None

11. New Business

- a. Authorize the Mayor to Sign a Contract with Konnerup Construction for the Hamilton Landing Park Project

Lytton said the city received 4 bids with Konnerup Construction being the low bidder. This project is made in collaboration with the Washington Department of Fish and Wildlife. The WDFW portion of the work is funded by the Boating Facility RCO Program. Initially, the city would receive \$310,000 from WDFW for their portion of the project but just two days ago WDFW received word that more funds became available, and they will be receiving an

additional \$370,000. Konnerup Construction will be doing both the City and WDFW portions of the project. This project included 3 alternates: a bathroom with related utility work, removing 9 Piling Poles, and a concrete paver Labyrinth. Staff is recommending to include all 3 alternates.

Council discussed this project and asked staff questions regarding the 3 alternatives.

*Motion by Councilmember Metz, second by Councilmember Schmitt to authorize the Mayor to sign a contract with Konnerup Construction, Inc. for the Hamilton Landing Park project for a total of \$1,553,568.43. **Motion carried unanimously.***

b. Adopt Ordinance 1523 - Emergency Noise Control

Love said in the process of reviewing Title 9 it was discussed that the noise regulations in Chapter 9.50 should be moved to Title 7 – Health and Sanitation, to be combined with the nuisance code. Recent revisions to Title 9 inadvertently deleted the city's noise regulations without readopting them in Title 7 leaving a gap in the City's code. As an emergency action the City Council adopted Emergency Noise Control Ordinance 1522 on June 22, 2023.

The purpose of this new emergency ordinance is to adopt the remaining nuisance provisions that were contained in Title 9, giving the City the authority to enforce both the noise and nuisance regulations while the remaining portions of Title 7 is being rewritten. There is only one minor change, the distance was changed from 75' to 50'.

Council questions:

- What prompted the decision to reduce the noise distance to 50 ft? City Attorney Thompson answered there is case law that specifically approves that distance so it would be defensible
- Is there any consideration about drone noise? Love answered that drone noise is not in the current code, but is one of the items that the consultant will be looking at during the code update.

The Mayor asked what is meant by the source? Is it 50' from property line? Thompson answered that it is 50' from the source of the noise.

*Motion by Councilmember Metz, second by Councilmember Shepro to approve Ordinance 1523 as set forth in attachment "A" adopting Stanwood Municipal Code Chapter 7.30, Noise Control. **Motion carried unanimously.***

12. Public Closing Comments

13. Executive/Legislative Reports

a. Mayor's Report

- Lots of projects happening in Stanwood, there are 10 actively being worked on.
- Pickleball Courts and Skate Park dedications will be on Monday at 2pm. The Mayor and Councilmember Pearce will be playing the first game.
- The dike repair funding from Congressman Larson's office was cut from \$2.6 million to \$850,000, but we are still encouraged that the dike repair will happen.

b. City Administrator Report

- The Arch is going up on Wednesday so 88th will be closed.
- The 88th Ave sidewalk project is starting on Monday, July 24th.
- There is \$1 million budgeted for the city's portion of the Hamilton Park project and with the RCO grant funds, the city will probably not need all the \$1 million, so the remainder can be used on other projects.

c. Councilmember's Report/Questions

- Metz got a look at the Arch as it was being powder coated and welded together, the Arch is massive. There will be a crane in Stanwood next week to put it in place.
- Shepro asked if there was tree work being done on 73rd? Smith answered yes, the project will take much longer than anticipated as the tree roots are very large and are everywhere.
- Bergman said lots of people attended the 4th of July parade and enjoyed the ice cream social afterwards.
- Bergman asked if trees were going to be planted all the way down 271st. Love answered that trees are going in just the section that has been designed. The other sections will be evaluated during design.
- Schmitt said the newly painted gypsy wagon looked great.
- Robb said he met a skate boarder who was so excited about the new skate park that he was taking a video to show his friends.

14. Recess to Executive Session

At 8:05 p.m., the Mayor, Council, City Administrator Smith, City Attorney Thompson, Community Development Director Love, and Building Official Black recessed to Executive Session for a 10-minute discussion on pending city litigation in accordance with RCW 42.30.110 (1)(i), no action was taken. At 8:15 p.m. Smith announced that the executive session will be another 5 minutes. The regular city council meeting reconvened at 8:22 p.m.

15. Adjourn

There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 8:22 p.m.

CITY OF STANWOOD

ATTEST:

Sid Roberts, Mayor

Lisa Sokolik, City Clerk

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9

DATE: July 27, 2023

SUBJECT: Storefront Improvement Program Amendments

CONTACT PERSON: Patricia Love, Community Development Director
Sarah Cho, Economic Development and Marketing Manager

PURPOSE

The purpose of this agenda item is for Council consideration for amendments to the Storefront Improvement Program.

BACKGROUND

City Council adopted resolution 2023-03 on February 9, 2023, and the Storefront Improvement Program was launched in March 2023. At the May 11, 2023 City Council meeting, City Council approved the first five applications for the grant program, which included On the Brick Road LLC, Jimmy's Pizza and Pasta, Mammoth Burger Company/Jasmin Thai Cuisine & Sushi/Still Water Lounge, Scattered Deck Games, and Mike Kmet LLC.

ANALYSIS

Based on feedback from City Council members, business owners, and property owners, staff compiled a list of potential changes to the program, which includes:

1. Should the school district be allowed to apply?
2. What should the labor match be capped at?
3. Can security cameras be an allowed use for the program?
4. What qualifies as maintenance vs improvement? Should doors not be included as an allowed use?
5. Should the downtown revitalization improvement district map be more restrictive?
6. Should we emphasize and prioritize main street?
7. Should we limit applicants from reapplying next year or future years?
8. Are there any other amendments that should be included in the SIP?

This list was presented to the Community Development Committee on June 1, 2023, the Economic Development Board on June 16, 2023 and back to the Community Development Committee for final consideration on July 6, 2023.

Fiscal Impact			
Funding for the Storefront Improvement Program is included in the 2023 / 2024 Biennial economic development budget. \$100,000 per year has been allocated for the program. \$10,000 is reserved for technical assistance support and the remaining \$90,000 will be given out through grant contracts. Grant amounts can range from small \$1,000 request up to \$20,000 for larger projects. All grants will require an equal amount in matching funds and will be given out on a reimbursement basis.			
Fund(s):	588.60.41.03		
Amount:	\$100,000	Project Estimate:	\$
Budget Authorized	☒ Yes ☐ No	Amendment Required	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

Based on feedback from the Community Development Committee and the Economic Development Board, the following is being recommended to City Council:

1. All applications will be reviewed first by the Economic Development Board and then by the Community Development Committee. Once EDB and CDC have completed their review, the applications will go to City Council where they will be approved or denied in their entirety. Applicants with a denied application will then have the opportunity to make changes to or withdraw their applications.
2. A lifetime grant award cap of \$40,000 will be implemented for each applicant. Applicants may apply multiple times, up to the grant award cap, but depending on the number of applications at a given time, their application may be given lower priority.

For the grant match, there will not be a labor match cap, but all applicants must provide cost estimates prior to submitting a final application, so their labor match should not deviate too far from the proposed cost estimates. Additionally, the downtown revitalization improvement district will not change.

Staff is proposing to implement these changes to the Storefront Improvement Program immediately upon Council approval.

Committee/Board Recommendations:

Community Development Committee:

The committee met on June 1, 2023 and recommended the following:

1. Should the school district be allowed to apply?
 - No. This program should focus on storefronts.
2. What should the labor match be capped at?

- Is there a way to set a standard rate for labor? What do other cities do? What happens if the applicant does a poor job on the improvements? City commented that applicants are not eligible for reimbursement until they complete an inspection with city staff for final approval of completion.
- 3. Can security cameras be an allowed use for the program?
 - No.
- 4. What qualifies as maintenance vs improvement? Should doors not be included as an allowed use?
 - We should prioritize visual improvements and changes on more visible businesses. We need to better define visual improvements.
- 5. Should we limit applicants from reapplying next year or future years?
 - Some sort of lifetime cap per property or business owner should be implemented. Maybe consider a yearly cap for grant dollars awarded, over a lifetime of the program.

Economic Development Board:

The board met on June 16, 2023 and recommended the following:

1. Should the school district be allowed to apply?
 - No, we should focus only on storefronts.
2. Can security cameras be an allowed use for the program?
 - No.
3. What qualifies as maintenance vs improvement? Should doors not be included as an allowed use?
 - EDB and council should use their discretion to determine whether a proposed project is maintenance vs improvement.
4. Should the downtown revitalization improvement district map be more restrictive?
 - We should not restrict the areas of downtown. Many businesses are visible along SR 532 and should still be able to apply.
5. Should we emphasize and prioritize main street?
 - This should not necessarily be written as a requirement in the program. EDB and Council should use their discretion when it comes to approving/denying.
6. Should we limit applicants from reapplying next year or future years?
 - We should prioritize properties that have a larger need for improvements. Second time applicants should go to the bottom of the list. Should establish a lifetime cap of a dollar amount per applicant or number of times an applicant can apply for the grant.

CITY COUNCIL OPTIONS

1. Approve the two amendments to the Storefront Improvement Program.
2. Do not approve the two amendments to the Storefront Improvement Program and direct staff to continue review the amendments.

PROPOSED MOTION

I MOVE TO APPROVE THE TWO AMENDMENTS TO THE STOREFRONT IMPROVEMENT PROGRAM OF ADDING ADDITIONAL REVIEW FROM THE COMMUNITY DEVELOPMENT COMMITTEE AND A LIFETIME GRANT AWARD CAP OF \$40,000 FOR EACH APPLICANT.

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11a
DATE: July 27, 2023
SUBJECT: 72nd Avenue Property Surplus Resolution
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A – Resolution 2023-11, Surplus Property Resolution

PURPOSE

The purpose of this agenda item is for Council to authorize the Mayor to sign Resolution 2023-11 to surplus City owned property on 72nd Avenue.

BACKGROUND

The City of Stanwood entered into a Purchase and Sale Agreement with Mark Ramaley on June 13, 2023 to purchase the property at 26855 Pioneer Highway for the purpose of building a new Police Station. In addition, the Department of Commerce has authorized the 2016 Local and Community Grant Program obligations be transferred to the Ramaley site.

Once the Ramaley property purchase is finalized, the 72nd Avenue site will be sold and the proceeds from that sale will cover the costs of the Ramaley purchase. The intent is that there would be no additional out of pocket expenses for the City to purchase the Ramaley property. Declaring the 72nd Avenue property surplus is the first step in process to sell the 72nd Avenue property.

ANALYSIS

RCW 35A.11.010 gives broad authority to code cities to dispose of surplus real and personal property. Using this RCW, Municipal Research and Service Center (MRSC) recommends the following five (5) steps to surplus property.

Step	Process	City Action
1	Determine Property to Surplus	The City has determined that the 72 nd Avenue Property is no longer needed for a civic campus.
2	Determine Fair Market Value	An appraisal of the property was completed in May by ABS Valuation per the Uniform

Step	Process	City Action
		Standards of Professional Appraisal Practice (USPAP) standards.
3	Hold Public Hearing if Required	No Public Hearing is Required.
4	Adopt Surplus Resolution	Attached Resolution 2023-11 proclaims the 72 nd Avenue Property as surplus.
5	Proceed with Sale or Disposal	Upon approval of a Purchase and Sale Agreement by the City Council, the property will be sold.

Once the surplus resolution is approved, the City may begin the process to sell the property which will eventually include the drafting of a Purchase and Sale Agreement that will be brought back to Council for approval prior to taking any final action on the property.

FISCAL ANALYSIS

Fiscal Impact			
There are no financial impacts associated with declaring the 72 nd Avenue property surplus. The actual sale of the property will be based on the appraisal and a negotiated Purchase and Sale Agreement which must be approved by the City Council prior to the sale of the property.			
Fund(s):	Police / City Hall: 594.18.62.11		
Amount:	\$0	Project Estimate:	\$0
Budget Authorized	☐ Yes ☒ No	Amendment Required	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

Adopt Resolution 2023-11 declaring the 72nd Avenue property surplus to the needs of the City and authorize city staff and city Attorney to proceed with the sale of the property.

Committee/Board Recommendation:

No committee review; full Council action.

CITY COUNCIL OPTIONS

1. Adopt Resolution 2023-11 declaring the 72nd Avenue property surplus to the needs of the City and authorize city staff and city Attorney to proceed with the sale of the property.
2. Take no action at this time.

PROPOSED MOTION

I MOVE TO ADOPT RESOLUTION 2023-11 DECLARING THE 72ND AVENUE PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING CITY STAFF TO ARRANGE FOR THE SALE OF SAID PROPERTY.

CITY OF STANWOOD
Stanwood, Washington

RESOLUTION NO. 2023-11

A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON, DECLARING CERTAIN CITY-OWNED REAL PROPERTY SURPLUS TO THE NEEDS OF THE CITY AND DIRECTING THE CONVEYANCE THEREOF.

WHEREAS, the City is the owner of the following described real property known as 27003 72ND AVE NW Property:

Abbreviated Legal Description: Ptn SE ¼ SW ¼ 20-32-4, Snohomish Cty, WA
Snohomish County Parcel Number: 32042000301900
(See **Exhibit A** for legal description)

and;

WHEREAS, the City contracted with Maul, Foster & Alongi in 2018 to conduct a Public Facility Due Diligence study; and,

WHEREAS, in December of 2018 the City purchased 27003 72ND AVE NW with the intent to use the property as the site of a future public facility; and,

WHEREAS, the City recently acquired property which has been determined to be a more suitable location for a future civic campus; and,

WHEREAS, RCW 35A.11.010 authorizes cities to convey or otherwise dispose of real property for the common benefit; and,

WHEREAS, the City Council has determined that the 27003 72ND AVE NW Property is no longer needed for present or future municipal uses; and,

WHEREAS, the City Council deems it to be in the public interest to sell or convey real property where the property is no longer useful to the City;

NOW, THEREFORE, THE STANWOOD CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Surplus of Real Property. The City Council hereby authorizes the Mayor or the Mayor's designee to sell or dispose of the property identified in Exhibit A, including determining fair market value and appropriate process for disposition thereof.

Section 2. Effective Date. This resolution shall become effective upon passage.

PASSED AND APPROVED by the City Council of the City of Stanwood this 27th day of July, 2023.

CITY OF STANWOOD

By: _____
Sid Roberts, Mayor

APPROVED AS TO FORM

By: _____
Nikki Thompson, City Attorney

ATTEST:

By _____
Lisa Sokolik, City Clerk

Exhibit A

Parcel A, City of Stanwood Boundary Line Adjustment No. LBLA 2018-0360, recorded under Recording No. 201811155006, records of Snohomish County, Washington, being a portion of the Southeast quarter of the Southwest quarter of Section 20, Township 32 North, Range 4 East of the Willamette Meridian.

Situate in the County of Snohomish, State of Washington.



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11b
DATE: July 27, 2023
SUBJECT: Street Vacation – Alleyway between 88th Avenue NW and 90th Avenue NW / 1934 Properties LLC Request
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A - Resolution 2023-12 – Setting Public Hearing Date

PURPOSE

The purpose of this agenda item is to set a public hearing to allow for vacating an alleyway located north of 271st Street NW between 88th Avenue NW and 90th Avenue NW submitted by Pacific Survey and Engineering on behalf of 1934 Properties LLC.

BACKGROUND

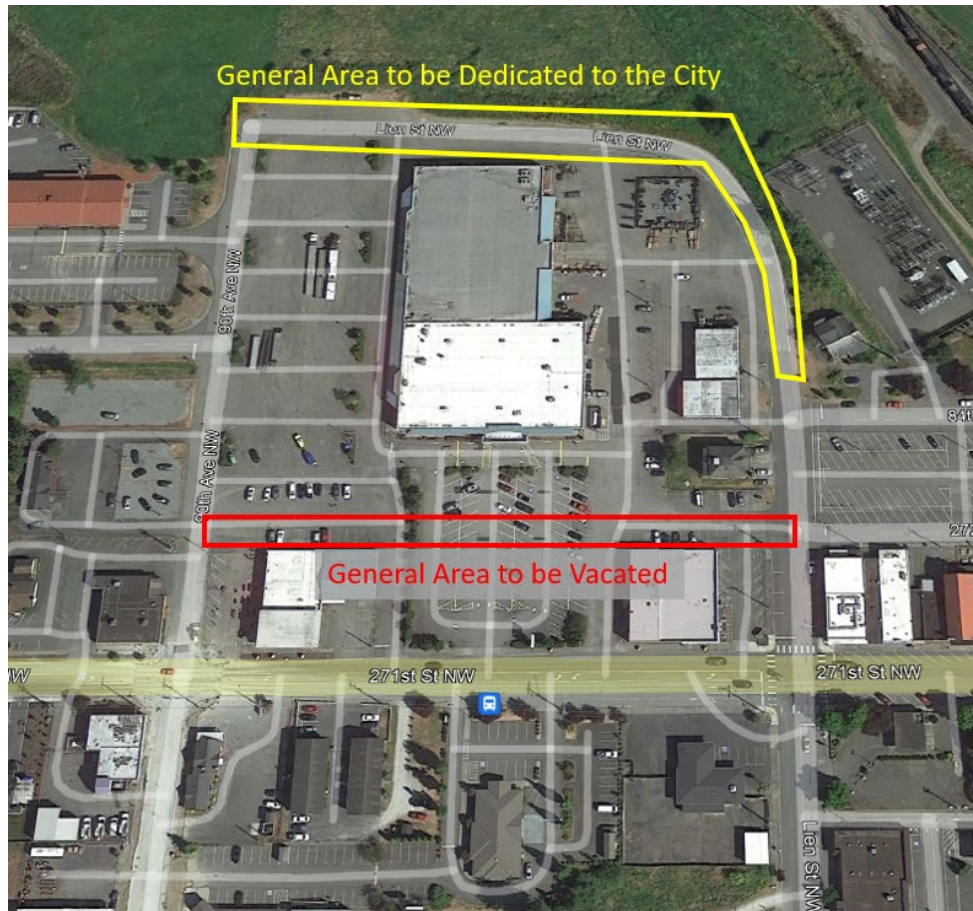
The Country Store recently purchased their building and the surrounding properties and have been in the process of remodeling their building. They have begun reconstructing their parking lot to improve pedestrian and vehicle access. As part of this process, they are requesting a street vacation to eliminate the old, unused right-of-way that runs through their front parking lot and in exchange they will dedicate to the City the roadway along the eastern and northern boundaries of their property.

ANALYSIS

A street vacation transfers land ownership back to the properties that dedicated the land to begin with. Like many other cities, Stanwood relies upon State law for rules and procedures regarding the processing of street vacation requests. SMC 14.48 states that the first step in the street vacation process is to set a time for public hearing via City Council resolution. The passage of Resolution 2023-12 (Attachment A) sets a public hearing date and directs City staff to post public notice per City public hearing requirements. Following the public hearing, the City Council may pass an ordinance vacating the street, thereby transferring ownership from the City to the petitioners.

A request has been made by the adjacent property owner (1934 Properties, LLC) for the City to vacate a portion of the alleyway located north of 271st Street NW between 88th Avenue NW and 90th Avenue NW. This right-of-way currently is being utilized for parking at the Skagit Farmers Supply Country Store. There is no established public travel on this section of right-of-way. The property owner proposes to dedicate to the City the roadway along the eastern and northern boundaries of their property which is

currently being used for public travel. The following criteria are required to be addressed prior to adopting a resolution to set the public hearing.



(a) Ownership of the property abutting on the street or portion sought to be vacated. Proof of ownership of abutting property by the title insurance or certificates may be required, such proof to be furnished by, and at the expense of, the petitioners;	There are seven parcels that abut the proposed street vacation. All seven parcels are under the contiguous ownership of 1934 PROPERTIES LLC who is also the applicant of the proposed street vacation.
(b) Whether and in what respect the public may be benefited or harmed by the vacation;	The public right-of-way is currently being used as a parking lot for the surrounding commercial businesses. In exchange for the street vacation, the applicant will dedicate to the City the roadway along the eastern and northern boundaries of their property.
(c) Whether the public benefit of the area's use is insufficient to justify the cost of maintenance;	The area proposed to be vacated has not been used as a public road in at least 30 years and has not been maintained by the City.

(d) Which property or properties will be directly benefited or adversely affected by the vacation, and in what way;	In its current state, the properties abutting the alleyway are all owned by the same entity, 1934 Properties LLC, and it is currently being used as a parking lot for the surrounding commercial businesses. The applicant is proposing a Street Vacation and a Boundary Line Adjustment in order to better facilitate traffic flow and access around the property in addition to realigning the lots to a configuration more conducive for the current use.
(e) What effect the vacation will or may have upon property served or which might be served by said vacated street, and whether said street has been opened or constructed, and if so, to what standard;	The alleyway proposed for vacation appears to be an unopened right-of-way. The alleyway has historically been used by the adjacent private properties over the last 30 years. In exchange for the street vacation, the applicant will dedicate portions of their property that have historically been used for public travel.

Below: 1990 Google Aerial

	(f) How said street relates to other streets and highways, and whether other portions of the subject street or alley have already been vacated; Portions of the subject alleyway to the west located between 90th Avenue NW and 92nd Avenue NW have already been vacated. The subject portion of the alleyway has not operated as an open right-of-way for the last 30 years.
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Below: Subject Alleyway's Current Conditions



(g) Whether the substitution of an alternate way would be more useful to the public;

The public is currently using the northern and eastern portions of the applicant's property as a right-of-way. The applicant is proposing to dedicate these areas as public right-of-way to facilitate the public use of these areas.

(h) Whether future changes in conditions may increase public use or need;

A future increase in public need is not anticipated. Downtown Stanwood's streets are on a grid system providing multiple routes for public traffic and opportunities if need increases.

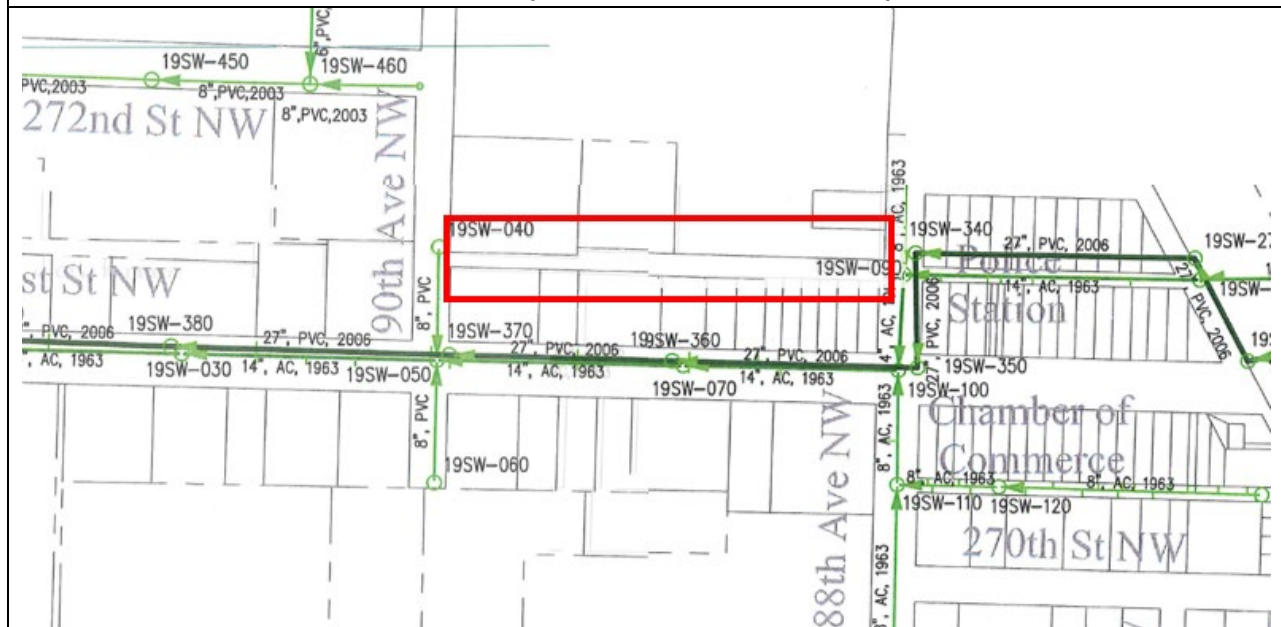
(i) How and when the street or alley sought to be vacated became a public right-of-way;

The alley was originally platted in 1914 as part of the First Addition to East Stanwood.

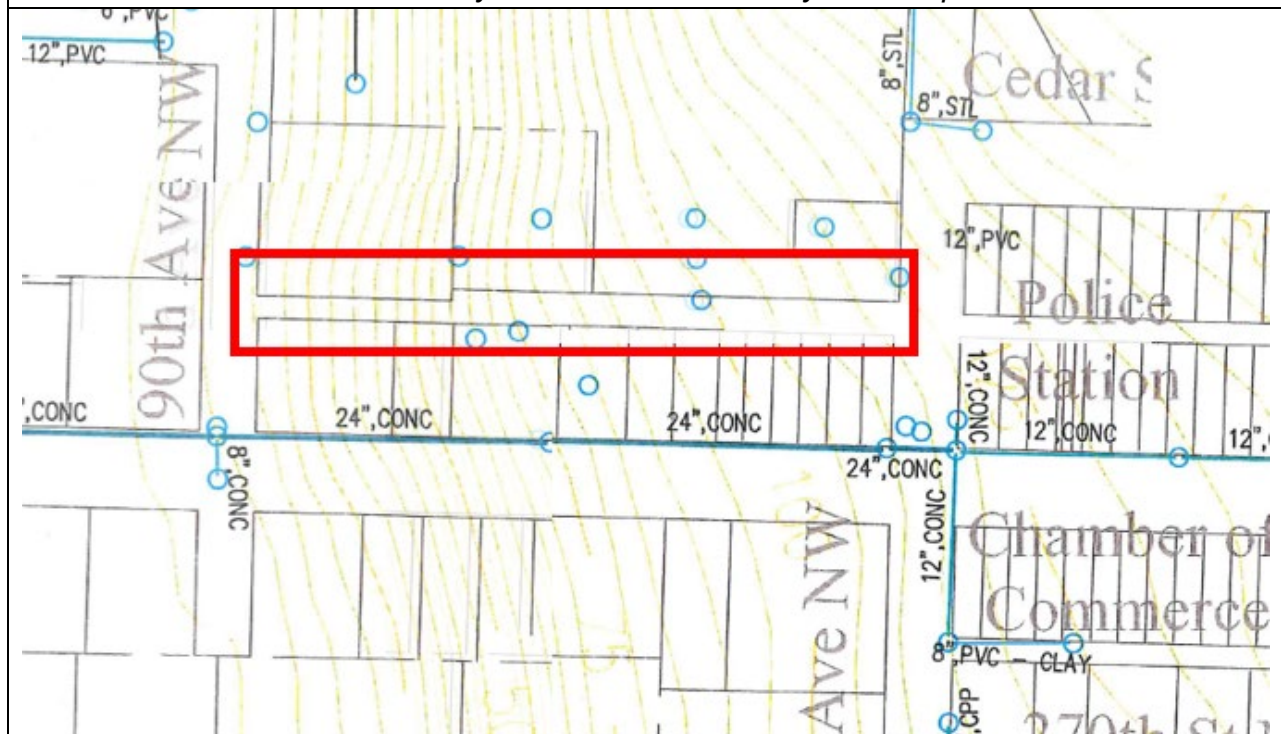
(j) Whether any utilities now exist in said street, or whether such street may be reasonably necessary for future utility uses;

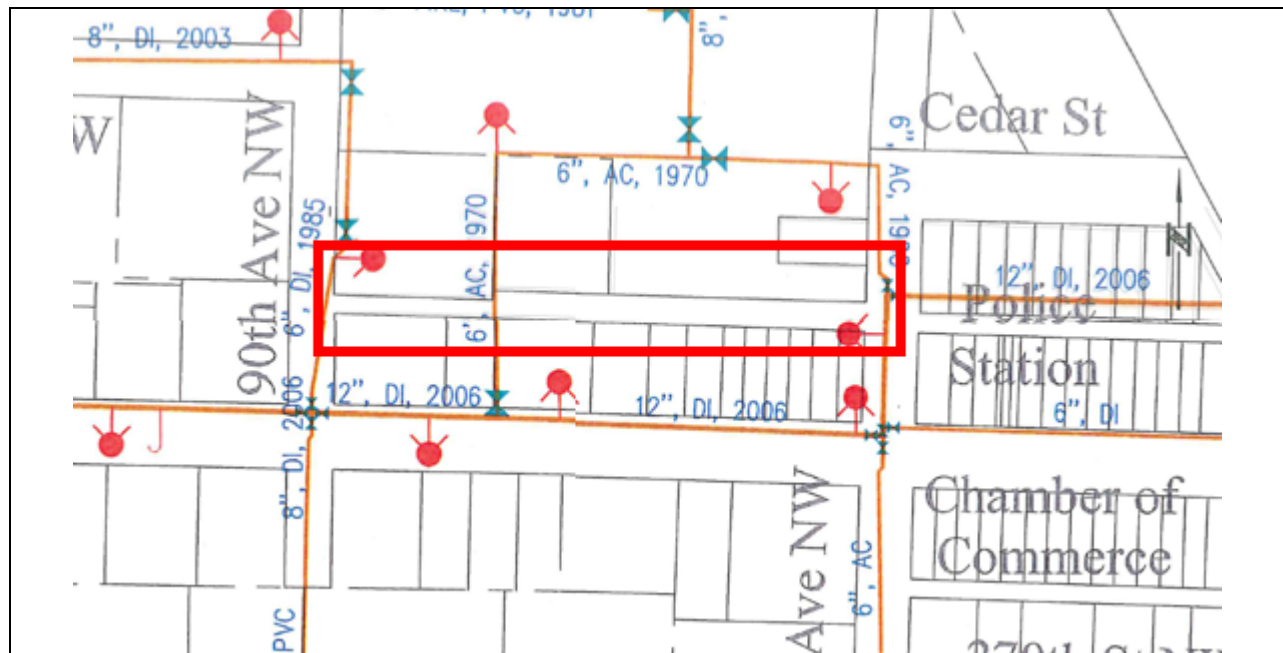
There are no recorded sewer utilities located within the subject alleyway. There are no recorded storm sewer lines within the subject alleyway, but there are multiple catch basins. There is a recorded water main line traversing vertically through the alleyway. There may be other utilities present that are not recorded.

Below: City of Stanwood Sewer Map



Below: City of Stanwood Storm System Map





Above: City of Stanwood Water Map

(k) The necessity or desirability of the city retaining an easement or the right to exercise and grant easements for emergency vehicle access and construction, repair, and maintenance of public utilities and services over the land sought to be vacated;	The City may want to consider retaining an easement over the subject alleyway for the purposes of maintaining existing utilities prior to the public hearing for the street vacation.
(l) Whether any abutting owner would become landlocked or its access substantially impaired; i.e., whether there is an alternative motive ingress and egress, even if less convenient;	All properties abutting the proposed street vacation have alternate means of ingress and egress either from the public 271st Street NW, the public 88th Avenue NW, or the public 90th Avenue NW. The proposed street vacation will not result in any landlocked properties.
(m) If the right-of-way abuts a body of water, how the proposed vacation would or would not comply with the requirements set forth in RCW 35.79.035;	The right-of-way does not abut any bodies of water.
(n) Whether there is compliance with the comprehensive plan, transportation plan and future road alignments; and	Allowing the vacation of the alleyway will allow for the infill of planned industrial areas which contributes to the reduction of sprawl, the reuse of existing public infrastructure, the reduction of pollution, and other results that benefit the public welfare and are consistent with the City's Comprehensive Plan.
(o) Any other matters relevant to the	Over the last 10 years the City has

vacation of the street or alley.	adopted several economic development strategies to promote the vitality of Stanwood's Main Street business districts and neighborhoods. In 2020 the City Council adopted the City Beautification Action Plan that beautifies the City by making investments in our businesses, local aesthetics, and infrastructure. Using policy guidance from the Beautification Plan, the City initiated the Downtown Revitalization Project that invests in the downtown business district infrastructure. The Country Store has begun reconstructing their parking lot to improve pedestrian and vehicle access. As part of this process, they are requesting a street vacation to eliminate the old, unused right-of-way that runs through their front parking lot and in exchange they will dedicate to the City the roadway along the eastern and northern boundaries of their property. The street vacation will facilitate redevelopment of their parking lot including upgraded pedestrian pathways and frontage improvements consistent with the downtown revitalization vision.
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FINANCIAL IMPACT

If the Mayor signs Resolution 2023-12, then staff will address any fiscal impacts associated with this vacation during the required public hearing. Because the proposal exchanges right-of-way no appraisal is needed, and no payment is required as long as the exchanged parcel is equal or greater in size than the piece being vacated.

STAFF RECOMMENDATION

Staff is supportive of this street vacation as the area to be vacated has not been used as a public road in at least 30 years, and what the community uses as a public street is actually on private property, which will be dedicated to the City as part of the street vacation request.

COMMITTEE RECOMMENDATION

The Public Works Committee reviewed the proposal on December 5, 2022. The Committee is supportive of the street vacation and recommends that staff continue to

work with the Country Store on the application materials and forward to Council when ready to proceed.

CITY COUNCIL OPTIONS

1. Authorize the Mayor to sign the Resolution setting a public hearing date to vacate a portion of an alleyway located north of 271st Street NW between 88th Avenue NW and 90th Avenue NW.
2. Do not authorize the Mayor to sign the Resolution and direct staff to address specific Council issues or concerns prior to Council reconsidering the Resolution.
3. Do not authorize the Mayor to sign the Resolution and deny the request to set a public hearing date to vacate a portion of an alleyway located north of 271st Street NW between 88th Avenue NW and 90th Avenue NW.

RECOMMENDED MOTION

I MOVE TO ADOPT RESOLUTION 2023-12 SETTING A PUBLIC HEARING DATE OF SEPTEMBER 14, 2023 TO VACATE A PORTION OF AN ALLEYWAY LOCATED NORTH OF 271ST STREET NW BETWEEN 88TH AVENUE NW AND 90TH AVENUE NW.

**CITY OF STANWOOD
Stanwood, Washington**

RESOLUTION NO. 2023-12

A RESOLUTION OF THE CITY OF STANWOOD, WA, SETTING A PUBLIC HEARING DATE TO CONSIDER VACATION OF RIGHT-OF-WAY ON A PORTION OF AN ALLEYWAY LOCATED NORTH OF 271ST STREET NW BETWEEN 88TH AVENUE NW AND 90TH AVENUE NW.

WHEREAS, the City of Stanwood has received a Petition to vacate a portion of an alleyway located north of 271st Street NW between 88th Avenue NW and 90th Avenue NW pursuant to Chapter 14.48 Stanwood Municipal Code, and

WHEREAS, said petition was signed by the owners of more than two thirds of the property abutting the street to be vacated; and

WHEREAS, the full legal description of the real property proposed to be vacated is described in Exhibit 'A' and depicted on Exhibit 'B' and is attached hereto and incorporated herein by this reference; and

WHEREAS, SMC 14.48.050 requires a public hearing on such an action and that the date of such public hearing must be fixed by Resolution of the City Council and shall not be more than sixty days nor less than twenty days after the date of the passage of such resolution;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON DOES RESOLVE AS FOLLOWS:

Section 1. The time and place for the public hearing and consideration of the above-referenced right-of-way vacation petition by the City Council of Stanwood is hereby set for 7:00pm on September 14, 2023, or as soon thereafter as can be held in the Stanwood / Camano School District Administration building located at 26920 Pioneer Highway, Stanwood, WA.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF STANWOOD THIS 27th DAY OF JULY, 2023.

CITY OF STANWOOD

Sid Roberts, Mayor

ATTEST:

Lisa M. Sokolik, City Clerk

APPROVED AS TO FORM:

Nikki Thompson, City Attorney

CITY OF STANWOOD
Stanwood, Washington

RESOLUTION NO. 2023-12

EXHIBIT 'A'

LEGAL DESCRIPTION:

ALLEY VACATION LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN GOVERNMENT LOT 4, SECTION 19, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, PLAT OF FIRST ADDITION TO EAST STANWOOD, RECORDED IN VOLUME 9 OF PLATS, PAGE 53, RECORDS OF SNOHOMISH COUNTY, WASHINGTON SAID CORNER BEING ON THE WEST MARGIN OF 88TH AVENUE NORTHWEST; THENCE ALONG THE SAID MARGIN NORTH 00°50'53" EAST, 30.00 FEET; THENCE DEPARTING SAID LINE AT RIGHT ANGLES NORTH 89°09'07" WEST, 405.00 FEET; THENCE SOUTH 00°50'53" WEST, 10.00 FEET; THENCE NORTH 89°09'07" WEST, 175.00 FEET TO THE EAST MARGIN OF 90TH AVENUE NORTHWEST; THENCE ALONG SAID MARGIN SOUTH 00°50'53" WEST 20.00 FEET; THENCE DEPARTING SAID MARGIN AT RIGHT ANGLES SOUTH 89°09'07" EAST, 580.00 FEET TO THE **POINT OF BEGINNING**.

SITUATE IN THE CITY OF STANWOOD, SNOHOMISH COUNTY, WASHINGTON.

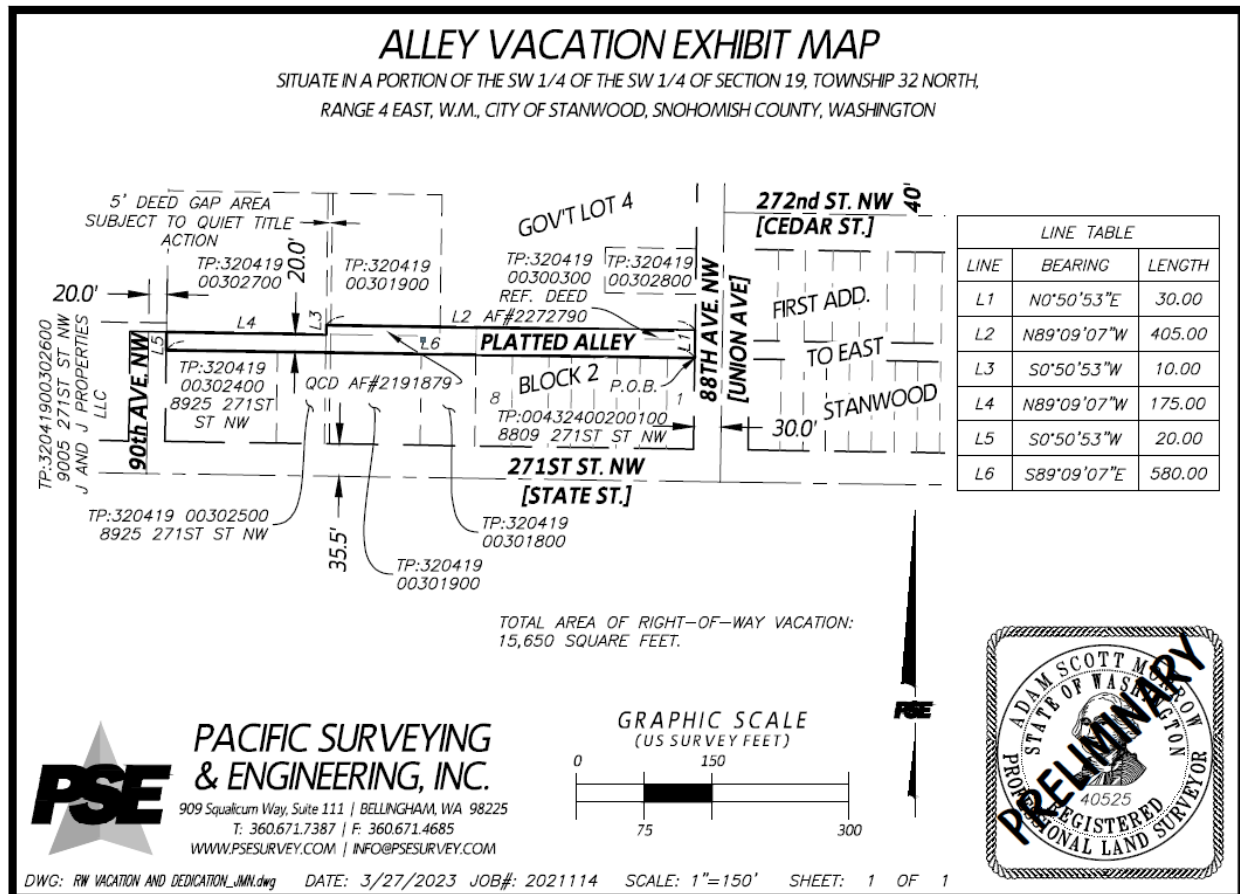
CONTAINING 15,560 SQUARE FEET, MORE OR LESS.

CITY OF STANWOOD
Stanwood, Washington

RESOLUTION NO. 2023-12

EXHIBIT 'B'

VICINITY MAP:





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11c

DATE: July 27, 2023

SUBJECT: Authorize the Mayor to sign an Interlocal Agreement with Snohomish County for solid waste management

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: ATT A: ILA

PURPOSE

The purpose of this agenda item is to authorize the Mayor to sign an interlocal agreement (ILA) with Snohomish County for solid waste management.

BACKGROUND

The City entered into an ILA with Snohomish County for solid waste management that will expire December 31, 2023. That agreement was a blanket agreement with all cities and towns in Snohomish County and in conjunction with its' expiration, Snohomish County has tailored the agreements to more align with individual jurisdictions and has an expiration date of December 31, 2038.

PROPOSED MOTION

I MOVE TO AUTHORIZE THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH SNOHOMISH COUNTY FOR SOLID WASTE MANAGEMENT.

INTERLOCAL AGREEMENT REGARDING SOLID WASTE MANAGEMENT

This INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND ITS CITIES AND TOWNS REGARDING SOLID WASTE MANAGEMENT (the “Interlocal Agreement”), is made and entered into, by and between SNOHOMISH COUNTY, a Washington County (the “County”) and the CITY OF STANWOOD, a Washington municipal corporation (the “City”) pursuant to Chapter 39.34 RCW.

RECITALS

- A. The County and City executing this Interlocal Agreement are authorized and directed by chapter RCW 70A.205 to prepare a Comprehensive Solid Waste Management Plan; and
- B. The County prepared a Comprehensive Solid and Hazardous Waste Management Plan (the “Comprehensive Plan”) for the County and cities and towns of the County in 1990, 2002, 2013, and 2021, with active involvement of the cities and towns within the County; and
- C. Providing the most effective and efficient system for managing solid waste generated in Snohomish County, including its cities and towns, requires use of the solid waste disposal system established by the County and the Comprehensive Plan to the fullest extent possible;

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City executing this Agreement agree as follows:

1. **Previous Agreements.**

This Interlocal Agreement supersedes the previously executed Interlocal Agreement between Snohomish County and its cities and towns regarding Solid Waste Management entered into in 2003.

2. **Definitions.** For the purposes of this Interlocal Agreement, the following definitions apply. See also Snohomish County Codes (especially Chapters 7.35 and 7.41) and State law (especially WAC 173-350-100) for additional definitions related to Solid Waste Management:
- 2.1. “City”/“Town” means a City or Town in Snohomish County, Washington that is a signatory to this Interlocal Agreement.
 - 2.2. “Combustion” means the process of burning something.
 - 2.3. “Comprehensive Plan” means the Snohomish County Comprehensive Solid and Hazardous Waste Management Plan authorized and directed by chapter RCW 70A.205 and issued in 2021 and as amended from time to time.
 - 2.4. “County” means Snohomish County, Washington.
 - 2.5. “Household Hazardous Waste” or “HHW” means wastes that would be classified as hazardous due to their nature or characteristics, except that the wastes are generated by households.
 - 2.6. “Incinerate, Incinerated, or Incineration” means the controlled combustion of solid waste that yields satisfactory non-putrescible residues and air effluents.
 - 2.7. “Person” means an individual, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
 - 2.8. “Recyclable materials” means those solid wastes that are separated from other wastes for anaerobic digestion, composting, recycling or reuse, including but not limited to papers, metals, glass, plastics, aggregates, fabrics, yard debris, food waste, manures, wood waste and other materials that are identified as recyclable material in the Comprehensive Plan, and are recycled. Wood waste processed as hog fuel and used for energy recovery shall be considered a recyclable material for purposes of this Interlocal Agreement.
 - 2.9. “Recycling” or “Recycle” or “Recycled” means transforming or remanufacturing waste materials into usable and marketable materials for use other than landfill disposal, alternative daily (landfill) cover, industrial waste stabilizer, combustion, or incineration.
 - 2.10. “Solid Waste” means all putrescible and non-putrescible wastes, whether in solid or in liquid form, except liquid-carried industrial wastes and sewage, and including garbage, rubbish, ashes, industrial wastes, swill, construction, demolition and land-clearing

wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, digested sludge, vegetable or animal solid and semi-solid wastes, dead animals, and other discarded solid and semi-solid materials. Municipal solid waste (MSW), a subset of solid waste, refers to wastes normally collected from residential households, commercial businesses, and containers.

2.11. “Solid Waste Handling” means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of Solid Waste.

2.12. “System” means all facilities for Solid Waste Handling owned or operated, or contracted for, by the County, and all administrative activities related thereto.

3. **Responsibilities for Waste Disposal and System.** For the duration of this Interlocal Agreement, the County shall have the following responsibilities:

3.1. The County shall continue to provide for the efficient disposal of all Solid Waste, not otherwise restricted by chapters 7.35 and 7.41 SCC, generated within unincorporated areas of the County and within the City to the extent, in the manner, and by facilities as described in the Comprehensive Plan. The County shall not be responsible for disposal of, nor claim that this Interlocal Agreement extends to, Solid Waste that has been recycled in compliance with the Comprehensive Plan.

3.2. The County shall provide for the disposal of household hazardous wastes generated by residential households located in jurisdictions party to this Interlocal Agreement at the System’s existing Moderate Risk Waste Facility, or in another reasonable and similarly convenient manner.

3.3. The County shall continue to operate the System in a financially prudent manner, minimize fee increases, and use System revenues only for System purposes.

3.4. The System shall continue to be comprehensive, and include educational and other programs, as defined by the Comprehensive Plan.

4. **Comprehensive Plan.**

For the duration of this Interlocal Agreement, the City shall participate in the Comprehensive Plan, provided that the City shall have the right to prepare or maintain its own Comprehensive

Solid and Hazardous Waste Management Plan authorized and directed by chapter RCW 70A.205 and to assess a solid waste fee on its own residents. For the duration of this Interlocal Agreement the City, in conformity with RCW 70A.205.040 (4), as may be amended from time to time, authorizes the County to include in the Comprehensive Plan provisions for the management of Solid Waste generated within its corporate limits.

5. **City Designation of County System for Solid Waste Disposal.**

The City shall, to the extent permitted by law, designate the County System for the disposal of all Solid Waste generated within the corporate limits of that City, and within the scope of the Plan, and authorize the County to designate a disposal site or sites for the disposal of such Solid Waste except for recyclable and other materials removed from Solid Waste for recycling in conformity with the Comprehensive Plan. The designation of the County in this section shall not reduce or otherwise affect the City's control over Solid Waste collection as permitted by applicable state law.

6. **Enforcement.**

In unincorporated Snohomish County, the County shall be responsible for enforcement of laws and regulations requiring persons to dispose of Solid Waste at sites designated by the County as required by chapter 7.35 SCC.

The City shall by ordinance require persons to dispose of Solid Waste at the same sites designated by the County for disposal of Solid Waste. Thereafter, in incorporated Snohomish County, the City shall be responsible for enforcement of its laws and regulations requiring persons to dispose of Solid Waste at those sites designated by the County.

The County (taking the lead role) with the City will provide outreach both within unincorporated and incorporated Snohomish County to educate the public about the requirements of Solid Waste disposal at sites designated by the County.

7. **Indemnifications.**

- 7.1. The County shall indemnify and hold harmless and defend the City against any and all claims by third parties arising out of the County's operation of the System and performance under this Interlocal Agreement, and shall have the right to settle those claims by third parties, recognizing that all costs incurred by the County thereby are System costs which must be satisfied from disposal rates. In providing a defense for the City, the County shall exercise good faith in that defense or settlement so as to protect the City's interests. The County's agreement to indemnify the City for any and all claims arising out of the County's operation of the System extends to all claims caused by the actions of officers or agents of the County, including but not limited to actions which constitute misfeasance, or intentional misconduct or wrongdoing, even if the cost of such claims is held by a court of competent jurisdiction to not be a proper cost to the System. For the purpose of this paragraph, "claims of arising out of the County's operations" shall include claims arising out of the ownership, control or maintenance of the System, but shall not include claims arising out of the collection of Solid Waste within the City prior to its delivery to a disposal site designated by the County or other activities under control of the City.
- 7.2. If the County acts to defend the City against a claim, the City shall cooperate with the County.
- 7.3. The County shall defend the City against any challenge, whether judicially or before an administrative hearings panel, to the Comprehensive Plan elements adopted pursuant to this Interlocal Agreement.
- 7.4. The City agrees to indemnify, protect, defend and hold harmless the County from and against all claims, demands and causes of action of any kind or character, including any cost of defense and attorney's fees, arising out of any actions, errors or omissions of the City in performing this Interlocal Agreement except for those arising out of the sole negligence of the County or otherwise listed in this Section 7.
- 7.5. Waiver of Immunity Under Industrial Insurance Act. The indemnification provisions of Sections 7.1-7.4 above are specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Title 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with

a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.

7.6. For the purposes of this section, reference to the City and to the County shall be deemed to include the officers, agents, and employees of any such party, acting within the scope of their authority.

7.7. Survival. The provisions of this Section 7 shall survive the expiration or earlier termination of this Interlocal Agreement.

8. **Duration.**

This Interlocal Agreement shall continue to be in full force and effect until December 31, 2038, unless terminated as described in the following paragraph.

9. **Revision, Amendment, Supplementation or Termination.**

This Interlocal Agreement shall be reviewed by the parties in conjunction with any review of the Comprehensive Plan. The terms of the Interlocal Agreement may be revised, amended, or supplemented, or the Interlocal Agreement as a whole may be terminated before expiration provided in paragraph 8 only upon the written agreement of the parties to this Interlocal Agreement executed with the same formalities as the original. No revision, amendment, supplementation, or termination shall be adopted or put into effect if it impairs any contractual obligation of the County.

10. **Miscellaneous.**

10.1. No waiver by any party of any term or condition of this Interlocal Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or of a different provision of this Interlocal Agreement.

10.2. This Interlocal Agreement is not entered into with the intent that it shall benefit a city or town not signing this Interlocal Agreement, and no other person or entity shall be entitled to be treated as a third party beneficiary of this Interlocal Agreement.

11. Contract Administrator.

Pursuant to RCW 39.34.030(4)(a), the parties hereby appoint the County as the Contract Administrator who will be responsible for administering this Agreement, and the direction of the parties, and this Contract Administrator shall take such action as is necessary to ensure that this Agreement is implemented in accordance with its terms.

12. No Separate Entity.

This Agreement does not create a separate legal or administrative entity, and consequently is being administered in accordance with RCW 39.34.030(4).

13. Severability.

If any term or condition of this Interlocal Agreement or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications which can be given effect with the invalid term, condition, or application. To this end, the terms and conditions of this Interlocal Agreement are declared severable.

14. Filing.

As provided by RCW 39.34.040, this Agreement shall be filed with the Snohomish County Auditor, or, alternatively, posted on the official website of each party.

15. Authority.

Each of the individuals signing this Interlocal Agreement on behalf of a party to this Interlocal Agreement, certifies that his or her signature has been authorized by appropriate action by ordinance, resolution, or otherwise pursuant to the law of that party to bind the party to the terms of this Interlocal Agreement.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by the parties shown below as of the date of the signature of the last party to sign.

COUNTY

Snohomish County, a political subdivision
of the State of Washington

By: _____

Title: Executive Director

Approved as to Form:

/s/ Sean Reay 07/10/2023
Deputy Prosecuting Attorney

CITY

City of Stanwood, a Washington
municipal corporation

By: _____

Title: _____

Approved as to Form:

City Attorney

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