

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, December 14, 2023



AGENDA
CITY COUNCIL REGULAR MEETING
Thursday, December 14, 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**
 - a. Stanwood High School Student Representative – Grace Pacheco
 - b. Councilmembers Oath of Office
 - c. Service Award Councilmember Timothy Pearce
- 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**
 - Police Compstat Report – November **6.1**
- 7. COUNCIL COMMITTEE REPORTS**
 - a. Economic Development Board Meeting Minutes – June 16, 2023 **7.1**
 - b. Parks and Trails Advisory Committee – October 16, 2023 **7.3**
 - c. Public Works Committee Meeting Minutes – December 4, 2023 **7.7**
- 8. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks **8.1**
 - b. Approve City Council Regular Meeting Minutes – November 20, 2023 **8.5**
 - c. Approve City Council Special Meeting Minutes – November 30, 2023 **8.11**
 - d. Approve Mayor's Park and Trail Advisory Committee Members Reappointments **8.13**
 - e. Authorize the Mayor to Extend the Term of Expiring On-Call PSA's **8.19**
 - f. Authorize the Mayor to Sign On-Call Contracts for Utilities, Facilities, and Street Repairs, and On-Call Contracts for Asphalt and Concrete Repairs **8.25**
 - g. Authorize the Mayor to Sign a Service Agreement with Republic Services for Disposal of Wastewater Treatment Plant Screenings **8.29**
 - h. Authorize the Mayor to Renew Stanwood Amtrak Station Shelter Maintenance Agreement with WSDOT **8.39**
- 9. UNFINISHED BUSINESS**
 - a. Second Reading and Adoption of Ordinance 1526 – Mid-Biennial Budget Adjustment **9.1**
 - b. Third Reading and Adoption of Ordinance 1520 SMC Title 3 - Revenue & Finance **9.13**
 - c. Third Reading and Adoption of Ordinance 1521 SMC Title 5 - Business Licenses **9.77**
- 10. PUBLIC HEARING**
- 11. NEW BUSINESS**
 - a. Adopt Resolution 2023-16 Updated Consolidated Fee Schedule **11.1**
 - b. Adopt Resolution 2023-18 Declaration of Emergency **11.51**
 - c. Authorize Final Acceptance of the Johnson Farm Site Demolition Project Completed by Swofford Excavating, LLC **11.55**
 - d. Authorize the Mayor to Sign a Professional Services Agreement with Atwell, LLC for the 103rd Dr. Improvements Project **11.57**
 - e. Authorize the Mayor to Sign a Grant Agreement with Transportation Improvement Board for 2024 Overlay Projects **11.67**

Upcoming Meetings:

Thursday, January 11, 2024, Regular City Council Meeting 7:00pm
Thursday, January 25, 2024, Regular City Council Meeting 7:00pm

- 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 - NONE
- 15. ADJOURN



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: **6**

DATE: December 14, 2023

SUBJECT: Police Compstat

CONTACT PERSON: Reports Chief Jason Toner

ATTACHMENTS: A – November 2023 Compstat
 Report

SUMMARY STATEMENT

Attached is the November 2023 Compstat Reports for council review.

Stanwood Police Department CompStat Report



City of Stanwood Police Chief Jason Toner

Prepared by: Snohomish County Sheriff Office Crime Analysis Unit and Stanwood Police Department

NOVEMBER 2023

Stanwood Police Department

COMPSTAT REPORT



What is CompStat?

CompStat stands for 'Computer Statistics' dealing specifically with crime. It is found to be an effective way to accurately track crime and use the information to deploy officers to address it in timely manner. It is a performance management system that is used to reduce crime and achieve other police department goals. It emphasizes information-sharing, responsibility and accountability and improving effectiveness.

What is the benefit to the community?

CompStat allows us to track crime problems and allocate resources to the areas that are being affected. By being able to focus our efforts on areas being impacted, we are able to make apprehensions and drive down crime in Stanwood.

How is data collected?

Crime Analysts access a variety of systems to collect and analyze law enforcement data. Data collection begins at the 911 call center (SNO911) and carries over into law enforcement records management systems (LERMS). Much of the information presented in this report is also reported to state and federal agencies annually.

What data will you see in this report?

What occurred within the city limits of Stanwood and calls responded to by the Stanwood Police outside the city.

This is a true representation of all police activity occurring in the City of Stanwood, you will see these calls listed as "In the STW Beat". On occasion, Stanwood Police officers will be called outside the city to assist other agencies. We also have deputies who live outside of the city so on occasion they will make a traffic stop or respond to a nearby call while commuting to work. You will see these call listed as "Answered by STW ORI"

Incident data:

This represents what police were called to and includes self-initiated activity. Multiple 911 calls for the same incident are presented as a single incident.

Case data:

An incident becomes a case when the deputy determines reporting protocol is met. A case is often generated based on a specific crime, traffic collisions, arrest or the need to document specific actions or information.

NOVEMBER 2023

Stanwood Police Department

POLICE STAFFING



The City of Stanwood contracts for law enforcement services through the Snohomish County Sheriff's Office. The contract is identified as a "stand alone" contract, which allows the City of Stanwood to maintain its own police identity to include policies and procedures that meet unique small city needs. All uniforms and vehicles are identified as Stanwood Police and we provide services to the city population of approximately 8,405.

DIVISIONS:

CHIEF OF POLICE: Has the rank of Lieutenant with the Sheriff's Office. Oversees all aspects of the Police Department daily operations. The Chief works with city staff to ensure community needs are met.

ADMINISTRATIVE SERGEANT: Administers the day-to-day administrative functions of the Police Department and oversees the day shift deputies, School Resource Officer and Detective. Steps in as the Chief of Police when the chief is absent.

NIGHT SERGEANT: Oversees the swing shift and night shift deputies.

PATROL DIVISION: Responds to crimes in progress, traffic collisions, missing persons, and other emergency and non-emergency calls for service.

SCHOOL RESOURCE OFFICER: Utilizes the concept of educator, informal counselor, and law enforcer; working to bridge the gap and build relationships between law enforcement and youth.

DETECTIVE: Works in conjunction with patrol and the resources of the Snohomish County Sheriff's Office to investigate a broad range of felony- and misdemeanor-level crimes that occurred in the City of Stanwood.

	ASSIGNED	VACANCIES	PERCENTAGE
Chief	1	0	100%
Sergeant	2	0	100%
Deputy	5	1	85%
School Resource Officer No longer a PD employee - SCSO contract	1	0	100%
Detective	1	0	100%

NOVEMBER 2023

Stanwood Police Department

RECORDS UNIT



Records Summary: Job duties include, but are not limited to, the following;

- Provide administrative support for all members of the Stanwood Police Department.
- Assist the Chief of Police with police budget tracking and review.
- Verify and code all incoming invoices for the Police Department.
- Ordering of supplies for the department, and special events.
- Subject matter expert for the Law Enforcement Records Management System (LERMS) used by Stanwood Police Department.
- Manage all Stanwood Police Department documents and records.
- Review all electronic case file entries and information for accuracy.
- Scan paper records into electronic case files.
- Forward criminal arrest referrals to the Prosecuting Attorney's Office.
- Enter trespass notices, gun alerts, and other safety alerts into the agency's electronic records management system.
- Route Child Protective Services & Adult Protective Service referrals.
- Maintain department case file and document archives per Washington State records retention/destruction schedules.
- Responsible for federal reporting of crime statistics to the National Incident Based Reporting System (NIBRS).
- Run monthly case audits and records validations.
- Enter court orders, missing persons, vehicle impounds, lost or stolen property, stolen vehicles, etc. into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Provide second checks for all entries made into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Conduct background checks for concealed pistol license and pistol transfers applications.
- Provide fingerprint services for concealed pistol license applicants and citizen fingerprints.
- Review and fulfill public records requests within the guidelines of the Public Records Act.
- Create/update/maintain all process, procedure, and training manuals for the position.
- Serve as Stanwood Police Department's Terminal Agency Coordinator for the Washington State Patrol ACCESS program.
- Assists with walk-in and telephone customers, averaging 8,000 yearly contacts.
- Route calls to 911 and non-emergency dispatch.
- Respond to requests for service and answer general questions.
- Manage key & key fob assignments for City of Stanwood employees.

	2023	2022	2021	2020	Year to Date
Public Records Requests	52	33	39	19	444
Concealed Pistol License Issued	40	37	56	26	402
Pistol Transfer Checks	8	24	32	43	243
Fingerprinting & Approximate Time	25 6.25 hrs	25 6.25 hrs	34 8.5 hrs	0 0 hrs	281 70.25 hrs

NOVEMBER 2023

Stanwood Police Department

Message from the Chief



This past month we all had the opportunity to honor our veterans and hopefully gather with friends and family to give thanks over Thanksgiving. After Thanksgiving, I was tasked (by my wife) to drop our daughter and her friends at the Outlet Mall for some shopping. After spending close to an hour stuck in holiday traffic, it has re-affirmed my belief to not leave the house on Black Friday.

I was thankful for our dry and sunny days to start November and bummed to then transitioned to darkness and rain. As much as the weather is gloomy, I love that we decorate our homes and businesses with bright colorful holiday lights to lessen the gloomy feel of the weather. Spring is just around the corner; only four months away.

Community Events

Flooding:

I was notified in the middle of the night that water was rising and getting close to the city. Within minutes the water crested the roadway under SR-532 and was now flowing into the city, flooding 270th and several homes and businesses. City resources were mobilized and within an hour over a dozen people were working hard to build our temporary berm (Fort Freberg) on Marine Dr. I was amazed had how quickly the berm was constructed. The hard work and quick work by city staff, Tay-EX, and Lenz saved the city from major flooding along Main St. and Viking Way. I would also like to thank fire fighters and cadets from North County Regional Fire/EMS for their efforts filling sandbags and building a flood wall over the train tracks.

I had the opportunity to hang-out with the community during Coffee with a Cop hosted by the Mustard Seed. Finding the Elf on Shelf was happening on Main St, so downtown was very busy with shoppers and kids hunting for the elusive elf. I had a bunch of great conversations with people expressing their appreciation for law enforcement and living in such a great community. Later that night myself and Officer Grinch were able pass out candy canes at the Christmas Treating Lighting. Officer Grinch was very popular with the kids with lots of photos taken.

Crime:

This past month we had had string of vehicle thefts, specifically targeting Kia, Hyundai, and older Ford F-250/350 trucks. The common weakness with these vehicles is their key ignition, which makes the vehicle easy to start without a key. Along with these vehicle thefts, were left of tools and equipment. Det. Martin is diligently working to identify these suspects.

On the early morning of the 28th Bob's Market was burglarized. One of suspects has been identified and is believed to be involved with the break-in at The Bud Hut on Camano Island, along with a car-jacking and drive-by shooting in King County. The suspect has ties to the Stanwood-Camano area and law enforcement is working to locate and arrest the suspect.

Chief Toner

NOVEMBER 2023

Stanwood Police Department

Detective Report



Stanwood Police Cases-23-9408, 23-9409, and 23-9410 Burglary, Stolen Vehicle Recovery and Vehicle Theft

On 11-21-2023 at about 0500 hours Deputy Kelly responded to a burglary at Bob's Market. A citizen reported two subjects kicking the glass on the front door.

The glass in the front door was shattered when Deputy Kelly arrived, but no one was inside the store.

About an hour later, Deputy Smith located an unoccupied, stolen, gray Hyundai in the Jimmy's Pizza parking lot with the doors open and engine running. Deputy Smith found numerous empty boxes of vaping/tobacco products near the car. The empty boxes were associated with items stolen from Bob's Market.

Sometime earlier in the morning, a blue, Hyundai was stolen from an apartment complex parking lot.

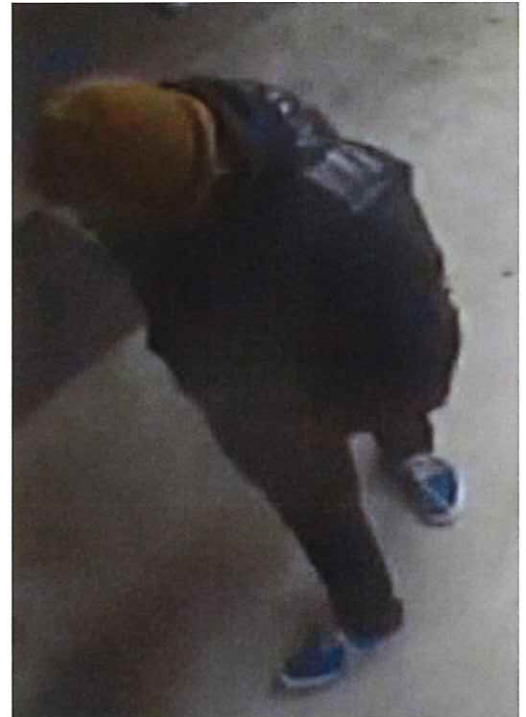
Video evidence showed a blue car in the Jimmy's Pizza complex when the gray Hyundai arrived shortly after the burglary at Bob's Market. The subjects transferred their loot to the blue car before leaving the area.

The stolen blue Hyundai was later recovered in Federal Way.

Detective Martin and Sgt. Gilje served a search warrant on the gray Hyundai. Fingerprints and samples of suspected blood (DNA) were recovered from the car.

Potential suspects have been identified and are involved in similar crimes in Everett, Oak Harbor, and Arlington.

Detective Martin is working with detectives from the involved agencies to prepare a case for the Prosecutor's Office



NOVEMBER 2023

Stanwood Camano School District

SCHOOL RESOURCE OFFICER



VETERANS DAY

On November 8th, each class was brought into the Stanwood High School Performing Arts Center to participate in our Stanwood High School Veterans Day assembly. Students listened to speeches from their leadership team, Principal Mr. Washington, School Resource Officer Bud McCurry, and Teacher/Cheer Coach Morgan Ten Hoopen. The speakers shared what Veterans Day meant to them, and they also shared how their military experiences helped shape their lives. The student body was attentive and showed great respect.



STUDENTS LEAVING CAMPUS

During lunches, the high school has seen an uptick in students leaving campus at lunch. Stanwood High School is a CLOSED CAMPUS. Principal Mr. Washington took note and assigned additional staff and admin to watch for students and direct them back into the school. Students found to have left campus without prior permission face school discipline.

TEEN VAPING CONTINUES

School Resource Officer McCurry was getting upwards of 30 to 40 vape alerts a day from Lincoln Hill Alternative School where vape detectors are installed in the restrooms. The District Office was contacted and a plan was made to restrict restroom use to only one student at a time. Since then, the vape detector alerts have dropped to around 5 or so a day, sometimes less.



NOVEMBER 2023



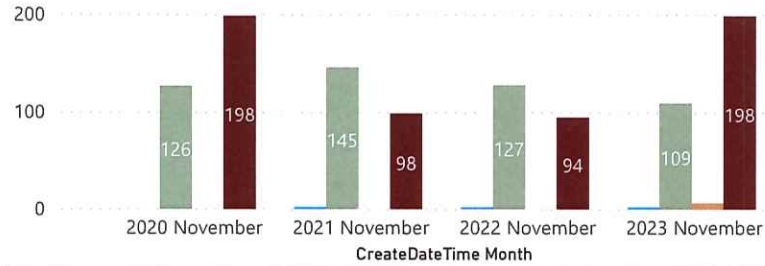
The following pages cover incidents data. This is also known as calls for service. If 30 people call because there's a wreck in front of Haggen's, it counts here once.



Previous Month Over Time

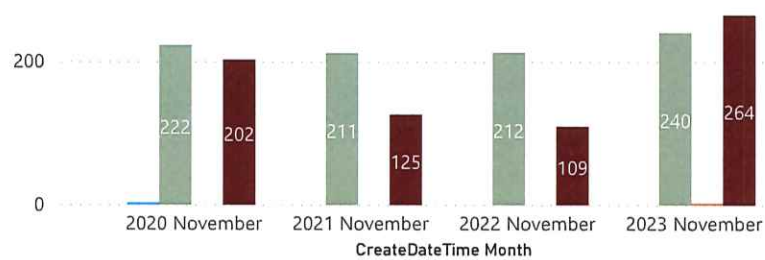
Stanwood West, Incidents by Origination

Call Origination (Blank) 911 call ASAP Officer-Initiated



Stanwood East, Incidents by Origination

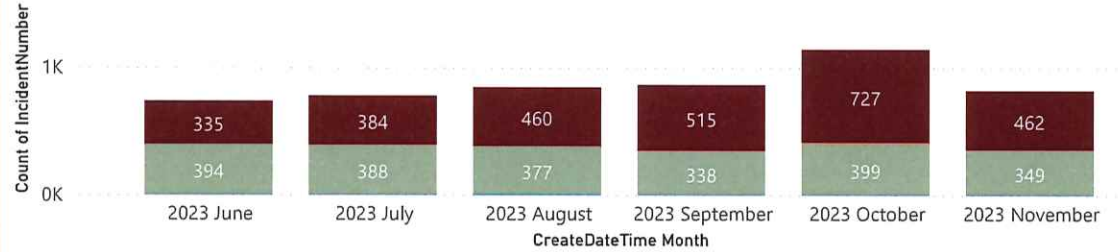
Call Origination (Blank) 911 call ASAP Officer-Initiated



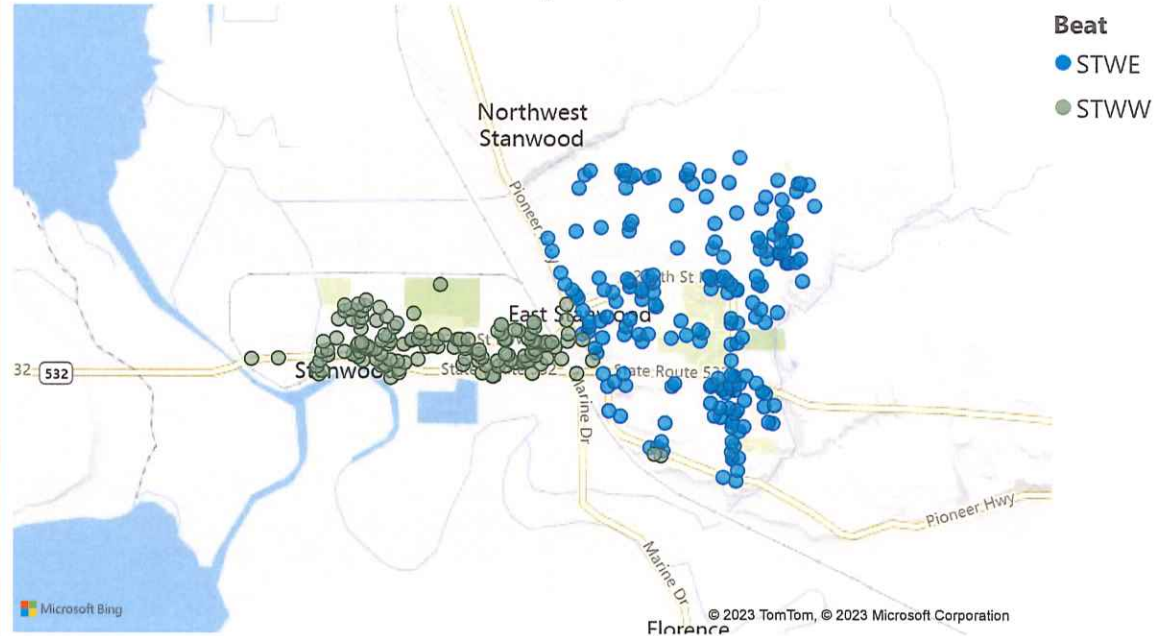
TOTAL INCIDENTS - ALL ORIS inside STW

Total Incident Counts, Past 6 Full Months by Origination Type

Call Origination (Blank) 911 call ASAP Officer-Initiated



All incidents Past 1 Month - excludes victim privacy concerning incidents

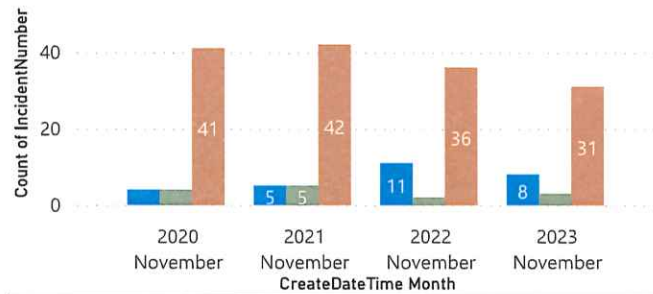




Previous Month Over Time

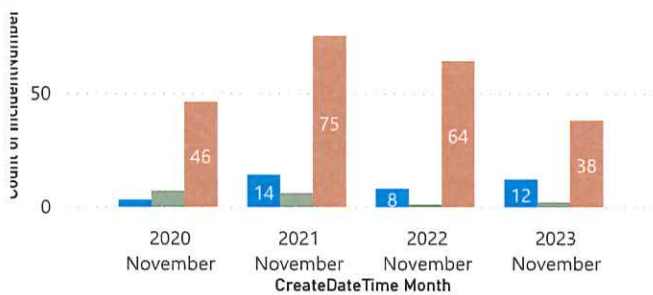
Stanwood West

IncidentType ● Collision ● DUI ● Traffic



Stanwood East

IncidentType ● Collision ● DUI ● Traffic



Collision, DUI, and Traffic INCIDENTS

Previous Month, Current Year

IncidentType ● Collision ● DUI



STWW & STWE

Year	Collision	DUI
2023		
June	18	10
July	20	7
August	13	6
September	26	11
October	13	7
November	20	5

Traffic - Previous Month, Current Year

Call Origination ● 911 call ● Officer-Initiated



STWW & STWE

Year	Traffic
2023	
June	100
July	74
August	96
September	101
October	255
November	69



Tickets - To Current Date, Current Year

Data begins in 2021, due to lack of tickets issued in 2020 (due to covid lockdowns).

of Tickets - This CY

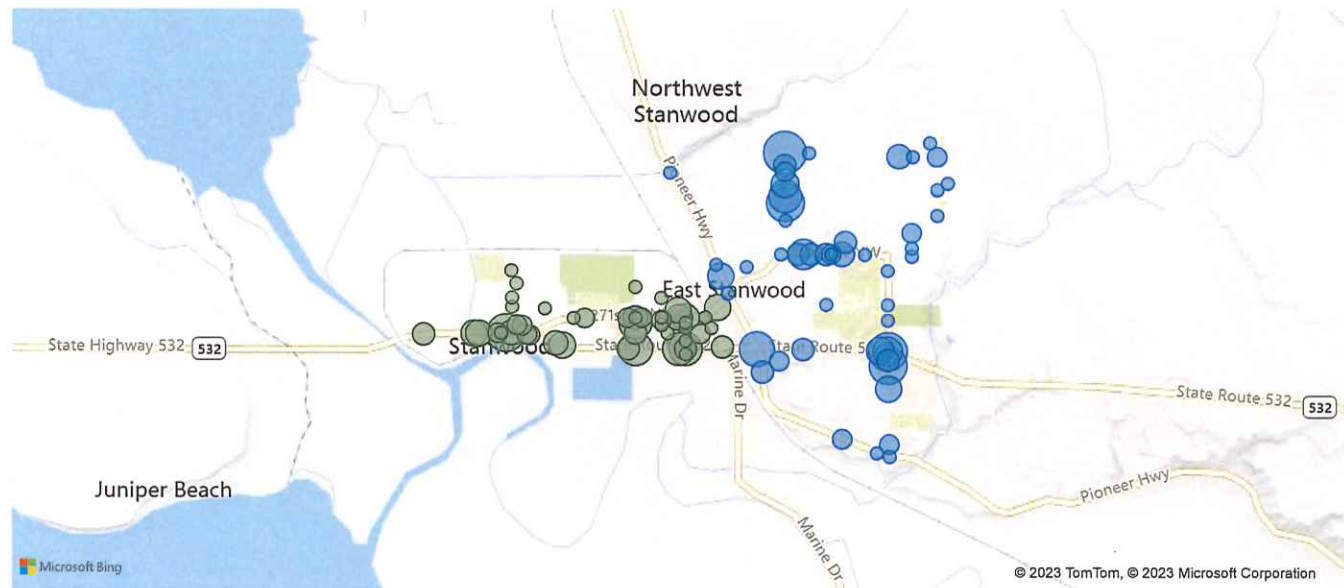
264

of Citations - This CY

353

Location of Citations this CY

Beat ● STWE ● STWW



Total Tickets

Month	2022	2023
January	6	18
February	8	36
March	8	16
April	3	16
May	9	23
June	23	30
July	22	9
August	25	36
September	25	38
October	10	102
November	14	26

How Many Tickets Had More than One Citation? 2022 to present

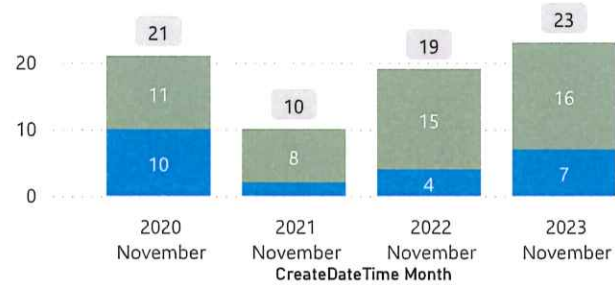
101



Alarms

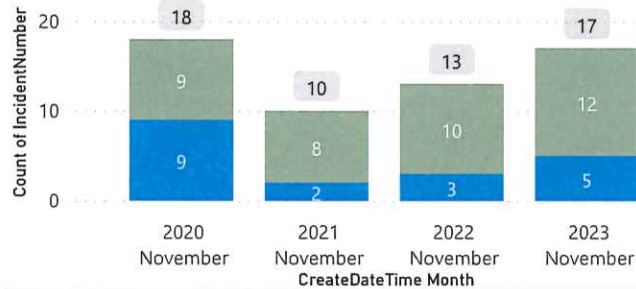
Alarms

Beat ● STWE ● STWW



Alarms that were False Alarms

Beat ● STWE ● STWW



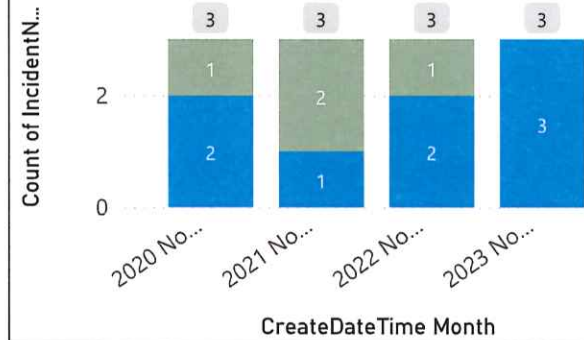
STWW & STWE

Year	Alarm
2023	
June	9
July	9
August	9
September	21
October	26
November	23

Abandon Vehicles

Abandon Vehicles

Beat ● STWE ● STWW



STWW & STWE

Year	Abandoned Vehicle
2023	
June	5
July	1
August	8
September	6
October	1
November	3

Abandon Vehicles Past Calendar Month, ThisYear

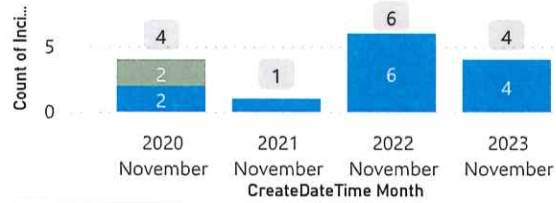
Beat ● STWE



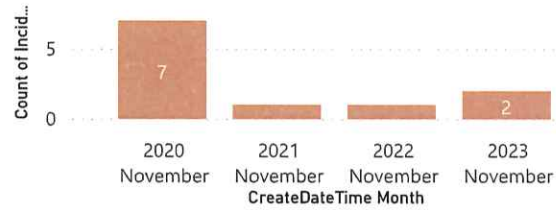


Stanwood West

IncidentType ● BHC ● Suicide

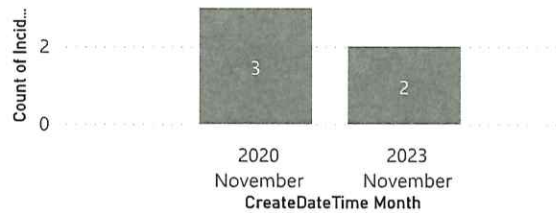


IncidentType ● Welfare Check



Death Investigations - STWW

IncidentType ● Death



Year BHC Suicide

2023		
June	4	
July	4	
August	7	
September	2	2
October	6	
November	4	

Year Welfare Check

2023	
June	4
July	4
August	8
September	3
November	2

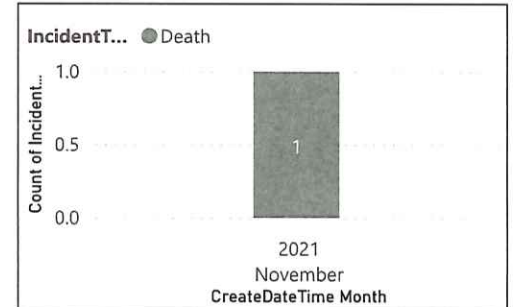
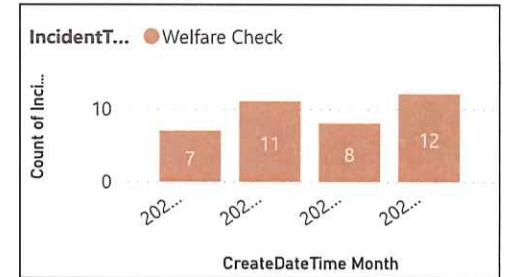
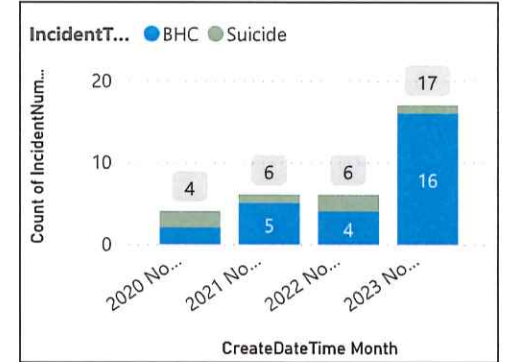
Stanwood East

Year BHC Suicide

2023		
June	5	2
August	12	2
September	4	2
October	15	4
November	16	1

Year Welfare Check

2023	
June	8
July	5
August	9
September	10
October	12
November	12



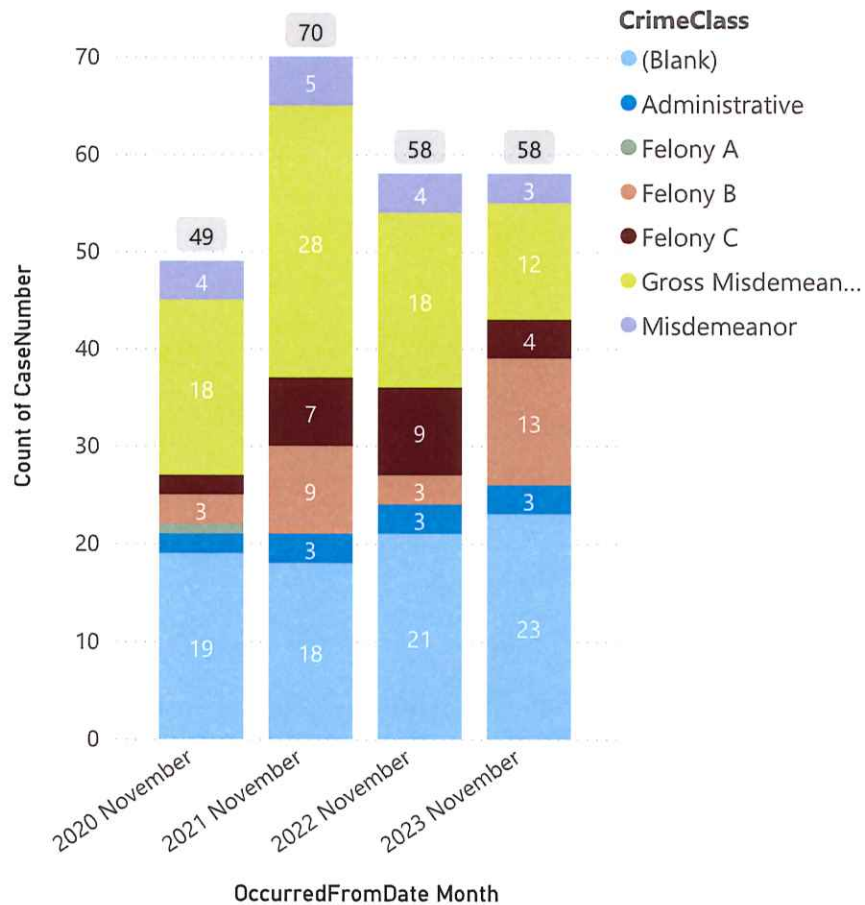


The following pages cover case data. The key difference between cases and incidents data is a Deputy has determined something did transpire that justifies writing a case report.

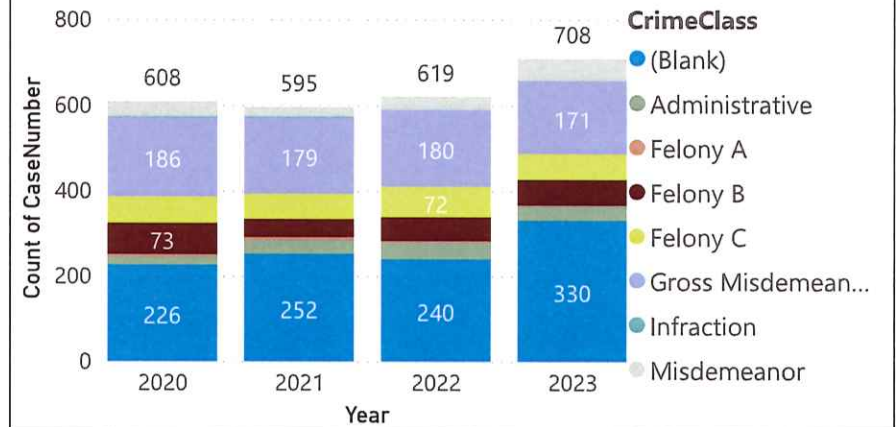
TOTAL CASES

IN THE STW BEAT

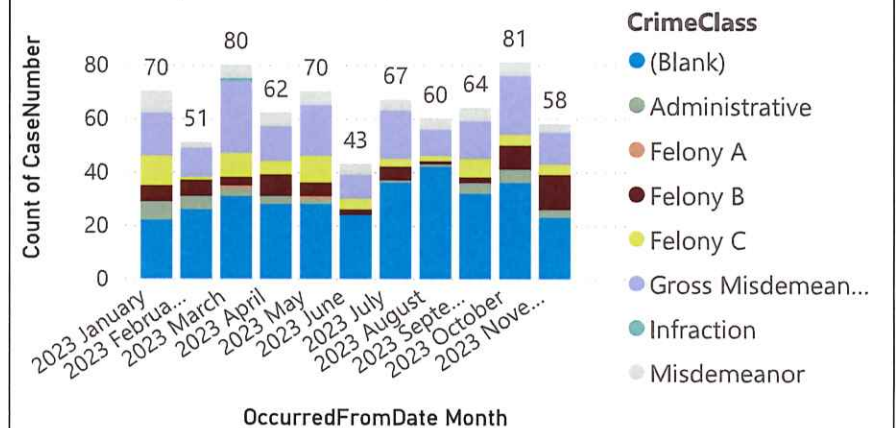
Cases, Previous Month, Yr over Yr



Case Count by Statute, Jan 1 - present, Yr over Yr



Case Count by Statute, Jan 1 - present, Current Year

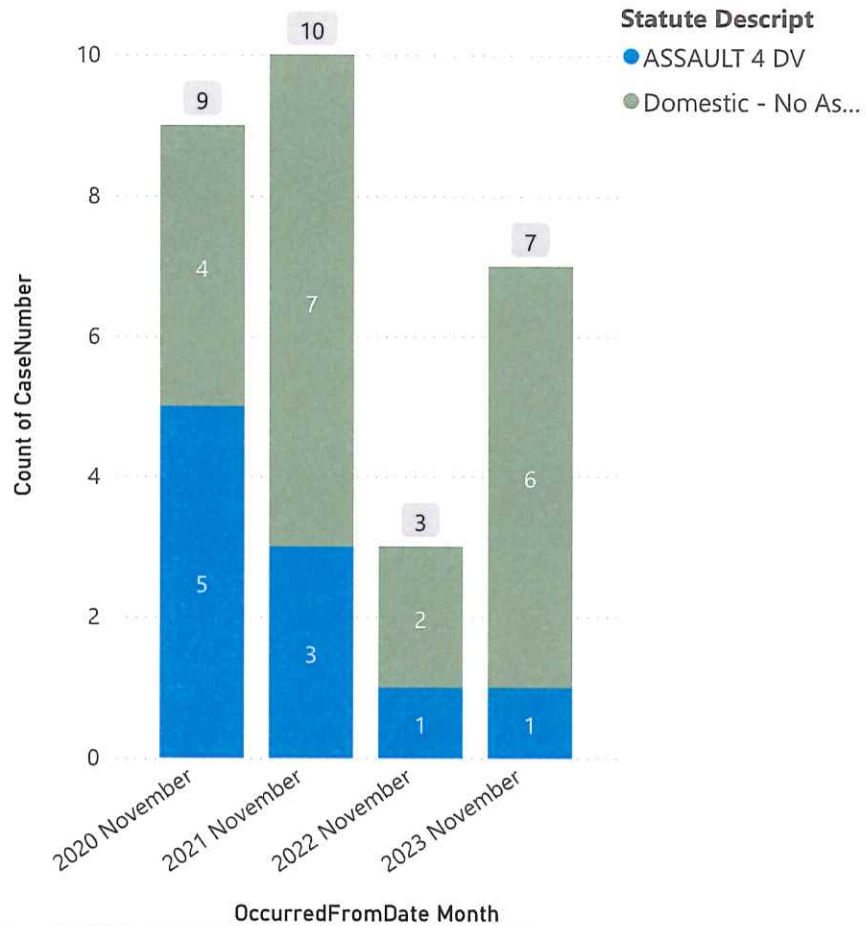


Domestic Related CASES

IN THE STW BEAT

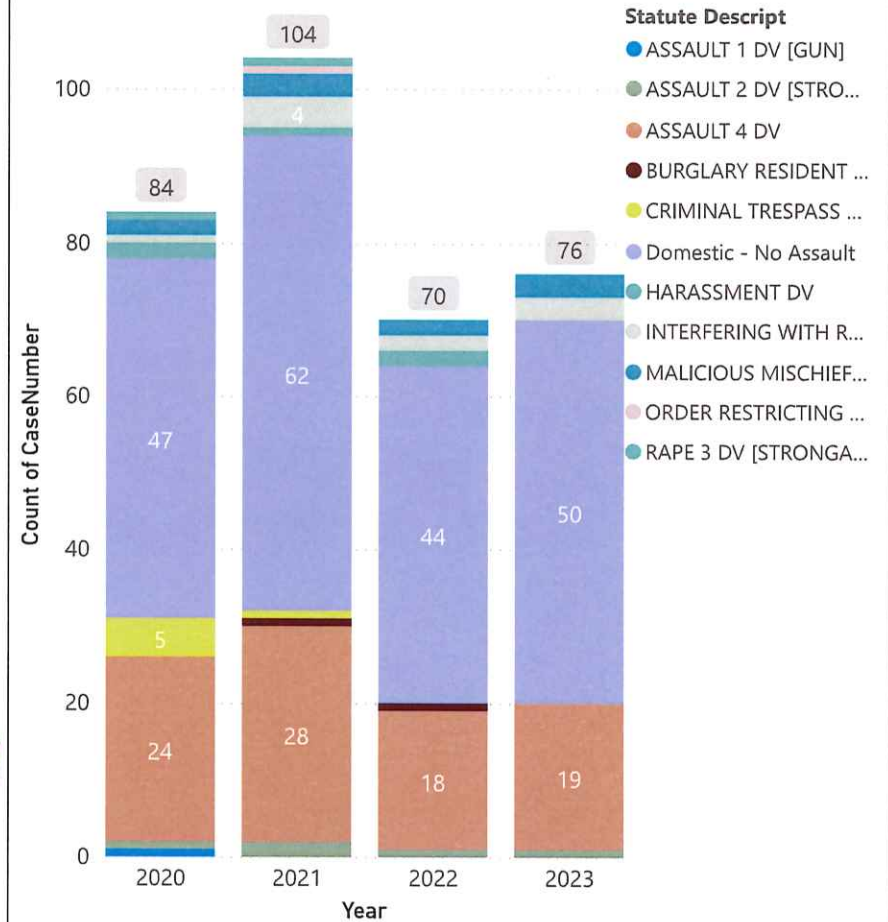
Previous Month Over Time

Count of CaseNumber by Year, Month and Statute Descript



To Date By Year

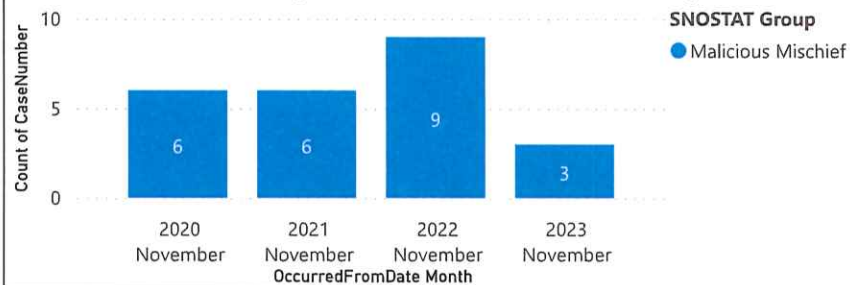
Count of CaseNumber by Year and Statute Descript



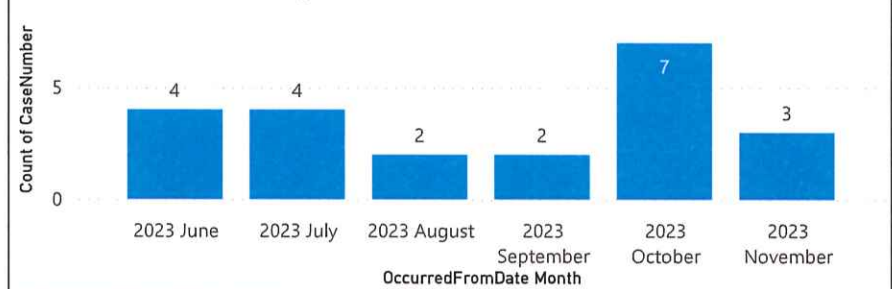


Malicious Mischief CASES

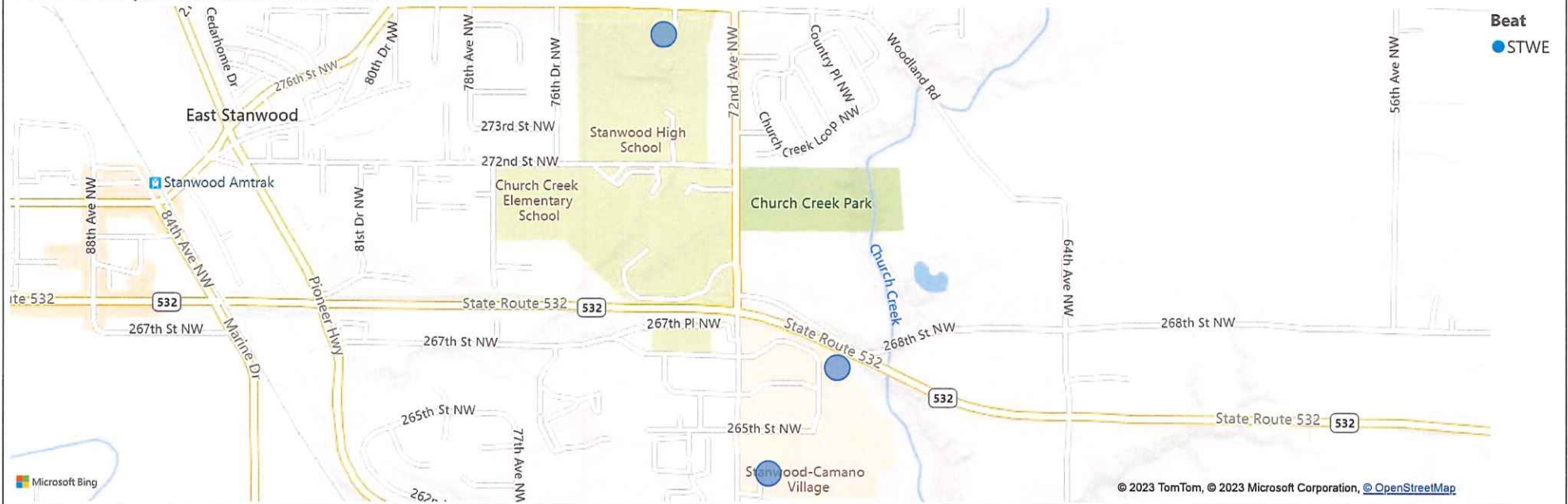
Count of CaseNumber by Year, Month and SNOSTAT Group



Count of CaseNumber by Year and Month



Cases in the past Calendar month, Current Year





Auto Theft CASES

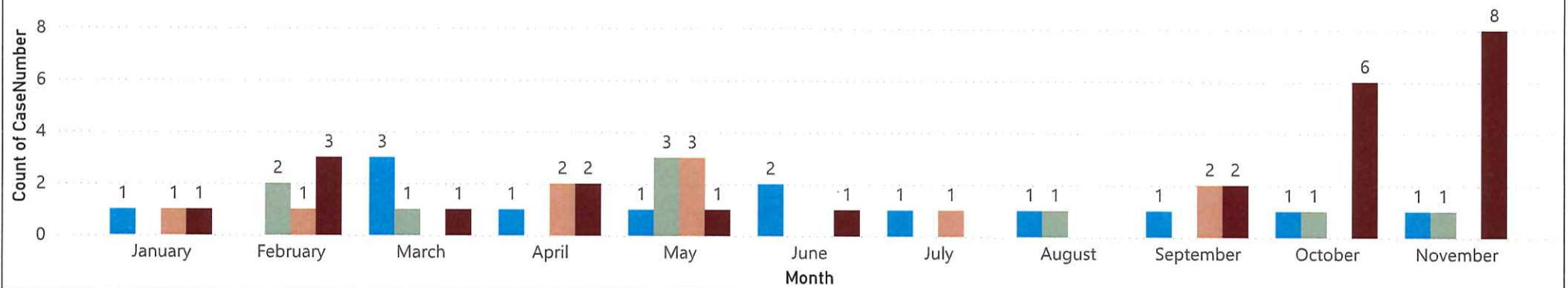
Past Six Calendar Months

Month ● June ● November



Jan 1 - Present, each year

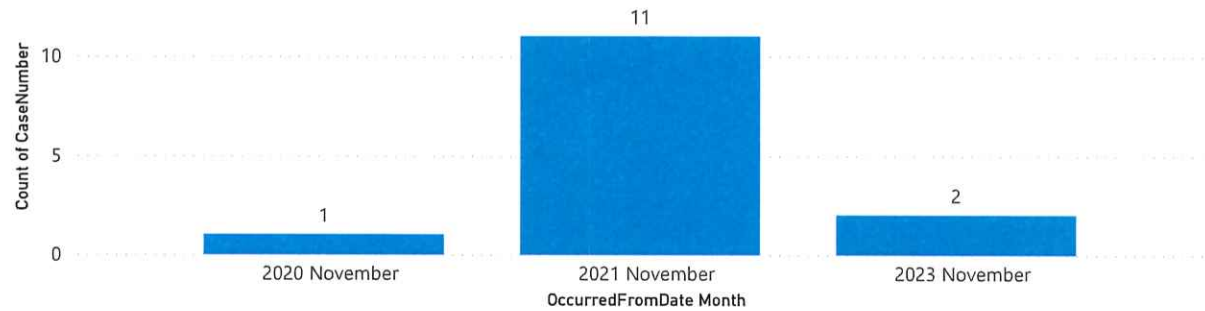
Year ● 2020 ● 2021 ● 2022 ● 2023





Vehicle Prowl CASES

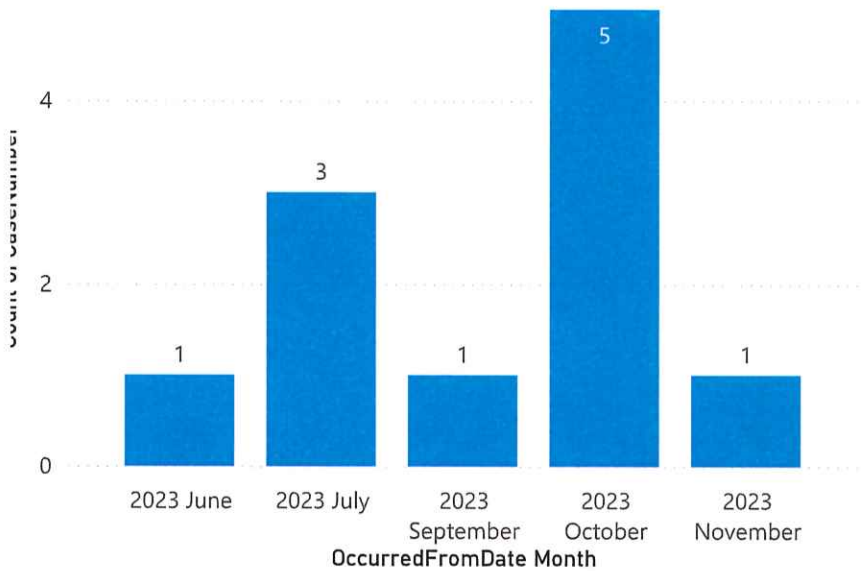
Count of CaseNumber by Year and Month



Jan 1 - Current Date, Current Year

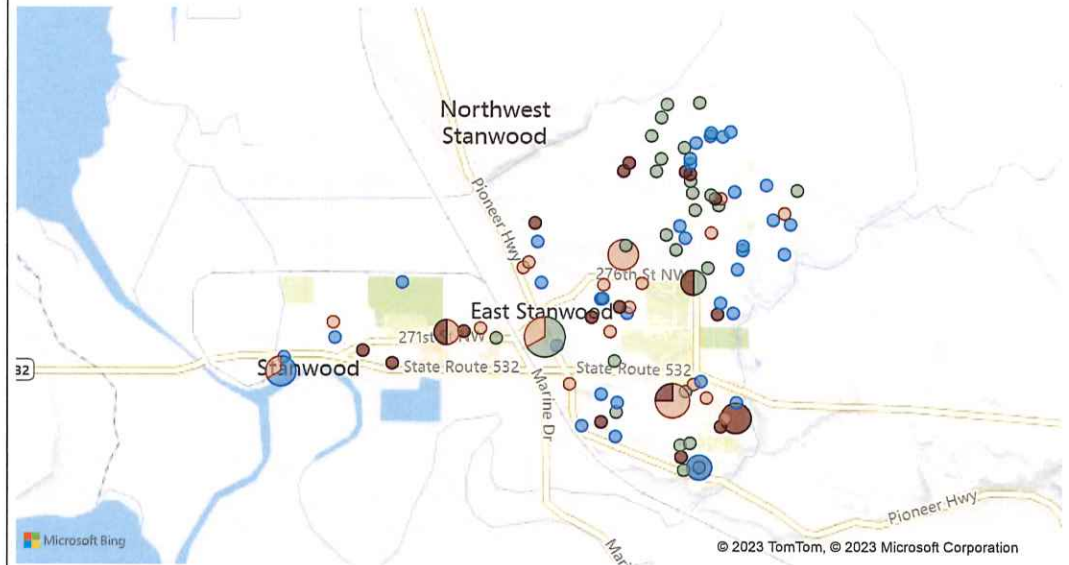
Year	Veh Prowl 1	Veh Prowl 2	Total
2020	2	38	40
2021	2	29	31
2022	4	23	26
2023		21	21

Count of CaseNumber by Year and Month



Count of CaseNumber by Year, Lat and Lon

Year ● 2020 ● 2021 ● 2022 ● 2023

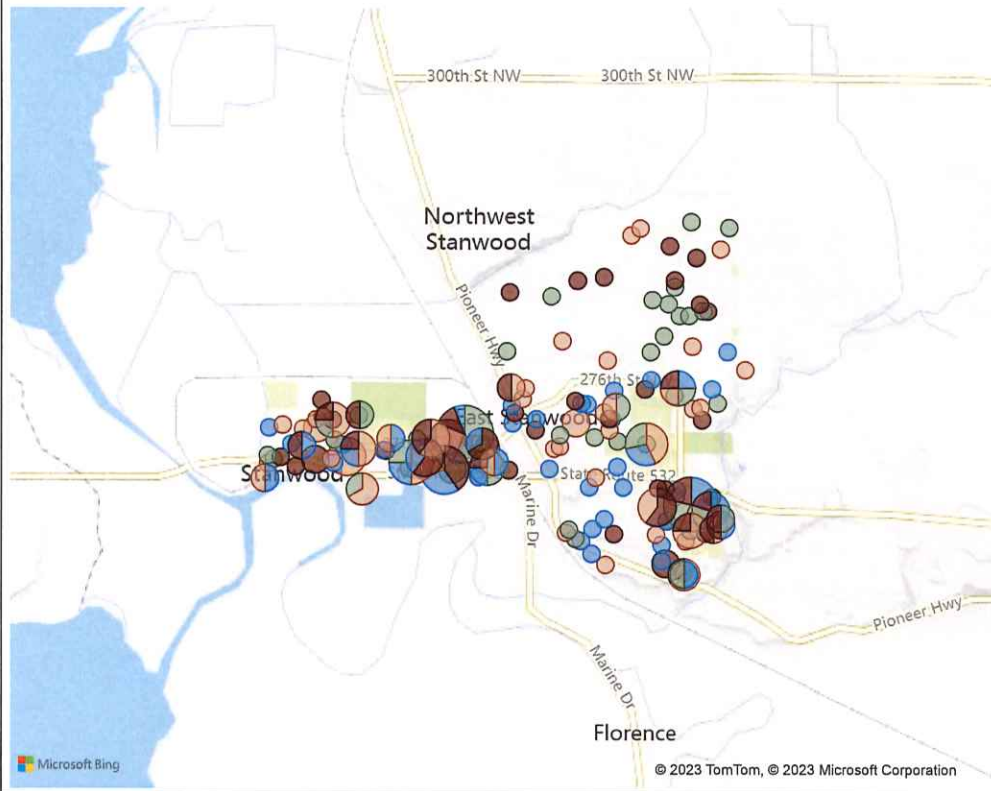




Theft CASES

Count of CaseNumber by Year, Lat and Lon

Year ● 2020 ● 2021 ● 2022 ● 2023



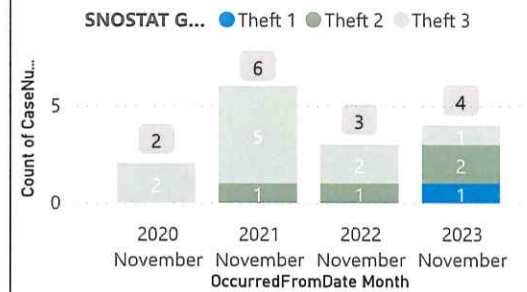
Jan 1 - Current Date

Beat	2020	2021	2022	2023
STWE	30	32	39	27
STWW	26	25	39	28
Total	56	57	78	55

Stanwood West



Stanwood East



Current YTD

Year	STWE	STWW
▼		
2023		
November	3	1
October	1	6
September	1	4
August	1	1
July	3	3
June		5
May	6	1
April	4	
March	3	
February	2	4
January	3	3



Burglary CASES

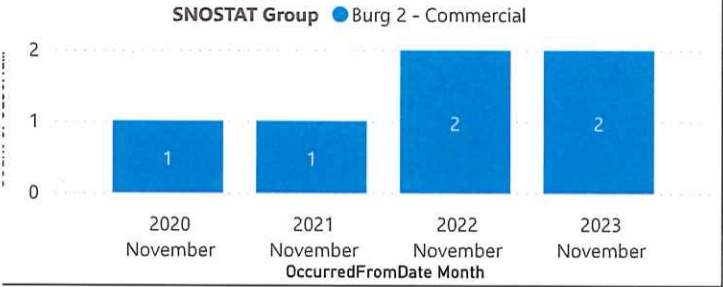
Jan 1 - Current Date

Year	STWE	STWW
2020	10	12
2021	7	9
2022	13	6
2023	9	9

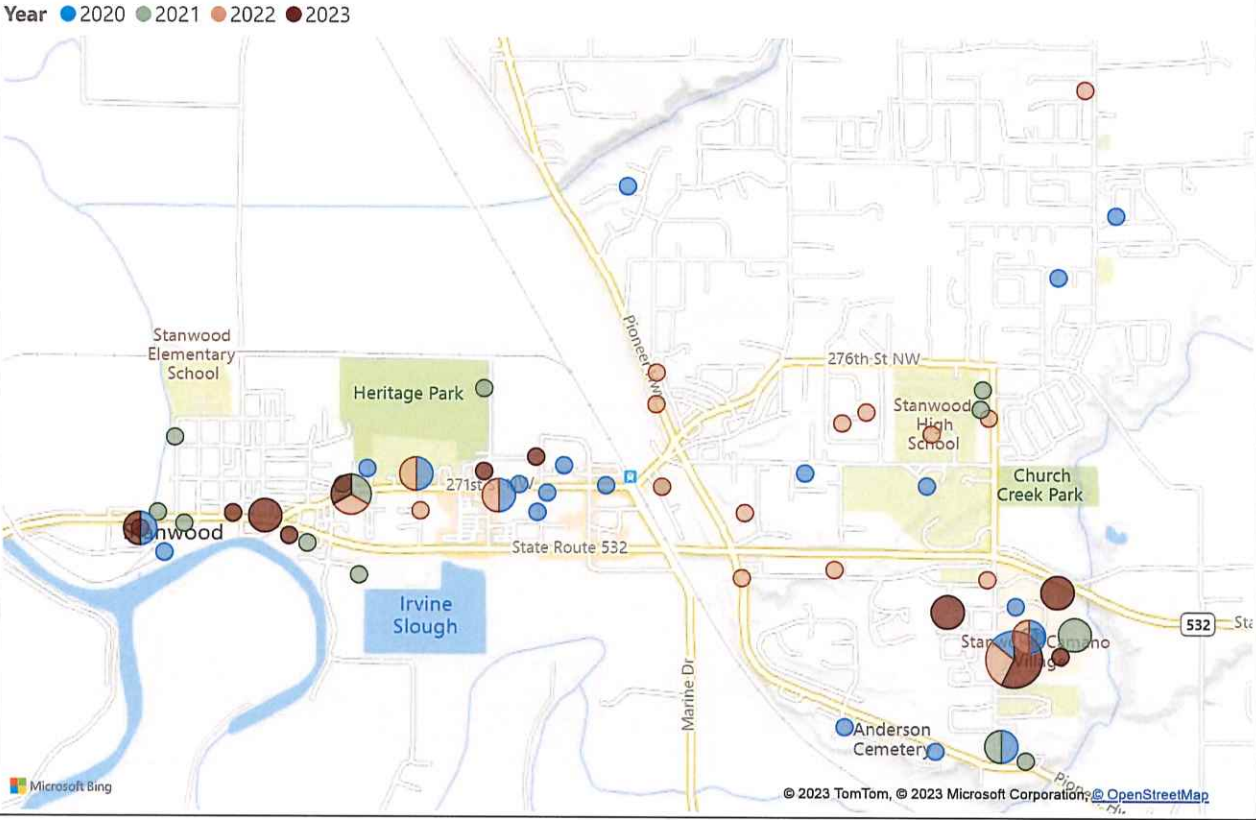
Stanwood West



Stanwood East



Count of CaseNumber by Year, Lat and Lon





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7a

DATE: December 14, 2023

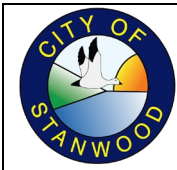
SUBJECT: Economic Development Board Meeting Minutes

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – June 16, 2023 Meeting Minutes

SUMMARY STATEMENT

Minutes from the June 16, 2023 Economic Development Board meeting are attached to this staff report for approval as presented. These minutes were approved at the November 17, 2023 Economic Development Board Meeting.



Economic Development Board Minute
Meeting Minutes
Friday, June 16, 2023 | 7:30 am

Economic Development Board Members Present:

Staff Present: Sarah Cho, Audrey Rotrock

Others Present: Kristine Birkenkopf, Les Anderson, Randy Heagle, David Pelletier

Les Anderson called the meeting to order at 7:34 a.m.

1. Receive the Minutes of the April 21, 2023 Meeting

The minutes of the April 21, 2023 Economic Development Board meeting were approved unanimously.

2. SIP: Amendments

The Board agrees with amendments to the Storefront Improvement Project. They would not like to restrict the areas of who can apply for the program but leave it open to all eligible businesses downtown. The Board would also like to prioritize properties that have a larger need for improvements, and second time applicants would go to the bottom of the list. Establish a lifetime cap of a dollar amount per applicant or number of times an applicant can apply for the grant.

3. Code Update: Title 5 Amendments

Sarah Cho gave a brief summary on Stanwood Municipal Code Title 5 amendments such as defining a purpose for the special events chapter, expanding special event definition to private property, Peddlers, vendors and temporary merchants have been moved into a new chapter – Merchants without a Fixed Location.

4. Business License Analytics

For the month of May 2023, 33 business licenses were processed. 19 of the licenses were non-resident business licenses, 8 of the licenses were home occupation licenses, and 6 of the licenses were city business licenses.

5. Discover Stanwood Camano Analytics

For the month of May 2023, Discover Stanwood Camano had 1,796 users visit the website it had a total of 3,041 pageviews. 73% of the audience found the website through organic search, 19.6% found the website through direct search, 6.5% found the website through referral, and 0.9% found the website through social. The top five states for audience locations were Washington, California, Wyoming, Oregon and Texas. The Facebook page reached 4,267 people with 513 page visits. The Instagram account reached 1,121 people with 100 profile visits.

The Board members would like to know in more detail what people are looking at on the website. They would also like to see a year over year comparison of page the analytics.

6. EDB Next Meeting on July 21, 2023



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7b

DATE: December 14, 2023

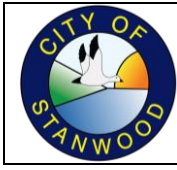
SUBJECT: Parks and Trails Advisory Committee Meeting Minutes –
October 16, 2023

CONTACT PERSON: Carly Ruacho, Senior Planner

ATTACHMENTS: A – Meeting Minutes October 16, 2023

SUMMARY STATEMENT

Minutes from the October 16, 2023, Parks and Trails Advisory Committee Meeting are attached to this staff report for approval as presented. These minutes were approved at the November 20, 2023, Parks and Trails Advisory Committee Meeting.



Parks and Trails Advisory Committee Meeting Minutes October 16, 2023

1. Call to Order/Roll Call: 3:01 PM

Members Present:

Matt Withers
Gordy Holmes
Dave Hall
Lisa Bruce

Members Absent:

Judy Williams
Meagen Watne
Cathy Wooten

Others Present:

Carly Ruacho, Parks Planning Manager
Kevin Pellham, Parks Maintenance Lead
Kevin Hushagen, Public Works Director
Alan Lytton, City Engineer
Tansy Schroeder, City Planner
Brianne, Public
Allison Jones, Public
Peter Kamb, Public

2. Public Comments

Peter Kamb requested a painted bike lane on the 98th Ave NW bridge. Also, he asked that the City re-explore building the trail on the north side of the slough to continue the Port Susan trail versus constructing a boardwalk if costs are a constraint.

Brianne asked that the City consider installing turf for the Heritage Park baseball fields as well as lights for longer daytime use.

3. Approval of September 2023 Meeting Minutes

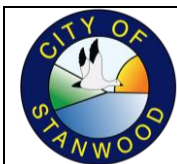
Minutes approved as written.

4. Communication Boards Presentation - Allison Jones, Chairman, Walk for Apraxia

Allison Jones did a presentation on a communication board to have at the parks. She has a non-verbal child, and the communication board has helped her child while playing on playgrounds. She indicated that verbal children also benefit from the boards. She is asking for PTAC committee support for putting these signs in the City parks. The committee was in support to have one of these put up as a trial at Church Creek Park. If all goes well with it, they will consider supporting the placement in other city parks.

5. Downtown Park Design

The committee discussed and reviewed the three proposed designs for the downtown park. Tansy reported that the survey resulted in 400+ responses with design #1 as the preferred alternative.



Parks and Trails Advisory Committee Meeting Minutes October 16, 2023

Seating and shade were the No. 1 and 2 most important elements. The Committee generally agreed with the community comments. No action taken.

6. Pros Plan Draft

The committee discussed and reviewed the plan. They recommended Quote No. 3 "Study nature, love nature, stay close to nature. It will never fail you - Frank Lloyd Wright." Tansy asked that any comments be given to her prior to the next meeting. One comment was noted that the Camaloch golf course has recently closed and should not be included in the open space inventory. No action was taken

7. Park Policies

The committee reviewed the proposed Policies. No action taken. Tansy indicated that further discussion will take place in November.

8. Heritage Dog Park Design

The committee was notified the dog park was out for bid. No action taken.

9. Park Rental Policies

The committee reviewed the proposed Policies. The Committee recommended that Little League baseball and soccer be given field reservation priority over select and for-profit teams. No action taken.

10. Park/Trails Update

Hamilton - The park is in full swing and lots going on to finish the park by the end of the year.

Ovenell - Carly is working on a lease agreement with Andrew Davis for the public farm use.

Port Susan Trail- There will likely not be a pedestrian bridge due to the cost of wetland boardwalk. The portion of the trail on the north side of the slough will likely happen under a future phase. Phase 2 will end in Hamilton Landing Park.

11. Committee Comments

Lisa Bruce recommended that movies in the park have at least one night targeted for older kids or "date night" movies rather than having all very young age movies. She also recommended having a food truck if possible.

Carly applied for a \$100,000 maintenance grant from the State to help with maintenance needs around the parks. This is the first time such a grant has been offered. Funding awards should be announced by October 31st.

Adjourn: 5:00 PM

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7c

DATE: December 14, 2023

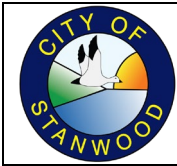
SUBJECT: Public Works Committee Meeting Minutes

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – December 4, 2023, Public Works Committee Minutes

SUMMARY STATEMENT

Minutes from the December 4, 2023, Public Works Committee Meeting are attached to this staff report for approval as presented.



Public Works Committee Meeting Minutes December 4, 2023

Attendance:

Councilmembers: Darren Robb, Tim Pearce and Dani Gaumond

City Staff: Shawn Smith, City Administrator, Kevin Hushagen Public Works Director, Alan Lytton, Associate Engineer, and Amanda Slattery Public Works Office Specialist

The meeting was conducted in person. The full meeting agenda packet with detailed information can be found on the City's website at [Agenda Center](#)

Call to order at 5:31 pm

Agenda-

1. 103rd DR NW Improvements

Alan Lytton went over ATWELL, LLC proposed scope of work and costs for the 103rd DR NW project that will be taken to council on December 14, 2023 to discuss.

2. Port Susan Trail Phase 2

The committee discussed options for Phase 2 of the Port Susan Trail project.

3. Review bids received for On-Call Contract Utilities, Facilities, and Street Repairs.

The committee reviewed the bids received for the On-Call Contract utilities, Facilities, and Street Repairs that went out for bid on November 28, 2023.

4. Review bids received for On-Call Contract Asphalt and Concrete.

The committee reviewed the bids received for the On-Call Contract Asphalt and Concrete repairs that went out for bid on November 28, 2023.

Adjourn: 7:46 pm



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8a

DATE: December 14, 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 37802 through 37871 and electronic fund transfers in the amount of \$757,585.08. Approve issuance of Washington Federal payroll electronic fund transfers in the amount of \$48,350.00.

RECOMMENDED MOTION

MOTION TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 37802 THROUGH 37871 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$757,585.08. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$48,350.00.

CHECK REGISTER

City Of Stanwood

Time: 11:05:15 Date: 12/06/2023

11/10/2023 To: 12/06/2023

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5787	11/15/2023	Claims	3	EFT	Washington Federal Bank	435.83	Nov Service Charge WAFD
5791	11/16/2023	Claims	3	EFT	Aramark Uniform Services, LLC	109.36	937963000; 937963000
5792	11/16/2023	Claims	3	EFT	In-Depth Excavation, LLC	253,118.00	City of stanwood
5793	11/16/2023	Claims	3	EFT	RH2 Engineering Inc	24,480.96	City of stanwood
5794	11/16/2023	Claims	3	EFT	Snohomish County Public Def Association	2,385.00	City of stanwood
5826	11/22/2023	Payroll	3	EFT		3,350.00	November 2023 Draw
5827	11/22/2023	Payroll	3	EFT		1,800.00	November 2023 Draw
5828	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5829	11/22/2023	Payroll	3	EFT		2,500.00	November 2023 Draw
5830	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5831	11/22/2023	Payroll	3	EFT		1,000.00	November 2023 Draw
5832	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5833	11/22/2023	Payroll	3	EFT		2,700.00	November 2023 Draw
5834	11/22/2023	Payroll	3	EFT		4,000.00	November 2023 Draw
5835	11/22/2023	Payroll	3	EFT		1,600.00	November 2023 Draw
5836	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5837	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5838	11/22/2023	Payroll	3	EFT		1,600.00	November 2023 Draw
5839	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5840	11/22/2023	Payroll	3	EFT		500.00	November 2023 Draw
5841	11/22/2023	Payroll	3	EFT		1,500.00	November 2023 Draw
5842	11/22/2023	Payroll	3	EFT		1,800.00	November 2023 Draw
5843	11/22/2023	Payroll	3	EFT		1,000.00	November 2023 Draw
5844	11/22/2023	Payroll	3	EFT		2,500.00	November 2023 Draw
5845	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5846	11/22/2023	Payroll	3	EFT		500.00	November 2023 Draw
5847	11/22/2023	Payroll	3	EFT		4,500.00	November 2023 Draw
5848	11/22/2023	Payroll	3	EFT		1,500.00	November 2023 Draw
5849	11/22/2023	Payroll	3	EFT		2,000.00	November 2023 Draw
5891	11/21/2023	Claims	3	EFT	Confluence Environmental Company	7,529.88	City of stanwood
5892	11/21/2023	Claims	3	EFT	Perteet Inc.	2,622.00	City of stanwood
5893	11/21/2023	Claims	3	EFT	Summit Law Group	267.00	20150-1 JXL
5894	11/21/2023	Claims	3	EFT	Thompson Guildner & Associates Inc. P.S.	7,877.53	City of stanwood
5895	11/21/2023	Claims	3	EFT	WA St Dept of Revenue **	21,908.76	City of stanwood
6017	11/28/2023	Claims	3	EFT	HSA Bank	2.50	Nov fee for H.S.A.
6034	11/30/2023	Claims	3	EFT	Aramark Uniform Services, LLC	54.68	937963000
6035	11/30/2023	Claims	3	EFT	Aramark Uniform Services, LLC	54.68	937963000
6036	11/30/2023	Claims	3	EFT	Edge Analytical, Inc	240.00	STA01
6037	11/30/2023	Claims	3	EFT	Edge Analytical, Inc	31.00	STA01
6038	11/30/2023	Claims	3	EFT	FCS Group- Solutions- Oriented Consult.	9,732.50	City of stanwood
6039	11/30/2023	Claims	3	EFT	RH2 Engineering Inc	21,886.42	City of stanwood
5795	11/16/2023	Claims	3	37802	A-1 Mobile Lock & Key, INC	196.56	City of stanwood
5796	11/16/2023	Claims	3	37803	APSCO, LLC	8,144.90	City of stanwood
5797	11/16/2023	Claims	3	37804	Advantage Building Services	3,113.58	City of stanwood
5798	11/16/2023	Claims	3	37805	Cascade Septic Pumping, LLC	751.80	City of stanwood
5799	11/16/2023	Claims	3	37806	Core & Main LP	25.15	110855
5800	11/16/2023	Claims	3	37807	Hach Company	691.87	113498
5801	11/16/2023	Claims	3	37808	JP Cooke Company	82.35	City of stanwood
5802	11/16/2023	Claims	3	37809	Lenz Enterprises Inc	803.67	City of stanwood; City of stanwood
5803	11/16/2023	Claims	3	37810	ODP Business Solutions, LLC	108.71	36274097; 36274097
5804	11/16/2023	Claims	3	37811	Owen Equipment Company Inc	1,119.39	36577
5805	11/16/2023	Claims	3	37812	PUD Of Snohomish County *	183.16	200103539
5806	11/16/2023	Claims	3	37813	Pitney bowes Inc	72.56	0013214658

CHECK REGISTER

City Of Stanwood

Time: 11:05:15 Date: 12/06/2023

11/10/2023 To: 12/06/2023

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5807	11/16/2023	Claims	3	37814	Precise Machining Inc	98.37	City of stanwood
5808	11/16/2023	Claims	3	37815	Skagit Farmers Supply	1,209.10	135052; 135052; 135052; 135052; 135052
5809	11/16/2023	Claims	3	37816	Sno Co District Court	1,597.97	DCT34003; DCT34003; DCT34003
5810	11/16/2023	Claims	3	37817	Sno Co Information Services *	12,484.40	DIS1107
5811	11/16/2023	Claims	3	37818	Sno Co Sheriffs Office *	175,952.50	SSH00001
5812	11/16/2023	Claims	3	37819	Stanwood Ace Hardware #14901	586.36	20013; 20013; 20013; 20013; 20013; 20013
5813	11/16/2023	Claims	3	37820	Stilly Auto Parts Napa	76.17	27197
5814	11/16/2023	Claims	3	37821	US Bank Na Custody/ Treas Div- Money Ctr	192.00	City of stanwood
5815	11/16/2023	Claims	3	37822	USA Bluebook	209.21	478228
5816	11/16/2023	Claims	3	37823	Western Exterminator Company	234.79	683591; 683591
5896	11/21/2023	Claims	3	37824	APP- Associated Petroleum Products	4,941.31	AP0100494
5897	11/21/2023	Claims	3	37825	All Phase Electric Supply	599.80	LK-82940
5898	11/21/2023	Claims	3	37826	Galt John E	1,561.25	City of stanwood
5899	11/21/2023	Claims	3	37827	Grainger, Inc	390.34	848089215; 848089215; 848089215; 848089215; 848089215
5900	11/21/2023	Claims	3	37828	Hach Company	616.45	113498
5901	11/21/2023	Claims	3	37829	Klemmez rods & customs	3,063.28	city of stanwood
5902	11/21/2023	Claims	3	37830	Lenz Enterprises Inc	168.15	City of Stanwood
5903	11/21/2023	Claims	3	37831	Maul Foster Alongi, Inc.	2,575.00	City of stanwood; City of stanwood
5904	11/21/2023	Claims	3	37832	O'Reilly Auto Parts	99.18	1872464; 1872464
5905	11/21/2023	Claims	3	37833	ODP Business Solutions, LLC	228.70	36274097; 36274097
5906	11/21/2023	Claims	3	37834	PUD Of Snohomish County *	385.38	201942398; 202423729
5907	11/21/2023	Claims	3	37835	Puget Tech LLC	894.00	City of Stanwood
5908	11/21/2023	Claims	3	37836	Ricoh USA, Inc.	318.23	1316669-3816549; 1316669-3800326
5909	11/21/2023	Claims	3	37837	Robert Half International, Inc	1,415.88	03640-101120000; 03640-101120000
5910	11/21/2023	Claims	3	37838	Skagit Valley Publishing	300.30	48893; 48893; 48893
5911	11/21/2023	Claims	3	37839	Stanwood Ace Hardware #14901	372.88	20013; 20013; 20013; 20013; 20013
5912	11/21/2023	Claims	3	37840	Stanwood Auto Parts	360.40	56100; 56100
5913	11/21/2023	Claims	3	37841	Stanwood Camano Arts Advocacy Commission	14,175.00	City of stanwood
5914	11/21/2023	Claims	3	37842	Swofford Excavating LLC	111,379.88	City of stanwood
5915	11/21/2023	Claims	3	37843	US Bank St Paul	691.12	STAWATREF21; STAWSREV22
5916	11/21/2023	Claims	3	37844	WA St Auditor's Office	5,892.60	City of stanwood
5917	11/21/2023	Claims	3	37845	West Coast Code Consultants, Inc.	2,634.80	City of stanwood
6040	11/30/2023	Claims	3	37846	American Planning Assn	338.00	City of Stanwood
6041	11/30/2023	Claims	3	37847	Atwell, LLC	9,242.89	City of stanwood
6042	11/30/2023	Claims	3	37848	Cascade Natural Gas Corp	1,164.12	127 540 0000 3; 498 440 0000 7; 839 440 0000 5; 931 607 9072 6; 953 540 0000 2; 608 440 0000 4
6043	11/30/2023	Claims	3	37849	City of Everett *	750.00	STACITG
6044	11/30/2023	Claims	3	37850	Jiffy Lube 2583	774.49	city of stanwood; City of stanwood; City of stanwood; City of stanwood; City of stanwood; City of stanwood; City of stanwood
6045	11/30/2023	Claims	3	37851	Lenz Enterprises Inc	103.50	City of Stanwood; City of stanwood
6046	11/30/2023	Claims	3	37852	Maul Foster Alongi, Inc.	9,555.24	City of stanwood
6047	11/30/2023	Claims	3	37853	NC Machinery	386.90	0271520
6048	11/30/2023	Claims	3	37854	O'Reilly Auto Parts	27.96	1872464

CHECK REGISTER

City Of Stanwood

Time: 11:05:15 Date: 12/06/2023

11/10/2023 To: 12/06/2023

Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
6049	11/30/2023	Claims	3	37855	ODP Business Solutions, LLC	384.09	36274097; 36274097; 36274097; 36274097
6050	11/30/2023	Claims	3	37856	PUD Of Snohomish County *	7,630.14	200794063; 200208858
6051	11/30/2023	Claims	3	37857	Quality Controls Corporation	2,934.00	City of Stanwood
6052	11/30/2023	Claims	3	37858	Ricoh USA, Inc.	90.80	1316669-3800377
6053	11/30/2023	Claims	3	37859	Safeway	27.69	191483
6054	11/30/2023	Claims	3	37860	Skagit Farmers Supply	205.42	135052
6055	11/30/2023	Claims	3	37861	Sno Co Prosecuting Attorney *	1,615.50	City of stanwood
6056	11/30/2023	Claims	3	37862	Sno Co Sheriff's Office - CB	4,084.74	91-6001368
6057	11/30/2023	Claims	3	37863	Stanwood Ace Hardware #14901	1,257.61	20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013; 20013
6058	11/30/2023	Claims	3	37864	Stanwood City Utility	118.36	4252
6059	11/30/2023	Claims	3	37865	Stilly Auto Parts Napa	168.94	27197; 27197
6060	11/30/2023	Claims	3	37866	Unum Life Insurance	176.80	0220603-036 2
6061	11/30/2023	Claims	3	37867	Verizon Wireless	1,487.00	372541731-00001
6062	11/30/2023	Claims	3	37868	WA St Dept of Licensing *	597.00	City of stanwood
6063	11/30/2023	Claims	3	37869	WAPRO	25.00	City of Stanwood
6064	11/30/2023	Claims	3	37870	Washington State Patrol *	251.75	0000015959
6065	11/30/2023	Claims	3	37871	Wave Broadband	155.62	3201-0316454-01
5859	11/14/2023	Claims	8	EFT	US Bank St Paul	148.46	Nov Analysis service charge
5998	11/14/2023	Claims	8	EFT	US Bank St Paul	148.46	Dec Analysis service charge
001 General Fund						278,925.99	
101 Street Fund						3,459.49	
103 Street Construction Fund						270,410.89	
104 Park And Trail Improvement Fund						124,723.19	
110 Building Improvement Fund						969.60	
115 Tourism And Promotion						894.00	
401 Sewer Fund						36,407.56	
403 Sewer Construction Fund						28,568.61	
410 Drainage Fund						6,149.01	
411 Drainage Construction Fund						31,557.45	
421 Water Fund						19,524.50	
422 Water Construction Fund						3,503.70	
630 Agency Fund						841.09	
							Claims: 757,585.08
* Transaction Has Mixed Revenue And Expense Accounts						805,935.08	Payroll: 48,350.00

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
 (X) Deputy Finance Director

Wendy Cordero Dore

Date: 12-6-2023



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8b
DATE: December 14, 2023
SUBJECT: City Council Meeting Minutes – November 20, 2023
CONTACT PERSON: Lisa Sokolik, City Clerk
ATTACHMENTS: A – Council Meeting Minutes

SUMMARY STATEMENT

Regular City Council Meeting minutes are attached to this staff report.

RECOMMENDED MOTION

MOTION TO APPROVE THE MONDAY, NOVEMBER 20, 2023, CITY COUNCIL MEETING MINUTES AS PRESENTED.

CITY OF STANWOOD
Regular Meeting of the City Council
Monday, November 20, 2023 – 7:00 p.m.
MINUTES

1. Call to Order and Pledge of Allegiance

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

2. Roll Call

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

*Motion by Councilmember Robb, second by Councilmember Pearce, to excuse Councilmember Dani Gaumond. **Motion carried unanimously.***

Also present: City Administrator Shawn Smith, Finance Director David Hammond, Community Development Director Patricia Love, Police Chief Jason Toner, City Attorney Nikki Thompson, Associate Engineer Alan Lytton, Parks Planning Manager Carly Ruacho, City Planner Tansy Schroeder, City Clerk Lisa Sokolik, and Utilities Supervisor Leigh Danielson attended online.

3. Approval of the Agenda

Mayor Roberts added item 4a. Stanwood High School Student Representative Presentation to the agenda.

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

4. Presentation

a. Stanwood High School

Student Body Representative Grace Pacheco gave a report on the Stanwood-Camano High School activities:

- Over the past two weeks, the drama club has put on a wonderful and successful production, Radium Girls by D.W. Gregory.
- On Veteran's Day, recognition was given to those who have and who intend to serve in the U.S. Armed Forces.
- The next big event at the high school is Winter Wishes.

b. State Auditor Exit Conference

Representatives from the Washington State Auditor's office, Deena Garza, Audit Manager, Susanne Hancock, Assistant Audit Manager, and Intern Quinlan Drathman presented an

overview of the City of Stanwood's Financial Statements Audit Report. The audit did not identify any deficiencies in internal control that would be considered material weakness. The Auditor's Office will publish the report next week.

Mayor Roberts recognized Finance Manager Wendy Dowhower, Finance Director David Hammond and the finance staff for their hard work to ensure the city receives a good audit.

5. Public Comments: None

6. Staff / Department Report: None

7. Council Committee Reports

- a. Community Development Committee Meeting Minutes – November 2, 2023
- b. Planning Commission Meeting Minutes – October 9, 2023
- c. Public Works Committee Meeting Minutes – November 6, 2023
- d. Public Safety Committee Meeting Minutes – November 9, 2023

8. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve City Council Regular Meeting Minutes – November 9, 2023
- c. Appointment of Economic Development Board Member Dustin Dekle
- d. Approve Amendment to Alliance for Housing Affordability (AHA) ILA
- e. Authorize the Mayor to Sign an Amended Contract with Strategies 360

*Motion by Councilmember Metz, second by Councilmember Shepro to approve the consent agenda items A through E. **Motion carried unanimously.***

Mayor Roberts introduced new Economic Development Board Member, Dustin Dekle.

9. Unfinished Business: None

10. Public Hearing

First Reading of Ordinance 1526 – Biennial Budget Adjustment

Finance Director Hammond led the discussion on the proposed mid-biennial budget adjustment by reviewing the changes per fund.

Mayor Roberts opened the Public Hearing at 7:36 p.m. to take public comments and testimony. With no public comments, Mayor Roberts closed the Public Hearing at 7:37 p.m.

Council discussed, asked questions, and made comments regarding the changes to the budget.

*Motion by Councilmember Pearce, second by Councilmember Bergman to approve the first reading of Ordinance 1526 amending the 2023-2024 budget as presented. **Motion carried unanimously.***

11. New Business

- a. Adopt Resolution 2023-17 Field Use Policy and Guidelines

Ruacho gave an overview of the proposed updates to the Parks Field Use Policy and Guidelines. The goal of the updated policy is to ensure the field rentals are fair and equitable to all users.

Council asked questions and made comments.

*Motion by Councilmember Pearce, second by Councilmember Robb to adopt Resolution 2023-17 City of Stanwood Parks Department Field Use Policy and Guidelines. **Motion carried unanimously.***

- b. Authorize the Mayor to Sign a Contract with JTI Commercial Services for the Heritage Dog Park Project

Lytton said the city received five bids with JTI Commercial Services being the low bidder. There are two bid alternates for council's consideration.

Council discussed and asked questions regarding the alternatives.

*Motion by Councilmember Shepro, second by Councilmember Metz to authorize the Mayor to sign a contract with JTI Commercial Services for the Heritage Park Dog Park including both alternates for \$98,559.76. **Motion carried unanimously.***

12. Public Closing Comments - None

13. Executive/Legislative Reports

a. Mayor's Report

- The fireworks ban advisory vote is passing, the next step for this item will be discussed further in February at the council workshop.
- AWC training for Elected Officials will be held on December 9th, this is mandatory every 4 years and must be taken within 90 days of being elected.
- Today, three winners were drawn for the Shop Local Win Local event. Gift cards totaled approximately \$1,150 for the Gold, \$700 for the Silver and \$450 for the bronze. A special thank you to the Camano Chamber, participating businesses and Tansy Schroeder for all the work that went into this event.
- The Christmas Tree Lighting event is coming up on December 2nd; 4:45 p.m. on the east end town by the new park and 7:00 p.m. on the west end of town at the Camano Street triangle.
- The last meeting of the year will be December 14th.

b. City Administrator Report

- Congratulations to Alan Lytton who just passed his Professional Engineering Exam.

c. Councilmember's Report/Questions

- Councilmember Robb – Congratulations to Alan Lytton on passing his PE Exam.

- Councilmember Bergman – Congratulations to the Finance Department for a good audit. The Floyd will be having their Christmas celebration on December 2nd, it's free and open to the public and Santa will be there for pictures.
- Councilmember Schmitt – Thanks and gratitude for the police presence at our council meetings, a lot of cities do not have the benefit of police attendance.

14. Recess to Executive Session - None

15. Adjourn

There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 8:30 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: 8c
DATE: December 14, 2023
SUBJECT: City Council Special Meeting Minutes – November 30, 2023
CONTACT PERSON: Lisa Sokolik, City Clerk
ATTACHMENTS: A – City Council Special Meeting Minutes

SUMMARY STATEMENT

Minutes of the November 30, 2023, City Council Special Meeting are attached.

RECOMMENDED MOTION

MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 30, 2023, CITY COUNCIL SPECIAL MEETING AS PRESENTED.

Call to Order

Mayor Sid Roberts called the meeting to order at 5:01 p.m.

Attendance

Councilmembers present: Marcus Metz, Darren Robb, Tim Pearce, Steve Shepro, and Tim Schmitt. The meeting was quorate.

*Motion by Councilmember Pearce to excuse Councilmembers Dani Gaumond and Andreena Bergman. **Motion carried unanimously.***

Also present: City Administrator Shawn Smith, Finance Director David Hammond, Public Works Director Kevin Hushagen, City Attorney Nikki Thompson, and City Clerk Lisa Sokolik.

1. PFAS Class Action Settlements

- a. Executive Session to discuss potential litigation- RCW 42.30.110 (i)
- b. Potential City Council Action

At 5:03 p.m., the Mayor, Councilmembers, Smith, Hammond, Hushagen and Thompson recessed to Executive Session for a 20-minute discussion on city litigation in accordance with RCW 42.30.110(i), Mayor Roberts noted that action will likely be taken after the session. The regular city council meeting reconvened at 5:21 p.m.

*Motion by Councilmember Pearce, second by Councilmember Schmitt to authorize the Mayor to execute documents required to request exclusion from Aqueous Film Forming Foam Products Liability Litigation settlements with Dupont and 3M. **Motion carried unanimously.***

Adjourn

Mayor Roberts Adjourned the meeting at 5:23 pm.

CITY OF STANWOOD

ATTEST:

Sid Roberts, Mayor

Lisa Sokolik, City Clerk



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8d

DATE: December 14, 2023

SUBJECT: Re-appointment of Parks and Trails Advisory Committee members

CONTACT PERSON: Carly Ruacho, Parks Planning Manager

ATTACHMENTS: A – Resolution 2019-14

PURPOSE

The purpose of this agenda item is for Council consideration and confirmation of the Mayor's re-appointment of four (4) current members to the Stanwood Parks and Trails Advisory Committee (PTAC).

BACKGROUND

The Parks and Trails Advisory Committee currently has four existing member terms expiring on December 31, 2023 (Positions 2, 3, 4 and 6). Position 2 member Matt Withers has served on the Committee since its inception in 2016. Positions 3 and 4 members Dave Hall and Lisa Bruce have both been serving since 2019 and Position 6 member Gordy Holmes has been on the Committee since 2020.

The City Council formalized the 7-member Parks and Trails Advisory Committee with Resolution 2019-14. Per the resolution, a majority of PTAC members must be Stanwood residents. This Committee serves as a valuable liaison between the community and the city council and ensures citizen involvement in all aspects of the Parks and Trails planning and development process. The Committee has met more or less monthly since its inception in November 2016.

ANALYSIS

The Stanwood Mayor is responsible for recommending appointments to the various City boards and commissions when terms expire, or a vacancy occurs. The four existing members whose terms are expiring have indicated their willingness and ability to continue to serve on the Committee for additional four-year terms respectively.

Fiscal Impact	
No fiscal impact is associated with this action	
Fund(s):	

Amount:	\$ -	Project Estimate:	\$ -
Budget Authorized	☐ Yes ☐ No	Amendment Required	☐ Yes ☐ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation: Mayor Roberts recommends the re-appointment of Matt Withers, Dave Hall, Lisa Bruce and Gordy Holmes to the Parks and Trails Advisory Committee, to fill positions two (2), three (3), four (4) and six (6) respectively, for four-year terms ending December 31, 2027.

Committee/Board Recommendation: N/A

CITY COUNCIL OPTIONS

- 1) Appoint the recommended individuals to the Parks and Trails Advisory Committee.
- 2) Appoint a limited selection of individuals to the Parks and Trails Advisory Committee.
- 3) Do not appoint members of the Parks and Trails Advisory Committee at this time.

PROPOSED MOTION

I MOVE TO RE-APPOINT THE FOLLOWING INDIVIDUALS TO THE PARKS AND TRAILS ADVISORY COMMITTEE, EACH TO A 4-YEAR TERM EXPIRING DECEMBER 31, 2027:

**POSITION 2 MATT WITHERS,
POSITION 3 DAVE HALL,
POSITION 4 LISA BRUCE,
POSITION 6 GORDY HOLMES.**

RESOLUTION 2019-14

**A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON
ESTABLISHING A PARKS AND TRAILS ADVISORY COMMITTEE**

WHEREAS, the City of Stanwood recognizes the importance of Stanwood Parks and Trails to local Stanwood residents, as well as those of the surrounding community; and

WHEREAS, a comprehensive Parks Plan was adopted in 2018 outlining Stanwood's future park needs; and

WHEREAS, a non-motorized trails plan was completed in November 2016 which identified recommended improvements for existing parks and trails; and

WHEREAS, the City has a robust capital improvement program related to developing and maintaining parks; and

WHEREAS, the Parks and Trails Advisory Committee has been meeting regularly pursuant to Rules of Procedure, Rule 29, adopted by Resolution 2014-02 and the Stanwood Municipal Code since November 2016; and

WHEREAS, the Parks and Trails Advisory Committee has made recommendations on various park and trail planning issues and projects over the last 3 years; and

WHEREAS, the Parks and Trails Advisory Committee could provide increased assistance if the role and responsibilities of the group were further defined; and

WHEREAS, the City Council desires to engage the Parks and Trails Advisory Committee on a permanent basis to provide recommendations on all aspects of parks and trails planning and development processes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON AS FOLLOWS:

Section 1 Formation of Parks and Trails Advisory Committee. The City Council of the City of Stanwood, Washington hereby establishes a Parks and Trails Advisory Committee (PTAC) with the following organization, roles, and responsibilities.

1. Establishment

The Stanwood City Council hereby permanently established the Parks and Trails Advisory Committee whose responsibility it is to advise the Mayor and City Council on matters pertaining to park development, use and maintenance.

2. Membership Term

The Parks and Trails Advisory Committee members shall serve four (4) year terms as follows:

- a. The Committee shall consist of seven (7) voting members, representing a cross section of the Stanwood/Camano community, appointed by the Mayor with City Council ratification.
- b. Initial terms shall be staggered so that the entire committee does not change at the same time in the future.
 - i. Four (4) members shall be assigned to an initial four (4) year term.
 - ii. Three (3) members shall be assigned to an initial two (2) year term.
 - iii. All terms become four (4) year terms after the initial terms expire.

3. Composition of the Committee

- a. A minimum of four (4) members shall be Stanwood residents.
- b. The remaining members may be comprised of residents from within the Stanwood/Camano area.

4. Staffing

The Community Development Department shall staff the Committee unless otherwise determined by the Mayor and/or City Administrator.

5. Meeting

The Committee shall meet at least six (6) times per year at a time and place established by the Committee.

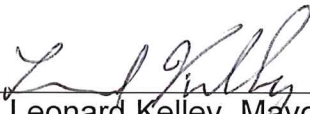
6. Responsibilities

The Parks and Trails Advisory Committee shall be an advisory body to the Stanwood Mayor and City Council and whose general responsibilities include:

- a. Provide a communication link between the city and the Stanwood/Camano community on parks and trail issues.
- b. Advise the City on implementation of the various parks and trails plans.
- c. Review and make recommendations regarding park and trail facilities including: land acquisition, development, financing, programing and capital improvement needs.
- d. Advise the city on park related grant applications.
- e. Make recommendations on work programs, policy issues and amendments to the Municipal Code related to parks.

PASSED by the City Council and APPROVED by the Mayor this 19th day of December, 2019.

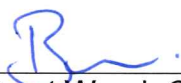
CITY OF STANWOOD

By 
Leonard Kelley, Mayor

ATTEST:

By 
David Hammond, City Clerk

APPROVED AS TO FORM:

By 
Grant Weed, City Attorney

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8e

DATE: December 14, 2023

SUBJECT: Authorize the Mayor to Sign Supplemental Agreements to extend the expiration date for 16 On-Call Professional Service Agreements

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – On Call Professional Services Expertise List

PURPOSE

The purpose of this agenda item is for Council to authorize the mayor or designee to extend the expiration date for sixteen (16) On-Call Professional service contracts.

BACKGROUND

The City currently has multiple projects under design and construction, with additional projects planned for the upcoming years. In addition, the City routinely performs maintenance projects throughout the city limits. Many of these projects require specialized consultation from a licensed professional firm, e.g., civil engineering and surveying. The City currently has an on-call agreement with eighteen (18) professional service firms, sixteen of the eighteen agreements are set to expire in January 2024.

Agreements for AESI, BHC, Atwell, Berk, Confluence, Harmsen, JA Brennan, Lankford, Maul Foster & Alongi, Metron, Perteet, Transpo, Urban Forestry, and West Coast Code are allowed two one-year extensions, this would be the second extension. Staff would like to extend the expiration date of all the above contracts to 2/1/2025.

The on-call agreement with David Evans and Pace Engineering have exceeded the allowed term extensions. Staff would like to enter into a new Master On-Call Professional Service Agreement valid for two years with an allowed 2-year extension with David Evans and Pace Engineering.

The sixteen firms are listed on the MRSC Roster and they are qualified to provide the City on-call professional services which may arise during the 2024 and 2025 calendar years.

Services requested include civil engineering, transportation engineering, utility system modeling, roadway design, land use and environmental permitting, surveying services, grant applications, GIS and CAD support, and SCADA and telemetry technology.

Selecting a team of on-call professional service firms allows the city more flexibility in matching firm expertise with project tasks. In some circumstances it will also allow the city to award consulting contracts more quickly ensuring the city's needs are addressed as quickly and efficiently as possible.

By selecting firms of various sizes (small, medium, and large) with expertise in different disciplines (general civil engineering, utilities, environmental, transportation, planning, surveyors, and cultural) will allow the city to match the most qualified firm with each project.

The city will be responsible for assigning projects depending on the city's needs. Selected firms are not guaranteed work as a result of the on-call agreement. Some projects will require a separate competitive bidding process because the funding source requires advertisement and competitive bidding according to the Local Agency Guideline (LAG) Manual.

ANAYLSIS

There is no cost to enter into the on-call professional service agreements. The actual agreement cost is based on the city's needs and project estimates.

RECOMMENDATIONS

Staff Recommendation:

Staff recommend the Mayor or designee to enter into a supplemental agreement to extend the expiration date for On-Call Professional Service Agreement with fourteen (14) Firms: AESI, BHC, Atwell, Confluence, Berk, Harmsen, JA Brennan, Lankford, Maul Foster & Alongi, Metron, Perteet, Transpo, Urban Forestry, and West Coast Code. There are two contracts that have fully expired and cannot renew. Staff recommends signing a new Master On-Call PSA with David Evans and Pace Engineering.

Committee/Board Recommendation:

The Public Works Committee has not reviewed this item.

CITY COUNCIL OPTIONS

1. Authorize the mayor or designee to sign the supplemental agreements for on-call professional service agreements to extend the expiration date of the contracts with all fourteen (14) firms and sign two new master on-call contracts with two firms.

2. Authorize the mayor to extend the expiration date for on-call professional service agreements with one or more firms. Council will need to direct staff on which firms they have selected.
3. Reject all requests for an extension. This option will mean that staff will have to go out for an RFQ for each new project.

PROPOSED MOTIONS

1. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH ASSOCIATED EARTH SCIENCE, INC.**
2. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH BHC CONSULTANTS, LLC.**
3. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH ATWELL, LLC.**
4. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH BERK CONSULTING.**
5. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH CONFLUENCE ENVIRONMENTAL COMPANY.**
6. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH HARMSSEN LLC.**
7. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH JA BRENNAN ASSOCIATES, PLLC.**
8. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH LANKFORD ASSOCIATES.**
9. **I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH MAUL FOSTER ALONGI, INC.**

10. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH METRON AND ASSOCIATES, INC.
11. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH PERTEET INC.
12. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH TRANSP GROUP USA, INC.
13. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH URBAN FORESTRY SERVICE / BARTLETT CONSULTING.
14. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN THE PSA SUPPLEMENTAL TO EXTEND THE EXPIRATION DATE WITH WEST COAST CODE CONSULTANTS, INC.
15. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN A NEW MASTER ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC.
16. I MOVE TO AUTHORIZE THE MAYOR OR DESIGNEE TO SIGN A NEW MASTER ON-CALL PROFESSIONAL SERVICE AGREEMENT WITH PACE ENGINEERING.

On-Call Professional Services List 2024 and Selection Criteria

FIRM	Associated Earth Sciences	BHC	ATWELL	Berk Consulting	Confluence	David Evans	Harmsen	J.A. Brennan	Lankford	Maul Foster Alongi	Metron	Pace	Perteet	Transpo	Urban Forestry	West Coast Code Consultants
Master Contract Signed	2021-11	2021-08	2021-26	2022-10	2021-16	2020-22	2021-33	2021-17	2021-25	2021-10	2021-31	2020-23	2021-30	2021-05	2022-07	2021-09
Expires	2/1/2024	2/1/2024	1/31/2023	2/1/2023	1/31/2023	2/28/2022	1/31/2023	1/31/2023	1/31/2023	1/31/2023	1/31/2023	2/28/2023	1/31/2023	1/31/2023	1/31/2024	1/31/2023
1st Extension: Supplemental No 1 Signed	2023-05	2023-07	2023-08		2023-09	2023-10	2023-11	2023-12	2023-14	2023-15	2023-16	2022-08	2023-18	2023-19		2023-20
Expires	2/1/2024	2/1/2024	2/1/2024		2/1/2024	2/28/2023	2/1/2024	2/1/2024	2/1/2024	2/1/2024	2/1/2023	2/28/2023	2/28/2024	2/1/2024		2/1/2024
Arborist																
Architect																
Civil Engineering Services																
Community Development Services																
Compaction Testing																
Costal / Estuarine Engineering Services																
Electrical and Communications																
Emergency Management and Public Safety Planning																
Environmental Services																
Facility Construction, Repair and Mainenance																
Fire and Life Safety Plan Review																
Geotechnical and Hydrogeological Engineering																
GIS and CAD Mapping Support																
Historical, Archeological and Cultural Resources Review and Compliance																
Inspections & Construction Management																
Investmestment Strategy and Landcape Scans																
Land Use and Environmental Permitting																
Loan, Grant, and Franchise Applications																
Parks and Trails General Planning Services																
Permit Process, Public Involvement, Public Policy																
Plan Review for Compliance with City Code and Development Standards																
Preparation of Contract Plans and Specifications																
Project Cost Estimator																
Responding to Emergency Requests																
Right of Way Services																
Roadway Design and Channelization																
SCADA and Telemetry Technology																
Stormwater Analysis and Design																
Strategic an dBusiness Planning																
Structural Analysis																
Surveying Services																
Transportation Engineering																
Urban Tree and Vegetation Management																
Utility System Modeling																
Wetlands and Critical Areas Delineation and Mapping																

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8f

DATE: December 14, 2023

SUBJECT: Authorize Mayor Roberts to sign an on-call contract with Reece Construction Company, Earthwork Solutions, AA Asphaltting LLC, and Taylor's Excavators for Utility and Paving services.

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Bid Tab Paving
B – Bid Tab Utility

ISSUE

The issue in front of Council is to authorize the mayor to sign an on-call contract with Reece Construction Company, Earthwork Solutions, AA Asphaltting LLC, and Taylor's Excavators for Utility and Paving services.

SUMMARY STATEMENT

City staff posted a request for proposal (RFP) on the MRSC Small Works Roster for proposals from qualified civil and paving contractors to provide on-call services for all city owned buildings, facilities, and sites. These are two separate on-call contracts. Public Works suggests awarding utility work to both bidders, Reece and Taylor's. This allows staff more flexibility and availability to use the contractor based on the project's needs. The contractor would provide repairs, upgrades, installations, and emergency work of city utilities and infrastructure on an as-needed basis during the contract period. Public Works recommends signing on-call contracts with the three lowest paving contractors. While Earthworks Solutions is the lowest cost contractor Public Works is unfamiliar with their performance and quality of work, awarding to Reece and AA Asphaltting allows other options should Earthworks not be capable of performing work to city standards.

The purpose of the RFP is to provide interested contractors the necessary information for preparing quotes for services that will meet the city's specific needs so the city can award a contract that guarantees response time and rates. The authorized expenditure limitation under the contract shall not exceed fifty thousand dollars (\$50,000.00) for paving and one hundred thousand dollars (\$100,000) for utility work. In addition, the contractor is not authorized to exceed \$5,000 per individual job without an authorized written task approval order form.

DISCUSSION

In the past the City has had an on-call contract with Taylor's to preform utility work, it has not been renewed in several years. The on-call contract will be used for jobs that do not require a full design package, jobs outside Public Work's ability, and emergencies.

Last year the City hired an asphalt paver to fix patches throughout the City. This required Public Works to accumulate enough patches to make the job worthwhile to bidders. With an on-call contract patches can be fixed quicker and more frequently.

FINANCIAL IMPACT

The contract will not guarantee a certain number of hours or annual sum paid. No single job shall exceed \$5,000.00 without authorization under the terms of this contract. It is up to the expertise of the contractor to estimate the initial cost of each individual job or project and provide an estimate to the city's representative. The city shall pay the contractor for satisfactory completion of a project under the contract a total contract sum not to exceed fifty thousand dollars (\$50,000) in accordance with the proposal price. The total contract sum includes all expenses and costs incurred in planning, designing, and constructing the task/project, including, but not limited to, applicable sales and use taxes, costs and expenses for overhead, profit, labor, materials, supplies, permits, subcontractors, consultants, and professional services necessary to construct and complete the project.

Project costs will come from the appropriate funding source for the work being done (i.e., water projects from the water fund, wastewater projects from the wastewater fund, etc.).

COMMITTEE RECOMMENDATIONS

Public Works Committee has reviewed recommendations and bids.

CITY COUNCIL OPTIONS

- 1) Authorize the mayor to enter contracts Reece Construction Company, Earthwork Solutions, AA Asphaltting LLC, and Taylor's Excavators for Utility and Paving services.
- 2) Reject all bids and repost for pricing.
- 3) Reject all bids and do not have an on-call utility and paving contractors.
- 4) Send to the Public Works Committee for further discussion.

RECOMMENDED MOTION

"I MOVE TO AUTHORIZE THE MAYOR TO SIGN AN ON-CALL CONTRACT WITH REECE CONSTRUCTION COMPANY, EARTHWORK SOLUTIONS, AA ASPHALTING LLC, AND TAYLOR'S EXCAVATORS FOR UTILITY AND PAVING SERVICES. NOT TO EXCEED \$50,000 FOR PAVING, AND \$100,000 FOR UTILITIES."

ATTACHMENT A

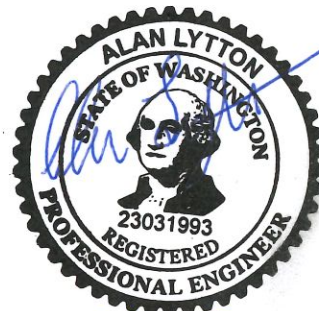


BID TABULATION

On-Call Asphalt and Concrete

Bid Opening: Tuesday, November 28, 2023 @ 2PM

ITEM NO.	ITEM DESCRIPTION	Reece Construction Company		Earthworks Solution		AA Aphalting, LLC		Quilceda Paving & Const.	
		Units	Unit Cost	Units	Unit Cost	Units	Unit Cost	Units	Unit Cost
1	Mobilization	EA	\$ 1,500.00	EA	\$ 450.00	EA	\$ 2,000.00	EA	\$ 3,200.00
2	Hot Mix Asphalt Pavement Patches	TN	\$ 300.00	TN	\$ 145.00	TN	\$ 500.00	TN	\$ 1,325.00
3	Cement Concrete Sidewalk	SY	\$ 200.00	SY	\$ 80.00	SY	\$ 225.00	SY	\$ 7,280.00
4	ADA Ramps	EA	\$ 5,000.00	EA	\$ 2,500.00	EA	\$ 6,000.00	EA	\$ 13,250.00
5	Planing Bituminous Pavement	SY	\$ 50.00	SY	\$ 165.00	SY	\$ 25.00	SY	\$ 5,915.00
6	Cement Concrete Curb and Gutter	LF	\$ 75.00	LF	\$ 35.00	LF	\$ 125.00	LF	\$ 7,280.00
7	Crushed Surfacing Top Course	TN	\$ 100.00	TN	\$ 65.00	TN	\$ 150.00	TN	\$ 290.00
8	Remove and Dispose of Asphalt and Concrete up to 12" Thick	SY	\$ 50.00	SY	\$ 45.00	SY	\$ 60.00	SY	\$ 845.00
9	Asphalt Pavement Saw Cutting up to 12" Thick	LF	\$ 20.00	LF	\$ 3.00	LF	\$ 10.00	LF	\$ 780.00
10	Concrete Saw Cutting up to 12" Thick	LF	\$ 30.00	LF	\$ 3.00	LF	\$ 10.00	LF	\$ 780.00
11	Thermoplastic Cross Walk and Stop Bar (all widths)	LF	\$ 30.00	LF	\$ 16.50	LF	\$ 60.00	LF	\$ 3,000.00
12	Traffic Control	HR	\$ 125.00	HR	\$ 275.00	HR	\$ 80.00	HR	\$ 1,610.00
			\$ 7,480.00		\$ 3,782.50		\$ 9,245.00		\$ 45,555.00
ON-CALL RESPONSE TIME		Units		Units		Units		Units	
Regular Hours Monday - Friday		4	Hours	2	Hours	4	Hours	24	Hours
Urgent (risk of property damage or long term health risk)		2	Hours	1	Hours	8-Jun	Hours	12	Hours
Emergency (high risk or danger of injury or loss of life)		1	Hours	30	Minutes	8-Jun	Hours	8	Hours
Number of employees available for emergency calls		20	Employees	6	Employees	5	Employees	31-Mar	Employees



12/5/23

ATTACHMENT B

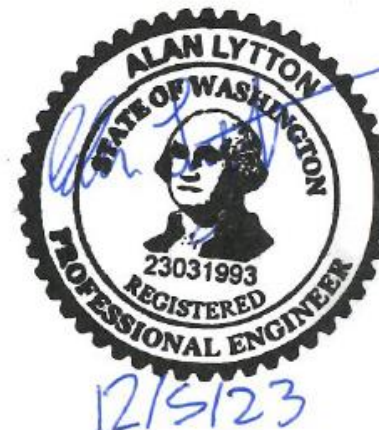


BID TABULATION On-Call Utility and Facility Repairs

Bid Opening: Tuesday, November 28, 2023 @ 3PM

ITEM NO.	ITEM DESCRIPTION	Reece Construction Company				Taylors Excavating			
		MAKE	MODEL	HOURLY	DAILY OR FLAT	MAKE	MODEL	HOURLY	DAILY OR FLAT
	EQUIPMENT/TOOLS DESCRIPTION								
1	*Mobilization	Kenworth	T800	\$ 120.00	\$ 960.00	Mack Tractor	Flat Deck	\$ 175.00	\$ 1,400.00
2	Mini - EXCAVATOR - CAT 304 or similar specs	Cat	305	\$ 70.00	\$ 560.00	Komatsu	45	\$ 45.00	\$ 360.00
3	Mini - EXCAVATOR - Kubota KX-41 or similar specs	Cat	309	\$ 77.00	\$ 616.00	Yanmar	50	\$ 48.75	\$ 390.00
4	BACKHOE/LOADER - JD 310SE or similar specs	Cat	420	\$ 73.00	\$ 584.00	Cat	420	\$ 46.25	\$ 370.00
5	EXCAVATOR CAT 315 or similar specs	Cat	133	\$ 133.00	\$ 1,064.00	Komatsu	PC138	\$ 68.75	\$ 550.00
6	Skid Steer/Bobcat	Cat	299D	\$ 75.00	\$ 600.00	Cat	279D	\$ 45.00	\$ 360.00
7	Flat Bed Truck 2/3 cubic yard capacity	Ford	450	\$ 30.00	\$ 240.00	Kodiak	4500	\$ 35.00	\$ 280.00
8	Dump Truck 5 - 7 cubic yard capacity	Kenworth	T380	\$ 45.00	\$ 360.00	Freightliner	M2	\$ 59.38	\$ 475.00
9	Vibratory Drum Roller	Cat	CB44	\$ 168.00	\$ 1,344.00	Ingersoll Rand	48	\$ 36.25	\$ 290.00
10	Jumping Jack Compactor	Misc.	Misc.	\$ 12.00	\$ 96.00	Bomag	N/A	\$ 3.75	\$ 30.00
11	Vibratory Plate Compactor	Misc.	Misc.	\$ 12.00	\$ 96.00	Bomag	N/A	\$ 11.25	\$ 90.00
12	Hoe Pack attachment	Cat	Misc.	\$ 24.00	\$ 192.00	Okasa	OAC200	\$ 15.63	\$ 125.00
13	Air Compressor with Jackhammer	Misc.	Misc.	\$ 15.00	\$ 120.00	Ingersoll Rand	185	\$ 12.50	\$ 100.00
14	Water pump and hoses	Misc.	Misc.	\$ 12.00	\$ 96.00	Zoeller	N/A	\$ 4.13	\$ 33.00
15	Service truck with miscellaneous hand tools	Ford	450	\$ 29.00	\$ 232.00	Kodiak Silverado	4500/3500	\$ 35.00	\$ 280.00
16	Steel traffic plates	N/A	N/A	\$ 6.00	\$ 48.00	8'x20'x1"	N/A	\$ 8.16	\$ 65.25
	MATERIALS NOT PROVIDED	% MARK UP				% MARK UP			
17	Mark up of net invoice from supplier	20%				15%			
	LABOR				HOURLY				HOURLY
1	Supervisor				\$ 110.00				\$ 111.21
2	Equipment Operator				\$ 105.00				\$ 109.39
3	Pipelayer				\$ 80.00				\$ 79.98
4	Truck Driver				\$ 96.00				\$ 79.99
5	General Labor				\$ 75.00				\$ 78.55
6	Certified Flagger				\$ 65.00				\$ 67.89

ON-CALL RESPONSE TIME		Units	ON-CALL RESPONSE TIME		Units
Regular Hours Monday - Friday	4	Hours	Regular Hours Monday - Friday	60	Minutes
Urgent (risk of property damage or long term health risk)	2	Hours	Urgent (risk of property damage or long term health risk)	45	Minutes
Emergency (high risk or danger of injury or loss of life)	1	Hours	Emergency (high risk or danger of injury or loss of life)	30	Minutes
Number of employees available for emergency calls	20	Employees	Number of employees available for emergency calls	5-10	Employees





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8g
DATE: December 14, 2023
SUBJECT: Contract with Republic Services WWTP Screenings
CONTACT PERSON: Kevin Hushagen, Public Works Director
ATTACHMENTS: A-Republic Services Customer Service Agreement

SUMMARY STATEMENT

A new contract is needed to dispose of the screenings produced at the WWTP.

DISCUSSION

Primary screening is a critical first step of the treatment process. Screening helps to protect the efficiency of the treatment process and other equipment downstream from excess wear and damage. The WWTP uses a mechanical fine screen to remove larger solids (sticks, rags, plastics) from the wastewater entering the plant. These solids are then washed to remove any organic material, compacted to remove excess water, and finally deposited into a dumpster to be sent to a landfill.

In the past, the City has contracted with Waste Management to collect and dispose of the screenings in Western Washington. A recent Snohomish County Code change is requiring Stanwood to make other arrangements.

Snohomish County Solid Waste Snohomish County Code change - Chapter 7.41.050 (9): "Except as provided in subsection [\(3\)](#) of this section, sewer and wastewater treatment plant screenings are not acceptable after December 31, 2023." (see Link: [Chapter 7.41 Operating Rules and Disposal Fees for Snohomish County Solid Waste Disposal System Facilities | Snohomish County Code](#)).

Republic Services has proposed a contract to provide the City of Stanwood with collection, transportation, and final disposal of all screenings to a solid waste landfill in Eastern Washington.

FINANCIAL IMPACT

The amount of the Republic Services Customer Service Agreement is \$1,755.95 a month or \$21,071.40 a year before taxes.

COUNCIL OPTIONS

1. Authorize the Mayor to sign the contract with Republic Services to dispose of WWTP screenings.
2. Do not authorize the Mayor to sign a contract with Republic Services to dispose of WWTP screenings.

RECOMMENDED MOTION

I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH REPUBLIC SERVICES FOR THE DISPOSAL OF WWTP SCREENINGS.



ATTACHMENT A

PROPOSAL

11/29/2023

Kevin Hushagen
City of Stanwood WWTP
26729 98th Ave NW
Stanwood, WA98292
Quote: A910502630

City of Stanwood:

Below is our proposal of recommended services, customized for your business needs identified during our discussions. If you ever need additional services, or just need an extra pickup, please give us a call at 425-778-0188. It's that easy.

Service Details

SMALL CONTAINERS

Equipment Qty/Type/Size:	1 - 3 yard Containers	Base Rate:	\$1,755.95 per month
Frequency:	1/Week		
Material Type:	Recycling		

Estimated Monthly Amount *

Small Container Base Rates	\$1,755.95
Additional Monthly Items	
1 - Container Liner	\$0.00

Total Estimated Amount	\$1,755.95
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One Time Charges

Total One-Time Amount	\$0.00
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Richard Durant
Republic Services

RDurant@republicservices.com
www.republicservices.com

* The Total Estimated Amount is merely an estimate of your typical monthly invoice amount without one-time start-up charges (e.g., delivery). It does not include any applicable taxes or local fees, which would be additional charges on your invoice.

**FRF, RPC, ERF and ADMIN: The Fuel Recovery Fee (FRF) and the Recycling Processing Charge (RPC) are variable charges that change monthly. For more information on the FRF, RPC, Environmental Recovery Fee (ERF) and Administrative Fee, please visit www.republicservices.com/customer-support/fee-disclosures. The proposed rates above are valid for 30 days. This proposal is not a contract or agreement or an offer to enter into a contract or agreement. The purpose of this proposal is to set forth the proposed framework of service offerings and rates and fees for those offerings. Any transaction based upon this proposal is subject to and conditioned upon the execution by both parties of Republic Services' Customer Service Agreement.

INVOICE TO

CUSTOMER NAME

City of Stanwood

ATTN

Kevin Hushagen

ADDRESS

10220 270th Street Northwest

CITY

Stanwood, WA

STATE

ZIP CODE

98292

TEL. NO.

(360) 629-2181

FAX NO.

SITE LOCATION

SITE NAME

City of Stanwood WWTP

ADDRESS

26729 98th Ave NW

CITY

Stanwood, WA

STATE

SUITE

ZIP CODE

98292

TEL. NO.

(360) 629-2181

FAX NO.

AUTHORIZED BY

Kevin Hushagen

TITLE

CONTACT

Kevin Hushagen

TITLE

Public Works Director

Customer Service Agreement



REPUBLIC
SERVICES

AGREEMENT NUMBER

A910502630

ACCOUNT NUMBER

197

EMAIL :

kevin.hushagen@stanwoodwa.org

N/O	CONT. GRP	TYPE	SIZE	C	QTY	ACCT. TYPE	C/O	SERV. FREQUENCY	EST. LIFTS	S	P.O. REQ	RECPT. REQ	L/F CODE	OPEN/ CLOSE DATE	LIFT CHARGE	MONTHLY SERVICE	EXTRA LIFT	DISP RATE	ADDITIONAL CHARGES	SUPPLEMENTAL CHARGES	TC/RC CMP
N		FR	3.00Yd(s)	N	1	P	N	1/1/W				N	xxxx	1/1/2024		\$1,755.95	\$140.00			Delivery \$0.00 Exchange \$200.00 Extra Yds \$0.00 Relocate \$140.00 Removal \$140.00	

Rabanco, Ltd. DBA Allied Waste Services of Lynnwood, Republic Services of Lynnwood

HEREINAFTER REFERRED TO AS THE "COMPANY"

The undersigned individual signing this Agreement on behalf of the Customer acknowledges that he or she has read and understands the terms and conditions of this Agreement and that he or she has the authority to sign the Agreement on behalf of the Customer.

BY:

(AUTHORIZED SIGNATURE)

TITLE:

BY :

(AUTHORIZED SIGNATURE)

CUSTOMER NAME (PLEASE PRINT)

TITLE:

DATE OF AGREEMENT

Fuel Recovery Fee - No, Environmental Recovery Fee - No, Administrative Fee - No

Exempt from: Fuel Recovery Fee, Environmental Recovery Fee, Administrative Fee

Delivery Notes:

Safety: No Safety Concerns

Additional Items:

Monthly charge of \$0.00 for 1 Container Liner

COMMENTS:

See reverse for Terms and Conditions

TERMS AND CONDITIONS

1. AGREEMENT. This Customer Service Agreement consists of the service details above, including the Comments ("Service Details"), and these Terms and Conditions (together, the "Agreement"). If Customer's Site is located within a franchised service area and the Terms and Conditions in this Agreement conflict with the applicable franchise agreement with respect to the Services covered by such franchise agreement, the terms and conditions in the franchise agreement shall control.

2. RESPONSIBLE PARTY. "Company" is the entity identified in the Service Details. Company is an individual operating subsidiary of Republic Services, Inc. Republic Services, Inc. itself does not perform the waste services and does not contract with customers. Accordingly, all obligations to you rest solely with Company and not with its parent company. All Services hereunder will be managed, performed, and billed for by Company, except to the extent Company may subcontract certain Services to its affiliates or subcontractors, as needed.

3. TERM (SCHEDULED AND ON-CALL SERVICES). FOR ALL SCHEDULED AND ON-CALL SERVICES, THE INITIAL TERM OF THIS AGREEMENT SHALL BEGIN ON THE DATE WHEN SERVICE COMMENCES AND CONTINUE FOR 36 MONTHS. UNLESS OTHERWISE SPECIFIED, THIS AGREEMENT SHALL AUTOMATICALLY AND SUCCESSIVELY RENEW FOR 36 MONTHS UNLESS EITHER PARTY GIVES WRITTEN NOTICE OF TERMINATION TO THE OTHER AT LEAST 60 DAYS, BUT NOT MORE THAN 180 DAYS, BEFORE THE END OF THE THEN-CURRENT TERM.

4. TERM (TEMPORARY SERVICES). FOR ALL TEMPORARY SERVICES, THE TERM SHALL BEGIN ON THE EFFECTIVE DATE AND CONTINUE THROUGH THE FINAL LIFT OF THE TEMPORARY CONTAINER(S).

5. DEFINITIONS. "Commercial Recyclable Material" means those solid wastes that are separated for recycling or reuse, such as paper, metal and glass and other materials that are identified as recyclable material pursuant to a local comprehensive solid waste management plan and are produced by businesses, institutional and industrial generators. Commercial Recyclable Material excludes all radioactive, volatile, flammable, corrosive, explosive, regulated medical, infectious, biomedical, biohazardous, pollutants, contaminates, or hazardous waste, toxic substance or material, each as defined by, characterized or listed under Applicable Law (collectively, "Non-Conforming Waste").

6. SCOPE OF SERVICES; TITLE; NON-CONFORMING WASTE. Customer grants to Company the exclusive right to perform the services set forth in the Service Details ("Services"), and Company agrees to furnish such Services in compliance with all applicable international, federal, state, or local laws or regulations ("Applicable Law"). Customer represents and warrants that all material to be collected under this Agreement shall be only acceptable Commercial Recyclable Material. Customer agrees not to deposit, or permit the deposit for collection of, any Non-Conforming Waste. Title to and liability for any Non-Conforming Waste shall remain with Customer and shall at no time pass to Company regardless of whether physical possession of Non-Conforming Waste has passed to Company. Company shall acquire title to conforming Commercial Recyclable Materials when collected or received by Company.

7. COMMERCIAL RECYCLABLE MATERIAL. Customer shall comply with all Applicable Laws regarding the separation of solid waste from Commercial Recyclable Material and not place items in any recycling container that may make the Commercial Recyclable Material unsuitable for recycling or decrease the value of the Commercial Recyclable Material. Customer agrees that Company in its sole discretion may determine whether any load of Commercial Recyclable Material is contaminated and may refuse to collect it or may collect it but charge Customer for any additional costs, fees or surcharges associated with sorting, processing, contamination, transportation, and/or costs incurred in transferring any load of contaminated Commercial Recyclable Material to be the authorized solid waste collector.

8. PAYMENT AND CHARGES. Customer shall pay Company all rates, fees, taxes, and other amounts payable under this Agreement for the Services ("Charges") within 20 days after the date of Company's invoice. Any invoiced amounts not received by their due date are subject to a late payment fee, and any payment returned for insufficient funds is subject to an insufficient funds fee, both in an amount at Company's discretion up to the maximum amount allowed by Applicable Law. Customer acknowledges that any late or insufficient funds fees charged by Company are not to be considered a penalty or interest but are a reasonable charge for late or insufficient payments. Unless otherwise agreed, Customer shall pay administrative fees ("ADMIN"), fuel recovery fees ("FRF") environmental recovery fees ("ERF") and a recycling processing charge ("RPC") in the amounts shown on each of Company's invoices, which fees Company may change from time to time by showing the amount on Customer's invoice (additional information regarding these fees is available on Company's website at: www.republicservices.com/customer-support/fee-disclosures). ADMIN, FRF, ERF and RPC are not associated with any explicit cost to service Customer's account but are designed to help Company recover certain costs across its business and achieve an acceptable operating margin. If applicable, Company may impose additional Charges at its prevailing rates for extra service, extra yards, minimum lift, contamination, service attempts and container delivery, relocation, removal and exchange, and other additional services not listed in the Service Details. If Company becomes concerned about Customer's creditworthiness and/or Customer makes any late payment, Company may require Customer to pay a deposit in an amount equal to two months' Charges under this Agreement if allowed by Applicable Law. The rates set forth in the Service Details do not include taxes or franchise and/or local fees, which shall be separately itemized on Customer's invoice where applicable.

9. ADJUSTMENTS TO CHARGES. Notwithstanding any information contained in the Service Details, Company may, from time to time by notice to Customer (on its invoice), add a surcharge, fee or increase any Charges provided in this Agreement to account for: (a) increased Company costs due to uncontrollable events including, but not limited to, changes in Applicable Laws, imposition of taxes, fees or surcharges, or acts of God such as fires, weather, disease, strikes or terrorism; (b) increased Company costs as measured by the most recently trailing 12-months' average in the Consumer Price Index for All Urban Consumers (Waste, Sewer and Trash Collection Services) U.S. City Average, as published by the United States Department of Labor, Bureau of Statistics; (c) increased disposal or processing costs; (d) increased transportation costs; (e) increased fuel costs; (f) costs or fees due to the inclusion of Non-Conforming Waste and/or contamination; (g) decreased value of Commercial Recyclable Material or changes in commodity markets; or (h) actual Services or equipment that differ from those listed in the Service Details (all of the foregoing are "Required Adjustments"). Subject to any Comments in the Service Details, Company may also increase Charges at any time and for any other reason by notice to Customer (on its invoice) and with Customer's consent ("Agreed Adjustments"), which consent may be evidenced verbally, in writing, or by the parties' actions and practices. Unless specified otherwise in Company's notice, all adjustments to charges shall be treated as Agreed Adjustments. Within 30 days of receiving notice of an Agreed Adjustment, Customer may object to the adjustment by calling Customer Service. If Customer does not object to an Agreed Adjustment within 30 days and continues to receive and pay for Services, then Customer shall be deemed to have consented to the Agreed Adjustment by its actions.

10. SERVICE CHANGES. The parties may change the type, size or amount of equipment, the type or frequency of Service, and correspondingly the Charges by mutual agreement, which may be evidenced verbally, in writing, by payment of the invoice, or by the parties' actions and practices. In the event there are changes to Services and/or Charges, or Customer changes its Site Location within the area in which Company provides collection and disposal (or processing) services, the parties agree that this Agreement shall continue in full force and effect as so adjusted.

11. RESPONSIBILITY FOR EQUIPMENT; ACCESS. Any equipment furnished by Company shall remain Company's property. Customer shall be liable for all loss or damage to such equipment (except for normal wear and tear and for loss or damage resulting from Company's handling of the equipment). Customer shall use the equipment only for its proper and intended purpose, shall not overload (by weight or volume), move, or alter the equipment, and shall not allow the equipment to be used for any purpose by any person or entity other than Customer's employees without Company's prior written consent. If a Company container is moved from Customer's Site Location by anyone other than Company, Customer agrees to pay Company \$250 per moved container, which amount is a reasonable estimate of the damage Company will incur from the unauthorized moving of its container. After the Initial Term, Company may increase the fee for the unauthorized moving of its container at its discretion. Customer shall provide safe, unobstructed access to the

equipment on the scheduled collection day. Company may charge an additional fee for any additional collection service required by Customer's failure to provide access. Company shall not be responsible for any damages to Customer's pavement, curbing, or other driving surfaces resulting from Company providing service at Customer's Site Location.

12. COMPANY INDEMNIFICATION. COMPANY SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS CUSTOMER FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, SUITS, PENALTIES, FINES, REMEDIATION COSTS, AND LIABILITIES (INCLUDING COURT COSTS AND REASONABLE ATTORNEYS' FEES) (COLLECTIVELY, "LOSSES") TO THE EXTENT ARISING FROM COMPANY'S NEGLIGENCE, WILLFUL MISCONDUCT OR BREACH OF THIS AGREEMENT.

13. CUSTOMER INDEMNIFICATION. CUSTOMER SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS TO THE FULLEST EXTENT PERMITTED BY LAW COMPANY, ITS PARENT, AND CORPORATE AFFILIATES FROM AND AGAINST ANY AND ALL LOSSES TO THE EXTENT ARISING FROM CUSTOMER'S NEGLIGENCE, WILLFUL MISCONDUCT, PROVISION OF NON-CONFORMING WASTE, AND CUSTOMER'S USE, OPERATION, OR POSSESSION OF COMPANY'S EQUIPMENT. THE OBLIGATIONS SET FORTH IN SECTIONS 12 AND 13 SHALL SURVIVE THE EXPIRATION AND/OR TERMINATION OF THIS AGREEMENT.

14. SUSPENSION; TERMINATION. If any amount due from Customer is not paid within 60 days after the date of Company's invoice, Company may, without notice and without terminating this Agreement, suspend collecting and disposing of Commercial Recyclable Material until Customer has paid such amount to Company. If Company suspends service, Customer shall pay Company a service interruption fee in an amount determined by Company in its discretion up to the maximum amount allowed by Applicable Law. Either party may terminate this Agreement upon 30 days prior written notice to the other party if the other party breaches a material obligation of the Agreement (including non-payment) and fails to cure such breach within 10 days after receiving written notice of the breach.

15. LIQUIDATED DAMAGES. If Customer terminates this Agreement before its expiration for any reason other than Company's breach (or if Company terminates this Agreement due to Customer's non-payment), Customer shall pay Company an amount equal to the average Charges from Customer's last 6 invoices multiplied by the lesser of (a) six months or (b) the number of months remaining in the Term. Customer acknowledges that in the event of such a termination, actual damages to Company would be uncertain and difficult to ascertain, such amount is the best, reasonable and objective estimate of the actual damages to Company, such amount does not constitute a penalty, and such amount is reasonable under the circumstances. Any amount payable under this paragraph shall be in addition to amounts already owing under this Agreement.

16. RIGHT OF FIRST REFUSAL. Customer agrees to notify Company in writing of any offer that Customer receives from any third party relating to the provision of the Services during any term of this Agreement ("Offer") and agrees to give Company the right of first refusal and reasonable opportunity to match such Offer prior to acceptance.

17. COMMUNICATIONS. To ensure timely and accurate receipt of communications, all communications to Company regarding this Agreement and/or the Services must come directly from Customer. Customer acknowledges that Company will not accept any communications from any third parties acting as the Customer's agent or representative (absent proof of medical necessity as reasonably determined by Company). All notices to Company pertaining to this Agreement shall be sent via email to: contractnotice@republicservices.com. If (and only if) Customer does not have access to email, written notice shall be provided via certified mail to: Republic Services, Attn: Customer Contracts, 18500 N. Allied Way, Phoenix, AZ 85054. Any notices received from Customer will be deemed effective no less than 60 days from the date received by Company.

18. DISPUTE RESOLUTION-ARBITRATION; CLASS ACTION WAIVER. (a) Except for Excluded Claims (defined below), Customer and Company agree that any and all claims between them arising out of or related to this Agreement, whether based in contract, law or equity or alleging any other legal theory, or arising in connection with or after the termination of this Agreement, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules with a single arbitrator, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. (b) Customer and Company agree that under no circumstances, whether in arbitration or otherwise, may Customer bring any claim against Company, or allow any claim that Customer may have against Company to be asserted, as part of a class action, on a consolidated or representative basis or otherwise aggregated with claims brought by, or on behalf of, any other entity or person, including other customers of Company or its parent or corporate affiliates. (c) The following claims constitute "Excluded Claims" and are not subject to mandatory binding arbitration: (i) either party's claims against the other in connection with bodily injury or real property damage; (ii) claims for indemnity pursuant to the Indemnification Section of this Agreement; and (iii) Company's claims against Customer for collection or payment of Charges, damages (liquidated or otherwise), or any other amounts due or payable to Company by Customer under this Agreement.

19. MISCELLANEOUS. (a) This Agreement shall be governed by and construed in accordance with the internal laws of the State where the Services are provided, without giving effect to any conflict of law provision. (b) This Agreement represents the entire agreement between the parties and supersedes all prior agreements, whether written or verbal, that may exist between the parties for the same Services. (c) Except for Customer's obligation to pay amounts due to Company, any failure or delay in performance due to contingencies beyond a party's reasonable control, including strikes, riots, terrorist acts, compliance with Applicable Laws or governmental orders, fires and acts of God, shall not constitute a breach of this Agreement. (d) Company shall have no confidentiality obligation with respect to any Commercial Recyclable Material. (e) Company may assign this Agreement without Customer's consent. This Agreement shall be binding upon and inure solely to the benefit of the parties and their permitted successors and assigns. (f) If any provision of this Agreement is declared invalid or unenforceable, it shall be modified so as to be valid and enforceable but so as most nearly to retain the intent of the Parties. If such modification is not possible, such provision shall be severed from this Agreement. In either case, the validity and enforceability of the remaining provisions of this Agreement shall not in any way be affected thereby. (g) Failure or delay by either party to enforce any provision of this Agreement will not be deemed a waiver of future enforcement of that or any other provision. (h) If any litigation or arbitration is commenced under this Agreement, the successful party shall be entitled to recover, in addition to such other relief as the court may award, its reasonable attorneys' fees, expert witness fees, litigation and arbitration related expenses, and court or other costs incurred in such litigation, arbitration or proceeding. (i) Customer and Company agree that electronic signatures are valid and effective, and that an electronically stored copy of this Agreement constitutes proof of the signature and contents of this Agreement, as though it were an original.

The following Terms and Conditions apply to Customer only if Customer is receiving the applicable Service from Company.

20. CONTAINER REFRESH. If the Services include Container Refresh, Customer is limited to one (1) exchange of each participating container every 12 months of paid enrollment; any additional exchange is subject to Company's standard container exchange fee. Customer agrees that during any enrollment year in which Customer receives an exchange under the program, any request by Customer to cancel Container Refresh will not be effective until Customer completes payment for 12 consecutive months of enrollment in the program. The Charge for Container Refresh will be itemized on Customer's invoice, which Charge may be changed by Company by showing the amount of the new Charge on Customer's invoice. Company reserves the right to suspend or cancel the Container Refresh program at any time.

21. ROLL-OFF. Republic may charge rent or a minimum lift charge if a roll-off container is not lifted or hauled at least once per month. The following additional terms shall apply to any roll-off service: (a) Company will not accept: white goods, tires, drums, paint, solvents, chemicals, or other such materials that would be considered flammable or explosive, or other materials not permitted to be disposed of at the designated disposal facility. (b) If the roll-off is loaded with extremely heavy material, such as block concrete, asphalt, dirt or roofing material, such material must be evenly distributed at the bottom of the roll-off, shall not exceed three feet in depth and shall not exceed 10 tons in weight. (c) Customer shall not load materials above the top of the roll-off. (d) Customer shall close and latch the back door of the roll-off before service. The driver cannot load a

roll-off with an open or unlatched back door. (e) If Company is unable to safely haul a roll-off, Customer shall off-load the impermissible overage or type of materials or otherwise improve any conditions necessary to enable safe hauling. Customer will be charged a dry run fee for each attempted trip where hauling does not occur. (f) If Company hauls an overloaded roll-off, Customer shall be responsible for all service charges based on the actual tonnage hauled, plus any tickets, fines, penalties, or damages incurred by Republic due to the overweight container.

22. EQUIPMENT RENTAL. Rented equipment shall remain at Customer's Site, except when handled by Company. Customer shall not make any changes, alterations, additions, or improvements in or to the equipment or move or relocate the equipment without Company's prior written consent. Customer shall allow Company and/or its designee to enter the Site to examine or inspect the equipment, perform preventative maintenance and repairs, or for any other purpose permitted by this Agreement. Company has the right, at any time and at its sole discretion, to substitute the equipment for similar equipment of make and size, or of a make and size that provides for more efficient or economical service.

MAINTENANCE. Company shall maintain the equipment in good operating condition and make repairs necessitated only by normal wear and tear. Customer shall be responsible for repairs, replacement parts, and labor necessitated by abuse or negligent operation or care of the equipment. Once installed, Customer shall have the care, custody, and control of the equipment. Customer assumes all risks of loss, damage, destruction or interference with the use of, and accepts responsibility for, the equipment and the supervision and operation of the equipment, accessories and contents during the term of this Agreement. Company will not be responsible for installation of utility service necessary to operate the equipment or any utility service charges attributable to the equipment's operation. If electrical or any other installment requirements are not satisfied prior to delivery of the equipment, Company may charge Customer all costs incurred by Company for its inability to complete the installation of the equipment. Customer shall be responsible for (a) connecting the equipment to the electrical service and any other utility services in conformance with all applicable building and zoning codes and regulations, (b) providing the necessary electrical power to operate the equipment, and (c) all costs of electrical wiring, and/or other utility hook-up and inspection thereof necessary for use of the equipment.

CUSTOMER'S OBLIGATIONS. Customer shall operate the equipment solely for its intended purpose and in strict conformance with this Agreement and the manufacturers and Company's instructions. Customer shall comply with all reporting and operating requirements related to the operation, maintenance, and management of the equipment as required by Company or as otherwise mandated by Applicable Law. Any Site-related licenses and permits concerning the equipment shall be obtained and maintained by Customer at Customer's sole cost and expense. Customer shall take all action necessary to ensure that the equipment is not abused, misused, or otherwise harmed by Customer or its employees, agents, and representatives or any other persons. Customer shall immediately notify Company of any damage to the equipment, or any injuries relating to the use or operation of the equipment. Customer shall keep the equipment free from any and all liens and claims and shall not do or permit any act whereby Company's title or rights might be encumbered or impaired. **If this Agreement is terminated early for any reason, in addition to the Liquidated Damages, Customer shall also reimburse Company for any fabrication, configuration, installation and de-installation costs, including, but not limited to, labor costs, incurred in placing and removing the equipment from Customer's Site.**

DISCLAIMER OF WARRANTIES; DAMAGES. COMPANY MAKES NO WARRANTIES, EITHER EXPRESS OR IMPLIED, AS TO ANY MATTER WHATSOEVER, INCLUDING, WITHOUT LIMITATION, THE CONDITION OF THE EQUIPMENT, ITS MERCHANTABILITY OR ITS FITNESS FOR ANY PARTICULAR PURPOSE, AND COMPANY HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES THEREFOR. COMPANY EXPRESSLY DISCLAIMS ALL INCIDENTAL, CONSEQUENTIAL, PUNITIVE, OR EXEMPLARY DAMAGES ARISING IN CONNECTION WITH THIS AGREEMENT OR THE EQUIPMENT, INCLUDING, WITHOUT LIMITATION, LOST SALES AND PROFITS AND OTHER BUSINESS INTERRUPTION DAMAGES, EVEN IF COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND WITHOUT REGARD TO THE NATURE OF THE CLAIM OR THE UNDERLYING THEORY OR CAUSE OF ACTION (WHETHER IN CONTRACT, TORT, OR OTHERWISE), AND CUSTOMER HEREBY EXPRESSLY WAIVES AND RELEASES COMPANY FROM AND AGAINST ANY SUCH DAMAGES.

23. ELECTRONIC MATERIAL AND/OR BULB & BATTERY RECYCLING SERVICES. Electronic Material Services and/or Bulb & Battery Recycling Services are provided only within the continental United States (not available in Alaska or Hawaii). Company or its subcontractor shall collect, transport, or receive via mail, treat, recycle, and/or dispose of Electronic Material and/or Bulbs & Batteries as provided in the Service Details. Customer acknowledges and understands that due to a variety of factors, including without limitation market conditions and processing costs, some or all of the Electronic Material and Bulbs & Batteries may be disposed of in a disposal facility and not recycled. Weights and/or unit counts of all Electronic Material and Bulbs & Batteries shall be determined upon receipt by Company or its subcontractor. All references to "Company" in this section of the Agreement shall also include Company's subcontractor(s).

ADDITIONAL DEFINITIONS. The following additional definitions apply to the recycling of Electronic Material and Bulbs & Batteries only:

"Bulbs & Batteries" means those materials included in the Environmental Protection Agency's Universal Waste regulations set forth in 40 C.F.R. 273, including bulbs, batteries, TSCA-exempt ballasts and non-PCB ballasts, lamps, and other mercury-containing items and materials.

"Electronic Material" consists of any video display devices (CRT and flat panel), computers, servers, laptops, tablets, cell phones, and other electronics that are not excluded by these provisions relating to Electronic Material Services. Electronic Material does not include any solid waste, non-electronic Recyclable Material or Excluded Waste.

"Excluded Waste" means any material other than Electronic Material or Bulbs & Batteries. Electronic Material and Bulbs & Batteries may not be commingled. If Electronic Material is commingled with Bulbs & Batteries for a Bulb & Battery Recycling Service, the Electronic Material will be treated as Excluded Waste, and vice versa.

BOX MAIL-BACK SERVICES (Electronic Material and Bulbs & Batteries). In connection with Box Mail-Back Services, the following additional terms shall apply:

Pre-Payment; No Refunds. Payment for Box Mail-Back Services is made in advance and will not be refunded for any reason after a box has been shipped to Customer. If Customer returns an unused box, Customer will be responsible for its shipping cost plus a restocking fee.

Expiration of Boxes. Each box must be received by Company or its subcontractor within 1 year from the date of order (the "Expiration Date"). With respect to Electronic Material, the Expiration Date can be extended an additional year for a fee of 50% of the original box price. Company has no obligation after the Expiration Date to process materials sent in for recycling and may return such materials to Customer at Customer's expense.

Safe Packaging Obligation. Customer is responsible for complying with all packaging (including safely packaging contents), sealing, and shipping instructions included with each box.

Electronic Material Specifications. With respect to Electronic Material Box Mail-Back Services, Company reserves the right to bill additional amounts for any of the following: (i) any box exceeding its specified maximum weight; (ii) shipping materials in the wrong box or mixing materials in a box; (iii) shipping materials that require additional labor for unpacking or disassembly; (iv) processing electronics containing wood; (v) additional shipping charges beyond the amounts prepaid for any prepaid label; and/or (vi) return shipping charges for any Excluded Waste or boxes received with expired labels.

Bulbs & Batteries Specifications. With respect to Bulb & Battery Recycling Box Mail-Back Services, Company reserves the right to bill additional amounts for any of the following: (i) any box exceeding its specified maximum weight; (ii) shipping materials in the wrong box or mixing materials in a box; (iii) shipping materials that require additional labor for unpacking or disassembly; (iv) additional shipping charges beyond the amounts prepaid for any prepaid label; and/or (v) return shipping charges for any Excluded Waste or boxes with expired labels received by Company.

PACK-UP & PICK UP SERVICES (Electronic Material and Bulbs & Batteries). In connection with Pack Up & Pick Up Services, the following additional terms shall apply:

Safe Packaging Obligation. Customer is responsible for complying with all safety, packaging, sealing, and loading/palletizing instructions (including removing materials from their original packaging and/or not individually wrapping all materials) included with each order and shall ensure such is completed prior to the scheduled pickup date.

Electronic Material Specifications. With respect to Electronic Material Pack-Up and Pick-Up Services, Customer shall ensure that Electronic Material is sorted into the following categories: (1) video display devices (CRT); (2) video display devices (flat panel); (3) computers; (4) laptops, tablets, cell phones; and (5) all other Electronic Material. A full list of items that fall into each of these categories is available upon request. If the Electronic Material is not properly sorted, is not removed from its original packaging, and/or is not properly loaded and palletized, additional fees will apply.

FULL SERVICE (Electronic Material). There is a minimum charge for Full Service. For loads of Electronic Material up to 466 pounds, the minimum charge for Full Service will be \$660. For loads of Electronic Material over 466 pounds, the charge for Full Service will be the weight of the load multiplied by the per pound charge quoted in the Service Details.

CUSTOMER'S INITIAL:

DATE:

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8h

DATE: December 14, 2023

SUBJECT: Authorize the mayor to sign an Agreement to Maintain an Enclosed Shelter Facility at Stanwood Station

CONTACT PERSON: Shawn Smith, City Administrator

ATTACHMENTS: A - Agreement to Maintain an Enclosed Shelter Facility at Stanwood Station

ISSUE

The issue before the city council is to renew the agreement with WSDOT to maintain an enclosed shelter facility at Stanwood Station and authorize the mayor to sign.

RECOMMENDATION

Authorize the mayor to sign the proposed agreement.

SUMMARY STATEMENT

The agreement between the city and WSDOT authorizing the city to maintain the Stanwood Amtrak Station expires December 31, 2023. This agreement extends the term two years.

DISCUSSION

This agreement extends the current agreement for two years, which has been a successful arrangement. The agreement also allows two additional two-year extensions.

FINANCIAL IMPACT

City staff time to maintain the shelter on the platform.

COMMITTEE RECOMMENDATION

This item was not presented to a committee.

CITY COUNCIL OPTIONS

1. Authorize the mayor to sign the agreement to continue maintaining the enclosed shelter facility at Stanwood Station.
2. Do not authorize the mayor to sign the agreement to continue maintaining the enclosed shelter facility at Stanwood Station and direct staff to address specific council issues or concerns prior to council reconsidering the agreement.
3. Do not authorize the mayor to sign the agreement to continue maintaining the enclosed shelter facility at Stanwood Station.

RECOMMENDED MOTION

"I MOVE TO AUTHORIZE THE MAYOR TO SIGN THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AGREEMENT TO MAINTAIN AN ENCLOSED SHELTER AT STANWOOD STATION".

**AMENDMENT NO. 1
TO
AGREEMENT GCB 3629**

**BETWEEN
THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF STANWOOD, WASHINGTON**

**AGREEMENT TO MAINTAIN AN ENCLOSED SHELTER FACILITY AT
STANWOOD STATION**

This AMENDMENT No. 1 (“AMENDMENT”), effective this 1st day of January, 2024, is made by and between the Washington State Department of Transportation (hereinafter “WSDOT”) and the City of Stanwood, Washington (hereinafter “CITY”), individually referred to as “PARTY” collectively referred to as the “PARTIES”, amends Agreement GCB 3629 (“AGREEMENT”) effective March 24, 2022, between the PARTIES. Capitalized terms not defined herein shall have the meaning set forth in the AGREEMENT.

WHEREAS, the PARTIES performed an evaluation of the costs, benefits, risks, and alternatives available to the CITY and WSDOT regarding the continued placement of the SHELTER at the STATION on October 11, 2023; and

WHEREAS, the PARTIES determined that the placement of the SHELTER has been successful per the evaluation criteria in Section 3 of the AGREEMENT and wish to extend the term of the AGREEMENT; and

WHEREAS, the AGREEMENT provided for a maximum term extension of two (2) years in Section 2(c) provided that the PARTIES mutually agree that the SHELTER’s placement at the STATION has been successful; and

WHEREAS, the PARTIES mutually agree to extend the Term of the AGREEMENT through December 31, 2025.

NOW THEREFORE, the PARTIES hereto agree to amend the AGREEMENT as follows:

1. Replace Section 2(a) in its entirety with the following:

“This AGREEMENT shall be in effect from the last date of execution until December 31, 2025.”

2. Replace Section 2(c) in its entirety with the following:

“If it is determined mutually by the PARTIES that the SHELTER's placement at the STATION has been successful, per the evaluation criteria in Section 3 of this AGREEMENT, the SHELTER shall continue for a period of time agreed upon by the PARTIES, with a maximum extension of two (2) years, through a written amendment to this AGREEMENT. Following a successful evaluation under Section

3 of this AGREEMENT, the PARTIES may further extend the AGREEMENT for an additional two (2) separate two (2) year periods through a written amendment to this AGREEMENT. [LS1] Failure to reach agreement on the outcomes of the evaluation or the duration of any extension to the AGREEMENT term shall result in the removal of the SHELTER within thirty (30) calendar days of the evaluation, with all costs associated with the safe removal and platform surface repairs funded by the CITY.”

Except as expressly modified herein, all other terms and conditions of AGREEMENT GCB 3629 shall remain in full force and effect.

IN WITNESS WHEREOF, the PARTIES have executed this AMENDMENT NO. 1 to AGREEMENT GCB 3629.

CITY OF STANWOOD, WASHINGTON

By: _____

Date: _____

Name: _____

Title: _____

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

Jason Biggs, PE

Director

WSDOT Rail, Freight and Ports Division

Approved as to Form Only on behalf of WSDOT

This ____ Day of _____ 2023

By: _____

James Nelson

Assistant Attorney General



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9a

DATE: December 14, 2023

SUBJECT: Mid-Biennium Budget Adjustment, Ordinance 1526, 2nd Reading

CONTACT PERSON: David A. Hammond, Finance Director

ATTACHMENT: A - Ordinance 1526: 2023-24 Mid-Biennium Budget Adjustment

REFERENCE [2023-2024 Operating & Capital Budget Book Amendment 2](#)

PURPOSE

The issue before council is to review mid-biennium budget updates, conduct a public hearing, and consider second reading and adoption of Ordinance 1526 – 2023-2024 Mid-Biennium Budget Amendment.

RECOMMENDATION

Review staff recommended amendments and approve second reading and adoption of Ordinance 1526 - Mid-Biennium Budget Adjustment.

SUMMARY STATEMENT

This report provides staff recommended mid-biennium adjustments to the 2023-2024 budget. In a typical biennium, the statutorily required mid-biennium adjustment would stay relatively high level, focusing on significant differences, rather than a detailed review and adjustment of every budgetary line item. However, staff encountered difficulty putting this amendment into the new budgeting software and reconciling to the existing budget, which required adjustment of a significant number of line items. Further the capital program changes between 2023, 2024 and 2025 required adjustment of numerous funds and revisions to planned fund transfers. Finally, the budget software was incapable of an automated method to implement the 2024 cost of living increase.

The recommended changes include items that have been authorized by council, such as cost of living increases agreed to in collective bargaining agreements, changes approved in the 2024-2029 Capital Improvement Plan update approved by the city council on October 26, 2023. Other significant changes include the purchase of NEOGov Human Resources Software, approved by council on Oct. 26, 2023, and an updated 2024 vehicle purchase request list. Further, the biennial revenues were adjusted when estimates for 2023 differed significantly from actual, such as interest earnings, higher insurance costs

and lower salaries and benefits due to vacant positions in 2023. Details of all changes are available in the Digital Budget Book referenced and linked from page one.

Table one below summarizes changes by fund, and a discussion of individual fund changes is provided the following pages.

Table One: Summary of changes by fund

Fund Name	Beginning* 2023 FB	2024 Ending Fund Balance	2023-24 Revenue Modifications	2023-24 Expenditure Modifications
General Fund	\$ 6,420,478	\$ 3,082,579	\$ 258,266	-\$ 450,285
Street Operating	\$ 310,817	\$ 202,748	\$ 27,642	\$ 8,617
Street Impact Fees	\$ 984,791	\$ 69,791	\$ 68,522	\$ 402,080
Street Construction	\$ 555,161	\$ 33,037	\$ 321,519	\$ 796,098
Park & Trail Improvement	\$ 1,718,765	\$ 863,975	-\$ 600,848	\$ 782,502
Park Impact Fees	\$ 95,294	\$ 186,334	\$ 48,960	\$ 0
Equipment Reserve-General	\$ 656,076	\$ 499,897	-\$ 9,565	\$ 149,281
Transportation Benefit Fund	\$ 470,300	\$ 5,300	\$ 93,233	\$ 98,755
Contingency	\$ 478,354	\$ 624,354	-\$ 40,000	\$ 0
Building Improvement Fund	\$ 2,817,537	\$ 4,068,329	\$ 1,356,724	\$ 895,932
Tourism And Promotion	\$ 48,537	\$ 34,037	\$ 0	\$ 0
REET 1: Capital Improvements	\$ 1,337,379	\$ 152,379	-\$ 107,000	-\$ 200,000
REET 2 - Growth Management	\$ 1,247,636	\$ 58,636	-\$ 101,000	-\$ 72,280
Debt Service Fund	\$ 21,036	\$ 0	\$ 0	\$ 0
Sewer Operating	\$ 1,508,657	\$ 1,329,660	\$ 52,400	\$ 135,433
Sewer Construction	\$ 4,618,037	\$ 1,638,896	-\$ 4,739,366	-\$ 4,159,025
Sewer Plant Investment	\$ 518,739	\$ 48,739	\$ 4,960	\$ 0
Sewer Equipment Reserve	\$ 772,114	\$ 620,805	-\$ 20,040	\$ 16,309
Drainage Operating	\$ 507,333	\$ 849,806	-\$ 29,040	\$ 435,470
Drainage Construction	\$ 3,935,629	\$ 1,323,152	-\$ 4,742,097	-\$ 6,177,410
Drainage Plant Investment	\$ 209,131	\$ 85,891	\$ 32,740	\$ 0
Drainage Equipment Reserve	\$ 380,488	\$ 464,190	\$ 5,400	-\$ 26,400
Water Operating	\$ 1,140,615	\$ 791,417	\$ 380,899	\$ 468,208
Water Construction	\$ 2,295,245	\$ 1,295,336	-\$ 35,093	\$ 1,302,416
Cedar Home Plant Investment Fees	\$ 331,652	\$ 325,552	\$ 0	\$ 0
Water Plant Investment Fees	\$ 1,074,827	\$ 604,827	\$ 420,000	\$ 0
Water Equipment Reserve	\$ 438,919	\$ 454,519	\$ 6,400	\$ 87,000
Total Funds	\$ 34,893,547	\$ 19,714,186	-\$ 7,346,384	-\$ 5,507,299

*Note: Beginning balances have been adjusted to reflect actual 2022 ending balance which were not available at the time the 2023-2024 budget was adopted.

RECOMMENDED MOTION

“I MOVE TO APPROVE SECOND READING AND ADOPTION OF ORDINANCE 1526 AMENDING THE 2023-2024 BUDGET AS PRESENTED”.

DISCUSSION

RCW 35A.34 governs the mid-biennial adjustment process for optional municipal code cities. These statutes require the City to hold public hearings on the mid-biennial adjustment prior to adoption of the budget adjustment ordinance. Specifically, RCW 35A.34.130 states “The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city.” The following assumptions were used to assist with the 2023-2024 mid-biennial adjustment:

- All reserves are fully funded, including the General Fund operating reserve, utility funds operating reserves, and the Contingency Reserve
- New construction estimated at \$36 million in 2023
- June over June Consumer Price Index (CPI-U West—Size Class B/C) is 3.6%
- Current interest earnings average 3.26% with a weighted duration of 1.56 years.

For the mid-biennial adjustment process, requests were received and are outlined below. These items are presented now based on available resources and to provide greater assistance to the city now and as we grow in the future.

- As discussed at the October 12, 2023 Council Workshop, staff propose to combine two currently vacant positions (Communications Manager and Economic Development & Marketing Manager) and add a new Financial Analyst
- Construction Fund appropriations and transfers to align with the updated six-year CIP
- True up interest earnings based on current and projected rates
- Revise insurance expenses based on updated information from WCIA
- Adjusted salary and benefits across all funds to align with CBA’s and CPI-U June over June increase of 3.6% and benefits costs based on actual or projected costs
- Corrected budgeted line items for 2021 debt issuance affecting utility funds.
- Decreased contribution to Contingency Fund that is statutorily capped based on Appraised value, which declined for tax year 2024.

General Fund/Street Fund:

Updated with revised revenue estimates, salary and benefits and purchase of NeoGov.

Fund Name	Beginning* 2023 FB	2024 Ending Fund Balance	2023-24 Revenue	2023-24 Expenditure
			Modifications	Modifications
General Fund	\$ 6,420,478	\$ 3,082,579	\$ 258,266	-\$ 450,285
Street Operating	\$ 310,817	\$ 202,748	\$ 27,642	\$ 8,617

Impact Fees/Plant Investment Fees/REET Funds and Transportation Benefit Fund

Updated with revised revenue estimates, transfers to finance changes to the 2024-2029 Capital Improvement Plan.

Fund Name	Beginning* 2023 FB	2024 Ending Fund Balance	2023-24 Revenue Modifications	2023-24 Expenditure Modifications
Street Impact Fees	\$ 984,791	\$ 69,791	\$ 68,522	\$ 402,080
Park Impact Fees	\$ 95,294	\$ 186,334	\$ 48,960	\$ 0
Transportation Benefit Fund	\$ 470,300	\$ 5,300	\$ 93,233	\$ 98,755
REET 1: Capital Improvements	\$ 1,337,379	\$ 152,379	-\$ 107,000	-\$ 200,000
REET 2 - Growth Management	\$ 1,247,636	\$ 58,636	-\$ 101,000	-\$ 72,280
Sewer Plant Investment	\$ 518,739	\$ 48,739	\$ 4,960	\$ 0
Drainage Plant Investment	\$ 209,131	\$ 85,891	\$ 32,740	\$ 0
Cedar Home Plant Investment Fees	\$ 331,652	\$ 325,552	\$ 0	\$ 0
Water Plant Investment Fees	\$ 1,074,827	\$ 604,827	\$ 420,000	\$ 0

Capital Funds

The changes to capital funds were primarily to adjust the timing of major projects, such as the Skagit Bay Dike, the Wasterwater Plant Biosolid Processing upgrade and the IS4 projects. The Viking Way Phase Two Construction estimate increased by \$1.1 million and council authorized \$500,000 to design a solution for the SR532 & 64th Ave. intersection. Additionally, council authorized \$300,000 in 2024 to begin establishing GIS data layers in the utilities. Increases Heritage Park, Hamilton Park and Johnson Farm, which are partially offset by grant funding.

Fund Name	Beginning* 2023 FB	2024 Ending Fund Balance	2023-24 Revenue Modifications	2023-24 Expenditure Modifications
Street Construction	\$ 555,161	\$ 33,037	\$ 321,519	\$ 796,098
Park & Trail Improvement	\$ 1,718,765	\$ 863,975	-\$ 600,848	\$ 782,502
Building Improvement Fund	\$ 2,817,537	\$ 4,068,329	\$ 1,356,724	\$ 895,932
Sewer Construction	\$ 4,618,037	\$ 1,638,896	-\$ 4,739,366	-\$ 4,159,025
Drainage Construction	\$ 3,935,629	\$ 1,323,152	-\$ 4,742,097	-\$ 6,177,410
Water Construction	\$ 2,295,245	\$ 1,295,336	-\$ 35,093	\$ 1,302,416

Vehicle & Equipment Replacement Funds

Fund Name	Beginning* 2023 FB	2024 Ending Fund Balance	2023-24 Revenue Modifications	2023-24 Expenditure Modifications
Equipment Reserve-General	\$ 656,076	\$ 499,897	-\$ 9,565	\$ 149,281
Sewer Equipment Reserve	\$ 772,114	\$ 620,805	-\$ 20,040	\$ 16,309
Drainage Equipment Reserve	\$ 380,488	\$ 464,190	\$ 5,400	-\$ 26,400
Water Equipment Reserve	\$ 438,919	\$ 454,519	\$ 6,400	\$ 87,000

Purchase of two vehicles and four significant equipment items, summarized in the chart below.

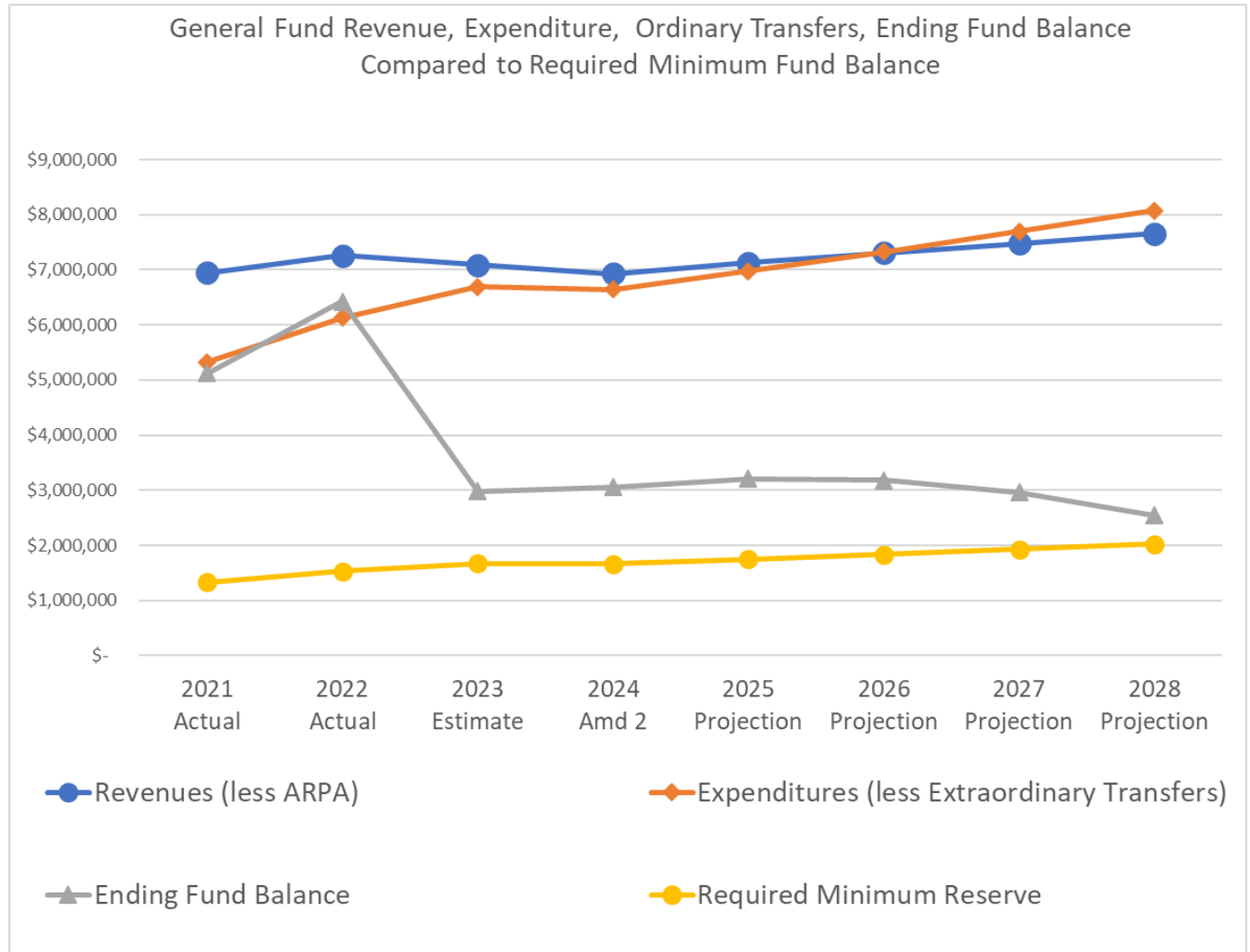
Item being replaced	Year Purchased	Replacement Cost
2002 GMC Sonoma (replace with Gator)	2002	\$ 60,000
Portable Generator (trailer)	1999	\$ 125,000
2004 Ford F350	2004	\$ 87,000
Chipper - Brush Bandit Model 90	1993	\$ 52,000
Mower - 1993 Jacobson HR 511	unkown	\$ 90,000
Sidewalk grinder	unkown	\$ 7,000
Total		\$ 421,000

Utility Operating Funds

The significant drivers of changes to the utility funds were cost of living and allocation changes to salary and benefits, revision to revenue estimates based on 2023 actuals, and adjustment to fuel and supply costs.

Fund Name	Beginning* 2023 FB	2024 Ending Fund Balance	2023-24 Revenue Modifications	2023-24 Expenditure Modifications
Sewer Operating	\$ 1,508,657	\$ 1,329,660	\$ 52,400	\$ 135,433
Drainage Operating	\$ 507,333	\$ 849,806	-\$ 29,040	\$ 435,470
Water Operating	\$ 1,140,615	\$ 791,417	\$ 380,899	\$ 468,208

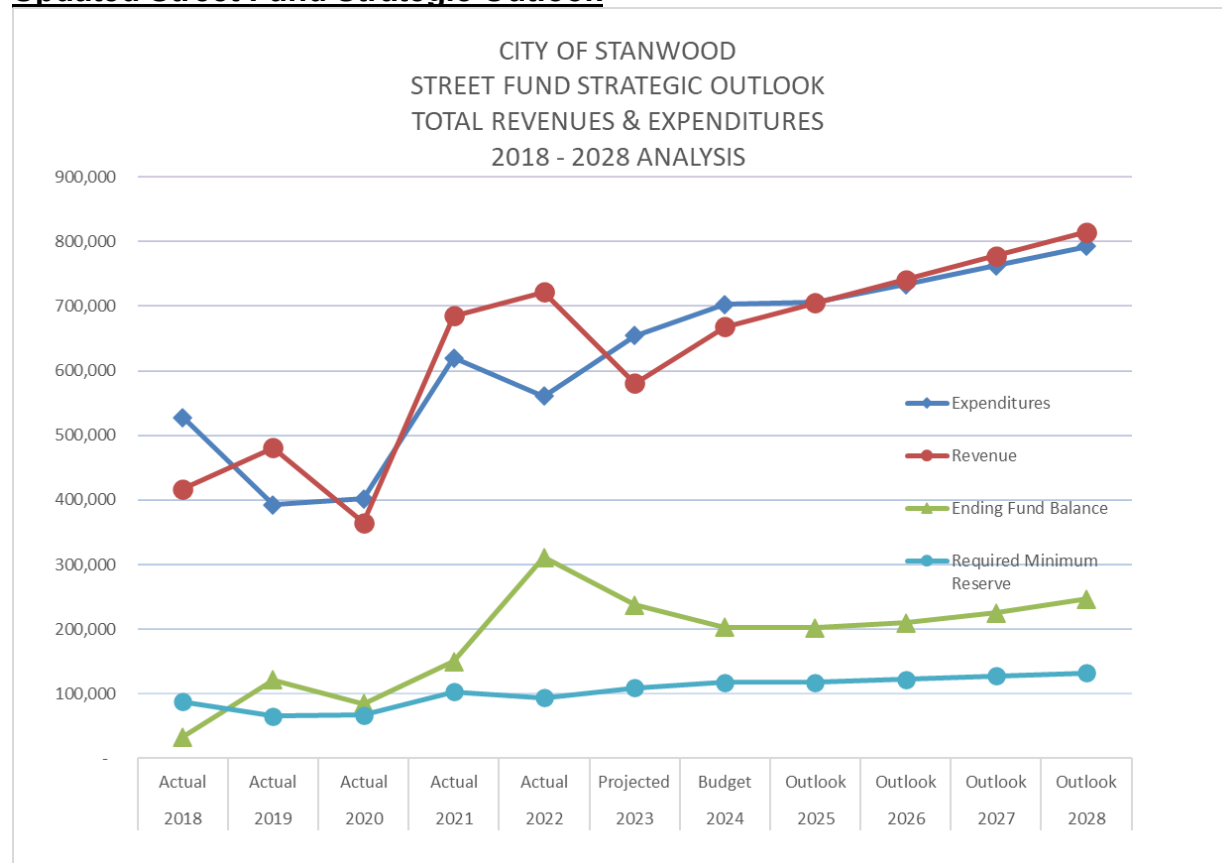
Updated General Fund Strategic Outlook



Data supporting Updated General Fund Strategic Outlook

	2021 Actual	2022 Actual	2023 Estimate	2024 Amd 2
Beginning Fund Balance	\$ 4,428,700	\$ 5,123,512	\$ 6,420,478	\$ 2,978,056
General Fund Revenue				
Property tax	\$ 1,826,734	\$ 1,939,484	\$ 2,032,948	\$ 2,111,593
Sales tax	\$ 2,523,757	\$ 2,582,845	\$ 2,456,184	\$ 2,453,800
Utility tax	\$ 1,176,351	\$ 1,383,659	\$ 1,372,020	\$ 1,355,144
Licenses & permits	\$ 510,985	\$ 438,551	\$ 481,052	\$ 376,514
Charges for Services	\$ 388,009	\$ 508,862	\$ 397,911	\$ 274,911
State pass-through	\$ 1,398,640	\$ 1,364,795	\$ 245,572	\$ 245,572
Fines & Misc.	\$ 139,941	\$ 58,890	\$ 105,806	\$ 105,891
	\$ 7,964,417	\$ 8,277,086	\$ 7,091,493	\$ 6,923,425
Less: ARPA	\$ 1,018,070	\$ 1,018,070		
	\$ 6,946,347	\$ 7,259,016	\$ 7,091,493	\$ 6,923,425
General Fund Expenditure	2021	2022	2023	2024
Operating Expenditures:				
Salaries and Wages	\$ 1,352,689	\$ 1,444,022	\$ 1,669,882	\$ 1,705,114
Personnel Benefits	\$ 520,807	\$ 563,665	\$ 692,750	\$ 638,957
Supplies	\$ 39,088	\$ 69,859	\$ 69,927	\$ 60,759
Services	\$ 375,417	\$ 698,077	\$ 506,000	\$ 533,742
Professional Services	\$ 447,904	\$ 659,508	\$ 750,000	\$ 540,985
Public Safety Services Contracts	\$ 1,982,424	\$ 2,000,246	\$ 2,229,191	\$ 2,463,807
Capital	\$ 13,500	\$ 10,400	\$ 25,000	\$ 26,250
Operating Subtotal	\$ 4,731,829	\$ 5,445,777	\$ 5,942,750	\$ 5,969,614
Transfers Out:				
Streets	\$ 300,000	\$ 340,000	\$ 370,000	\$ 400,000
Equipment	\$ 110,710	\$ 90,343	\$ 80,165	\$ 47,500
Tourism	\$ 43,750	\$ 105,000	\$ 80,000	\$ 80,000
Contingency	\$ 34,313	\$ 50,000	\$ 111,000	\$ 40,000
Water (Hydrant Reimb.)	\$ 100,000	\$ 100,000	\$ 110,000	\$ 109,200
Ordinary Transfers Out Subtotal	\$ 588,773	\$ 685,343	\$ 751,165	\$ 676,700
Operating and Ordinary Transfers	\$ 5,320,602	\$ 6,131,120	\$ 6,693,915	\$ 6,646,314
Extraordinary Transfers	2021	2022	2023	2024
Floodwall		\$ 564,000	\$ 150,000	
Street Construction		\$ 285,000	\$ 1,190,000	\$ 200,000
Parks Construction	\$ 449,003		\$ 1,500,000	
Facilities Capital	\$ 1,500,000		\$ 1,000,000	
Transfers Out Total	\$ 2,537,776	\$ 1,534,343	\$ 4,591,165	\$ 876,700
Total Expenditures	\$ 7,269,605	\$ 6,980,120	\$ 10,533,915	\$ 6,846,314
Ending Fund Balance	\$ 5,123,512	\$ 6,420,478	\$ 2,978,056	\$ 3,055,167
Required Minimum Reserve	\$ 1,330,151	\$ 1,532,780	\$ 1,673,479	\$ 1,661,579

Updated Street Fund Strategic Outlook



Data supporting Updated Street Fund Strategic Outlook

STRATEGIC OUTLOOK STREET OPERATING FUND CITY OF STANWOOD TOTAL REVENUES & EXPENDITURES 2018 - 2028 ANALYSIS											
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Actual	Actual	Actual	Actual	Actual	Projected	Budget	Outlook	Outlook	Outlook	Outlook
Beginning Fund Balances	143,818	33,231	121,222	84,587	149,313	310,817	237,114	202,748	201,919	209,674	225,016
Revenue											
Property Taxes	202,365	227,184	141,503	-	-	-	-	-	-	-	1
Street Maintenance Fee	19,491	18,369	20,454	19,131	20,043	27,000	27,810	28,644	29,504	30,389	31,300
Multimodal Transportation	9,555	9,462	9,570	9,731	10,511	11,000	11,110	11,443	11,787	12,140	12,504
Mvft Unrestricted Fuel Tax	148,652	144,100	129,312	138,319	149,793	161,500	163,115	168,008	173,049	178,240	183,587
Miscellaneous Revenues	1,709	20,403	1,461	17,440	1,327	10,862	6,190	6,376	6,567	6,764	6,967
Transfers	35,000	61,200	62,730	500,000	540,000	370,000	460,000	490,000	520,000	550,000	580,000
Total Revenues	416,771	480,718	365,030	684,620	721,674	580,362	668,225	704,472	740,906	777,533	814,360
Revenue Growth / (Decline)	-98.5%	15.3%	-24.1%	87.6%	5.4%	-19.6%	15.1%	5.4%	5.2%	4.9%	4.7%
Expenditures											
Labor	148,497	149,000	166,110	266,170	138,142	213,866	243,427	254,381	265,828	277,791	290,291
Benefits	63,851	64,828	70,432	102,442	106,208	119,265	128,315	134,731	141,467	148,541	155,968
Supplies	32,242	28,234	30,559	28,750	82,201	73,404	60,592	62,713	64,908	67,179	69,531
Services	129,612	150,664	134,565	140,725	165,762	165,030	206,257	213,476	220,948	228,681	236,685
Equipment reserve	153,156	-	-	81,280	67,857	82,500	64,000	40,000	40,000	40,000	40,001
Total Expenses	527,358	392,726	401,666	619,367	560,170	654,065	702,591	705,301	733,151	762,192	792,475
Expense Growth / (Decline)		-25.5%	2.3%	54.2%	-9.6%	16.8%	7.4%	0.4%	3.9%	4.0%	4.0%
Change in Ending Fund Balance	(110,587)	87,992	(36,636)	65,253	161,504	(73,703)	(34,366)	(829)	7,755	15,342	21,885
Ending Fund Balance	33,231	121,222	84,587	149,840	310,817	237,114	202,748	201,919	209,674	225,016	246,900
Required Minimum Reserve	88,069	65,585	67,078	103,434	93,548	109,229	117,333	117,785	122,436	127,286	132,343

**CITY OF STANWOOD
Stanwood, Washington**

ORDINANCE 1526

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
ORDINANCE 1511 RELATING TO THE 2023-2024 BUDGET**

WHEREAS, the City previously adopted the 2023 - 2024 biennial budget on December 8, 2022, pursuant to Ordinance 1509; on January 12, 2023 pursuant to Ordinance 1511; and

WHEREAS, by law the City may not have expenditures in excess of budgeted appropriations for an individual fund;

WHEREAS, during the October 26, 2023 City Council workshop meeting the City Council expressed approval for a new full time position, Finance Analyst, replacing the former Economic Development & Marketing Manager;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD DO HEREBY
ORDAIN AS FOLLOWS:**

Section 1. Ordinance No. 1511 is hereby amended to reflect the total of 2023-2024 amended budgeted revenues and appropriations for each separate fund as set forth in summary form in Exhibit A.

Section 2. A new full-time position, Finance Analyst, is authorized, replacing the former Economic Development & Marketing Manager, which position will not be filled for the remainder of the budget period. The Finance Analyst is authorized at the same salary range as the City Clerk.

Section 3. Except as provided herein, all provisions of Ordinance 1511 shall remain in full force and effect unchanged.

ADOPTED by the City Council and APPROVED by the Mayor this ____ day of _____ 2023.

CITY OF STANWOOD

Sid Roberts, Mayor

ATTEST:

Lisa Sokolik, City Clerk

APPROVED AS TO FORM:

Nikki Thompson, City Attorney

Fund Name	Beginning* 2023 FB	Budget Revenues	Projected Expenditures	2024 Beginning Fund Balance	Revenues	Expenditures	2024 Ending Fund Balance
		2023	2023		2024	2024	
General Fund	\$ 6,420,478	7,091,493	10,533,915	2,978,056	6,923,425	6,818,902	\$ 3,082,579
Street Operating	\$ 310,817	580,362	654,065	237,114	668,225	702,591	\$ 202,748
Street Impact Fees	\$ 984,791	100,000	605,000	479,791	50,000	460,000	\$ 69,791
Street Construction	\$ 555,161	4,072,264	2,832,388	1,795,037	3,002,000	4,764,000	\$ 33,037
Park & Trail Improvement	\$ 1,718,765	3,312,812	2,939,502	2,092,075	1,742,900	2,971,000	\$ 863,975
Park Impact Fees	\$ 95,294	120,000	50,000	165,294	71,040	50,000	\$ 186,334
Equipment Reserve-General	\$ 656,076	178,000	302,579	531,497	136,400	168,000	\$ 499,897
Transportation Benefit Fund	\$ 470,300	520,000	800,000	190,300	550,000	735,000	\$ 5,300
Contingency	\$ 478,354	142,000	0	620,354	4,000	0	\$ 624,354
Building Improvement Fund	\$ 2,817,537	2,541,724	830,464	4,528,797	495,000	955,468	\$ 4,068,329
Tourism And Promotion	\$ 48,537	91,000	102,000	37,537	96,000	99,500	\$ 34,037
REET 1: Capital Improvements	\$ 1,337,379	280,000	800,000	817,379	135,000	800,000	\$ 152,379
REET 2 - Growth Management	\$ 1,247,636	280,000	1,200,000	327,636	131,000	400,000	\$ 58,636
Debt Service Fund	\$ 21,036	0	21,036	0	0	0	\$ 0
Sewer Operating	\$ 1,508,657	3,104,084	3,254,714	1,358,027	3,159,259	3,187,626	\$ 1,329,660
Sewer Construction	\$ 4,618,037	923,834	1,017,975	4,523,896	323,000	3,208,000	\$ 1,638,896
Sewer Plant Investment	\$ 518,739	30,000	500,000	48,739	30,000	30,000	\$ 48,739
Sewer Equipment Reserve	\$ 772,114	146,000	240,309	677,805	68,000	125,000	\$ 620,805
Drainage Operating	\$ 507,333	1,549,640	1,267,783	789,190	1,708,004	1,647,388	\$ 849,806
Drainage Construction	\$ 3,935,629	831,903	371,590	4,395,942	1,682,210	4,755,000	\$ 1,323,152
Drainage Plant Investment	\$ 209,131	90,000	200,500	98,631	57,260	70,000	\$ 85,891
Drainage Equipment Reserve	\$ 380,488	70,000	24,898	425,590	79,600	41,000	\$ 464,190
Water Operating	\$ 1,140,615	2,658,923	2,778,024	1,021,514	2,743,240	2,973,337	\$ 791,417
Water Construction	\$ 2,295,245	1,132,507	594,416	2,833,336	570,000	2,108,000	\$ 1,295,336
Cedar Home Plant Investment Fees	\$ 331,652	7,100	10,000	328,752	7,100	10,300	\$ 325,552
Water Plant Investment Fees	\$ 1,074,827	450,000	800,000	724,827	30,000	150,000	\$ 604,827
Water Equipment Reserve	\$ 438,919	95,000	64,000	469,919	71,600	87,000	\$ 454,519
Total Funds	\$ 34,893,547	\$ 30,398,646	\$ 32,795,158	32,497,035	\$ 24,534,263	\$ 37,317,112	\$ 19,714,186

*Note: Beginning balances have been adjusted to reflect actual 2022 ending balance which were not available at the time the 2023-2024 budget was adopted.

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9b

DATE: December 14, 2023

SUBJECT: Stanwood Municipal Code Title 3 – Revenue and Finance

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Ordinance 1520 Adoption of Title 3 – Revenue and Finance

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the third and final reading of Ordinance 1520, adoption of Title – 3, Revenue and Finance, of the Stanwood Municipal Code.

SUMMARY

Included in the next batch of Municipal Code Amendments is Title 3 – Revenue and Finance and Title 5 – Business License and Regulations. These Titles have been grouped together for review as they have direct code correlations. Using the approved style guide, the draft amendments delete outdated code citations and modernize the text by applying current best practices. It notes where new sections have been added or where moved. In general, these titles and chapters have been reorganized for better flow and readability with similar topics being grouped together.

Ordinance 1520 includes:

- Title 2 – references are updated with new Title 3-chapter numbers.
- Title 3 – Revenue and Finance establishing the City’s authority to impose and collect taxes and fees creating the revenue source of the city’s operational budget.
- Title 4 – Acceptance of interest in real property has been added to Chapter 4.18
- Title 17 – Impact fees has been moved from Title 17, Zoning, to Title 3.
- Title 17 – School Impact Fee Concurrency has been moved to Title 17.

BACKGROUND

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1) removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

To help guide the review of the amendments, two types of informational banners are included in the descriptive versions of each amendment. These blue- and yellow-colored bars highlight changes, recommendations and questions; it notes where new sections have been added or where moved.

 Blue banner describes actions taken or issue descriptions.

 Yellow banners highlight important policy issues.

Due to the sheer size of amending an entire municipal code, work has been broken into manageable pieces with similar titles, or titles that interact with each other, being processed together. To date, the Council has approved the following Title groupings:

Stanwood Municipal Code Titles	Action
Interim Zoning Regulations Prohibiting Mini-Storage Facilities	Council Approved October 27, 2022
Interim Sign Regulations Signs in the Right of Way	Council Approved January 26, 2023
Title 1 – General Provisions Title 2 – Personnel Title 4 – Administration (New)	Council Approved April 23, 2023 Three Readings
Title 6 – Parks and Public Spaces (New) Title 9 – Public Peace, Morals, and Safety Title 13 – Civil Enforcement	Council Approved June 8, 2023 Three Readings
Title 7 – Noise Ordinance Only	Council Approved July 13, 2023
Title 3 – Revenue and Finance Title 5 – Business Licenses & Regulations	Pending City Council Action September / October 2023

As Titles and Chapters are approved, there may be times when chapters or sections within chapters of approved Titles will need to be amended to ensure consistency throughout the Municipal Code as it is amended.

ANALYSIS

Title 3 establishes the City's authority to impose and collect taxes and fees creating the revenue source of the city's operational budget. This rewrite of Title 3 does not create any new taxes or fees, but instead reorganizes the Title to group similar topics together thereby improving the flow and readability of the Title. The following chapter topics will be grouped together leaving space between chapter titles to allow room for future code amendments.

- Taxes;
- Fees;
- Fiscal Policy and Claims; and
- Accounting Funds

Other significant changes to Title 3 include:

- Segregation Assessment fees (description and engineering) have been removed and will be added to the City's Fee Resolution.
- Penalties have been updated for consistency with the civil penalties as adopted in Title 13, Civil Enforcement.
- Impact fee provisions have been moved from Title 17, Zoning and consolidated into a single chapter in Title 3. New state laws passed by the Legislature this session will be addressed in a separate ordinance.
- School Impact Fee Concurrency has been moved to Title 17, similarly as traffic concurrency, shown in Exhibit C.
- Donations were moved to Title 4 – Administration, with the first batch of code amendments. In the original scoping memo, it was proposed to include "Acceptance of Interest in Real Property" as a new chapter in Title 3. This has been reconsidered and for consistency, it is recommended to move acceptance of real property to its own chapter in SMC Title 4, as shown in Exhibit B.
- Minor amendments to the fee schedule are necessary to add the segregated assessment fees associated with the formation of Local Improvement Districts. (SMC 3.12.320 and 3.12.330)

Council Policy Decision Issues (First Reading):

The following policy issues need to be discussed before the final reading: both issues apply to the City's Impact Fee Regulations:

- A. Impact fee exceptions for Accessory Dwelling Units (ADU) -SMC 3.24.050: Recent changes in state law require cities to amend their ADU impact fees to be no more than 50% of the impact fee for the primary dwelling unit. In response, some cities are discussing exempting ADU's from paying impact fees altogether as part of their efforts to address affordable housing barriers. Staff is proposing to cut the impact fee in half as those living in ADU's will continue to drive vehicles and use the City's park facilities.
- B. Fee Calculation Incentives – SMC 3.24.160: There are several incentives in the existing Municipal Code that are applied to traffic impact fees. With the relocation

and combining of the impact fee code sections, staff proposes that the existing incentives be applied universally to all impact fees:

- Commercial developments are eligible for a 10% fee reduction;
- Re-use of existing buildings in the MBI and MBII (and future Downtown Mixed-Use Corridor) zones are exempt from impact fees;
- Historic single family residential lots created prior to 1969 are eligible for a 35% fee reduction; and
- Low-income housing projects are eligible to reduce their fees by 80%.
 - Added a 10-year restriction on conversion of low-income units.

Response To Council Questions (Second Reading):

At Council's September 14 meeting there were several questions regarding 1) the history, application and the financial effect of impact fee incentives and 2) how the gambling tax is applied to various users. Below are staff responses to the questions.

Purpose and History of Impact Fee Incentives:

Below is a summary of the major milestones associated with the City's adoption and updates to its impact fees ordinance. Using the ordinance "whereas" clauses in the ordinances, it appears that incentive-based policy decisions were most likely adopted based on regional economic issues and the desire to create new economic development opportunities in the City.

Credit	Adoption Date	Regional Economic Trends / City Impacts
10% Reduction for Commercial Developments	2005	In the early 2000's the Puget Sound Region was seeing a shift in the workforce from manufacturing and resource-based jobs to high tech and information technology jobs. In 2005 the Puget Sound was hit hard by the Dot-Com bubble bust and the 2001 terrorist attacks. Puget Sound felt the effects of the 2001 recession / slowdown. In 2003 the City adopted its first economic development study – Design Stanwood. In keeping with the Plan's goals and vision, the Council determined that the economic benefit of jobs and sales tax revenues the city receives from commercial development warranted a 10% reduction in transportation impact fees.
Downtown MBI and MBII Exemption for Building Reuse	2006 / 2007	The Puget Sound began to rebound from the 2001 recession / showdown in late 2003. However, the housing subprime mortgage crises was just beginning in late 2007 and lasted through 2010. Permit activity at the City was low during this period: 219 permits were issued in 2007 compared to 431 permits issued in 2022. Stanwood was feeling the effects of the

Credit	Adoption Date	Regional Economic Trends / City Impacts
		regional economic slowdown and it would make sense that the City Council adopted policies to help support businesses and promote its downtown.
Historic Single Family Lot Credit	2013	Added the historic single family lot incentive credit to support downtown redevelopment and revitalization efforts.
Affordable Housing Credit	2022	The cost of housing in Washington is out passing wages; housing is becoming more unaffordable to those in the moderate to low-income wage brackets. Governor Jay Inslee has declared that Washington has an affordable housing crisis. To help reduce permit fees on affordable housing projects, an 80% impact fee credit was adopted as permitted by RCW 82.02.060(4).

How many vacant lots, created prior to 1969, are eligible for the Historic Single-Family Residential Lot 35% impact fee reduction?

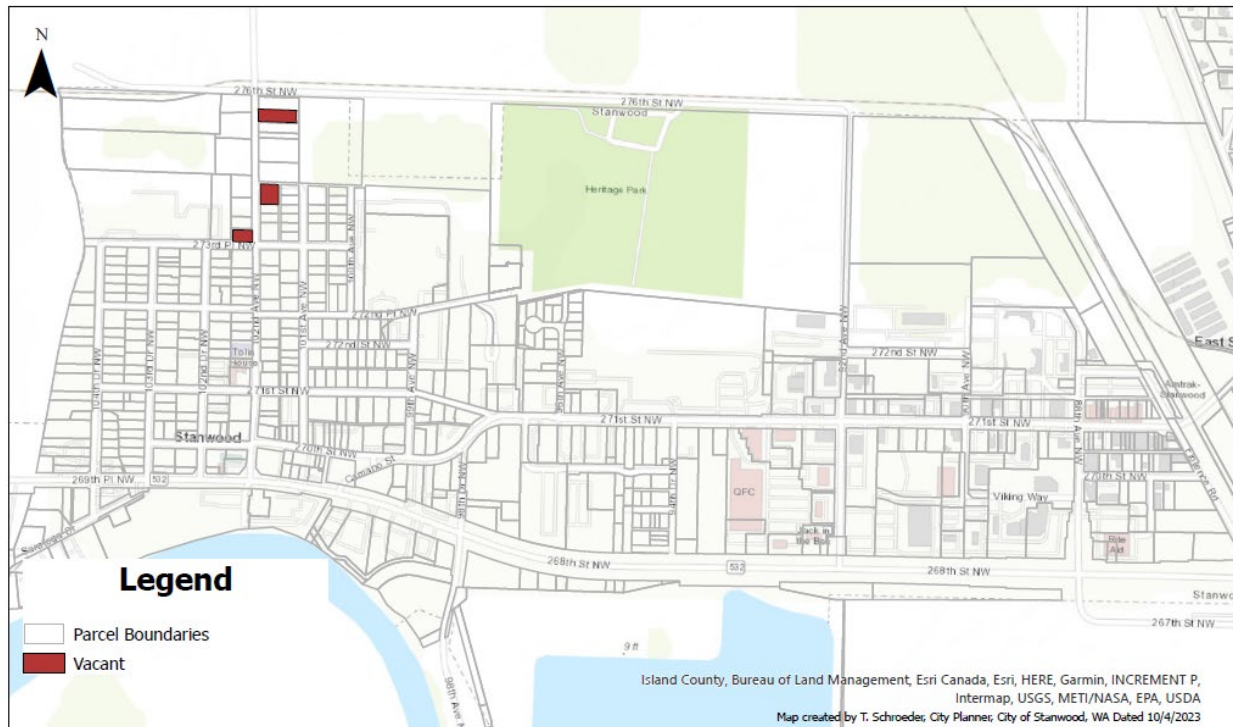
There are three (3) remaining lots in the downtown area that would be eligible for the historic single family lot discount.

Impact Calculation:

Single Family Residential Fee Type	Adopted Fee	35% Reduction	Number of Lots	Fee Reduction
Parks	\$1,936.00	\$677.60	3	\$2,032.80
Traffic	\$3,526.36	\$1,234.23	3	\$3,702.69
Total Potential Future Impact Fee Reduction:				\$5,735.17

To understand the proportional impact on the impact fee funds, the \$5,735.17 represents approximately 2.9% of the total fees received in 2023:

2023 Impact Fee (As of Oct 16)	Amount	Potential Fee Reduction (Table Above)	% Reduction on Collected Fees
Parks	\$118,096.00	\$2,032.80	1.7%
Traffic	\$81,796.39	\$3,702.69	4.5%
	\$199,892.39	\$5,735.17	2.9%



What has been the financial impact of the 10% commercial fee reduction?

Over the last 5 years, the city issued 3 commercial building permits which qualified for the 10% impact fee reduction. The City collected \$431,393.22 in traffic impact fees. The City does not collect park impact fees on commercial projects. The traffic impact fee discount of 10% equaled approximately \$43,139.00.

The theory behind the reduction is that the developed property will generate sales taxes and property taxes that will make up the difference in the fee reduction. To test the theory, below is a summary of the changes in property valuations post construction of the three permits issued: increased valuation post construction results in greater on-going property tax revenue versus the one-time impact fee.

Permit	Pre-Construction Property Valuation	2022 Property Valuation	2023 Property Valuation	Increase in Property Valuation
Permit #1	\$251,000	Under Construction		Pending
Permit #2	\$1,312,500	\$8,567,100	\$13,896,100	958% Increase
Permit #3	\$1,039,500	\$8,190,000	\$9,173,000	782% Increase

Snohomish County Assessor Website

Stanwood's 2023 sales tax rate is 9.3%. There is no readily available information on the collection of sales tax from these properties over this time period.

What is the impact of the re-use of existing buildings impact fee credit in the downtown?

To approximate the impact of the re-use impact fee exemption policy, the number of 2023 tenant improvement (TI) permits were pulled from the city's permit tracking software. A tenant improvement is a commercial building permit for interior or minor exterior changes to a building. In 2023 (As of October 16) 20 TI permits have been submitted for review and approval. 19 of those permits were for properties located in the downtown.

Number of TI's	Type of TI	Impact Fee Impacts
2	Change in Business	Retail to Retail: No Impact on Fees
12	Remodels of Existing Business Space	Interior Remodels; No Impact of Fees
5	Miscellaneous: Awning, Freezer/Heater Slabs, Patio, Bleachers	None

Based on the 2023 TI permit sample, there appears to be very little financial impact from the downtown impact fee re-use policy.

However, theoretically, the biggest impact on fees could be generated from an office use converting to a restaurant use. Office uses generate about 1 – 2 PM Peak Hour Trips / 1,000 gross square feet and Fast-Food Casual Dining generates around 14 PM Peak Hour Trips / 1,000 gross square feet. While there may be little change in property values for a potential change in use, the amount of sales tax generated (9.3% per transaction) from the property would significantly increase, thereby making up the difference in impact fees over time (assuming the restaurant is successful). Plus, this policy appears to have been put in place to support the conversion of residential buildings to commercial uses in the downtown (MBI and MBII zones).

Low Income Impact Fee Credit:

RCW 82.02.060 allows cities to exempt up to 80% of impact fees for low-income housing or for early leaning facilities subject to conditions:

1. An exemption for low-income housing must include a covenant with price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion;
2. The covenant must be recorded with the Snohomish County Auditor; and
3. The City may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption.

For purposes of RCW 82.02.060, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as

reported by the United States department of housing and urban development. For Stanwood that means the family income of approximately \$40,000 per year to qualify.

While this credit is intended to help with the affordability of housing in Stanwood, it will most likely not be used by a typical developer due to the income restriction and covenant requirements. It could, however, be used by an agency such as the Housing Authority of Snohomish County (HASCO) or Housing Hope if they built a new facility in town. The State intended the loss of impact fee revenue to be offset by the greater social good of providing permanent affordable housing projects. The City will see limited use of this credit, but it is available if needed.

What is the definition of and Accessory Dwelling Unit (ADU) and can the 50% credit be applied differently to family members or renters?

SB 1337 contains three definitions for accessory dwelling units:

"Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

Along with other requirements, this law also mandates that cities must comply with the following policies:

- The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;
- The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot; and
- The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes.

The law is clear that cities cannot charge more than 50% of the impact fee that would be imposed on the principal unit. It also eliminates any owner occupancy requirement. As such it would be difficult to apply a fee based on family versus rental use. In addition, there would be no legal way to enforce the "family" occupancy once the permit is paid. One of the purposes of this legislation is to treat all ADU's equally and eliminate rules that treat users differently. Staff recommendation is to apply a consistent fee to all ADU's: 50% or waive the impact fees entirely.

How is the gambling tax applied to “card games”?

Social card games or other gambling activities are taxed at 5% of the gross receipts (SMC 3.10.020) subject to the following:

- Home Card Games: Friendly “home” games with friends and family are not taxed.
- Non-Profit Card Games: No tax up to the first \$5,000, minus prizes, for charitable and non-profits with no operating or management personnel.
- For Profit Card Games: Taxed at the full rate of 5% subject to state licensing and regulations. It should be noted that City Code prohibits casinos and card rooms with two or more card tables (SMC 17.30.050(9)). Therefore, the City does not receive any revenue from this type of use.

Response To Additional Council Questions (Third Reading):

At Council’s October 26th meeting there were several questions and comments regarding the impact fee code sections. Below are staff responses.

1. Add bikes and sidewalks to the list of uses for traffic impact fees.

RCW 82.02.020 allows cities and counties to collect impact fees from new development to help pay for growth related impacts on public infrastructure. In 2023 the governor signed ESSB 5452 into law which expanded the definition of public facilities allowing cities to use impact fees to pay for bicycle and pedestrian facilities.

RCW 82.02.090 defines "Public facilities" as capital facilities owned or operated by government entities: (a) Public streets, roads, and **bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use**; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

With the changes in state law, SMC 3.24.010(1) has been amended to include the above bolded text.

2. Amend SMC 3.24.120 Fee Calculation – Parks Component should reference adoption of Capital Improvement Plan with City budget.

Moved the requirement to update the impact fee (parks and transportation) to the SMC 3.24.040 Imposition of impact fees and:

- Changed (a) from "periodically" to "annually";
- Changed the "may" language in 3.24.050(3) to "must" to update the schedule of impact fees to be consistent.

To address the request that the CIP update be linked to the budget cycle, the following language has been added to Section 3.24.050, Capital Facilities Plan:

- (1) The city must ~~bi-annually~~ review the city's capital facilities plan and projects included in the adopted six-year capital improvement program **during the annual process to review and update the city's budget, and must:**
- (3) After the city council amends the capital improvement program, it ~~may~~ **must** by resolution establish new **review and update the city's schedule of** impact fees **for consistency.**

In response to Council's request to impose a cap on the school impact fee, the following language has been proposed that applies uniformly to all impact fees, not just school impact fees. SMC 3.24.040(4)(b), Applicability and Imposition of Impact Fees

- (b) **The City Council may, in adopting the City's impact fee schedule, impose a cap on the total impact fee attributable to a project, or to various classes of projects. In the event that the calculated impact fee for a given project reaches that cap, the impact fee components must be reduced proportionately.**

3. Provide language that requires school impact fees to be applied equitably throughout the school district: Snohomish County, Island County and Stanwood.

Council requested that school impact fees (if any) be applied equally across District boundaries: Snohomish County, Island County and Stanwood. The City reached out to the School District to discuss this issue and see how such a code would affect them. According to the School District, any such code provision would effectively eliminate the Districts ability to collect impact fees.

- Island County does not currently have a structure in place to assess or collect impact fees. As such, the School District has no ability to request impact fees from Island County, even if they met the state requirements to impose such fees.
- The primary student population growth within the District boundaries is within the City of Stanwood. Requiring Island and Snohomish Counties to both agree to a request from the District could be burdensome and difficult to achieve when the majority of student population growth is within the City.

To address the Council's request, without overburdening the School District, staff has proposed adding code language that requires the School District and the City to enter into an Interlocal Agreement which outlines the fee methodology. This process ensures that the School District and the City are in agreement in how the fee is calculated and avoids any potential disagreement at the time the District prepares their Capital Improvement Plan and any subsequent fee proposal request to the City. See new subsection 3.24.130(3) below.

- (2) **To ensure equitable calculation of impact fees based on student population and geographic location, the City and the Stanwood Camano School District shall enter into an Interlocal Agreement that outlines the impact fee methodology prior to the City's approval of the District's Capital Facilities Plan. This methodology shall include a proportionate growth factor reflecting the expected**

growth in Stanwood, Snohomish County and Island County so that the resulting fee accurately reflects each jurisdiction's fair share of expected growth irrespective of whether or not all jurisdictions adopt an impact fee ordinance.

4. Accessory Dwelling Unit Impact Fee Credit.

The Council had varying opinions on how SB 1337 should be implemented. To comply with state law and preserve the Council's ability to set accessory dwelling unit impact fees in the future without needing to amend the code, staff recommends adopting code language that states impact fees cannot be greater than 50% of the underlying permitted use fee.

This approach provides flexibility for the Council to discuss how best to discount ADU impact fees (waive in entirety, vary by size or adopt a flat 50% reduction) when discussing the future ADU code amendment. Once the approach has been approved by Council, it will be reflected in the fee resolution.

SMC 3.24.160(5) Accessory Dwelling Units. Per RCW 36.70A.681, the impact fee for an accessory dwelling unit shall not exceed 50% of the impact fee that would be imposed on the principal unit. The actual fee amount shall be set by Council Resolution.

5. TranspoGroup Suggested Amendments to Traffic Impact Fee section.

TranspoGroup, the City's on-call transportation consultant, has reviewed the traffic impact fee section of the draft ordinance and has made the following recommendations which have been incorporated into the ordinance.

- A. Included the definition of public facilities into SMC 3.24.030.
- B. Revised 3.24.100(2) Fee Calculation to provide direction for a developer to prepare an independent fee calculation. The language has been modified as follows:

~~The Director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances peculiar to specific development activity to ensure that impact fees are imposed fairly.~~ **If an applicant can demonstrate that none of the fee categories set forth in this chapter accurately capture the impacts of a new development, then the applicant may prepare and submit to the Director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.** Upon application by the developer of any particular development activity, the Director may consider studies and data submitted by the developer and, if warranted, may adjust the amount of the impact fee. Such adjustment is warranted if:

- C. Basis for Traffic Impact Fee (SMC 3.24.140(1): The City's adopted Level of Service for traffic impacts is based on PM Peak Hour Trips (afternoon period when

a road experiences the highest traffic volumes) whereas the traffic impact fee references average daily trips (total daily trips). To avoid confusion and messy conversion calculations, the basis for the traffic impact fee is being changed to PM Peak Hour Trips to be consistent with adopted LOS in the Comprehensive Plan.

- D. Clarified that the traffic impact fee formula is based on new growth-related improvements:

$$TIF = \left(\frac{\text{total cost of } \textit{growth-related system improvements}}{\text{total new } \textit{growth trips}} \right) \times 0.666 (\textit{Adjustment Factor})$$

State law requires that impact fees must only account for a portion of the cost of public facilities and that the fee is “reasonably related” to new development. Cities are required to provide a balance between impact fees and other sources of funding. Due to this requirement, there is an adjustment factor that is applied to the impact fee formula.

This minor code change clarifies that the .666 is the adjustment factor applied to the equation. The Adjustment factor means an adjustment of rate portion of anticipated tax revenues resulting from a development that is proportional to system improvements contained in the capital plan facilities. The adjustment for traffic impacts is determined to be 33 percent, so that “A” equals approximately 67 percent.

- E. Changed the subsection title of 3.24.160 from Fee Calculation – Incentives and Discounts to Fee Calculation – Exemptions, Waivers, or Reductions.
- F. Included a justification for the 10% commercial use reduction noted in 3.24.160(1). The language has been modified as follows:

Commercial Development. A "commercial use," as defined in SMC 17.20.040, is eligible for a 10% reduction in the impact fee **due to the economic development benefits derived from new on-going sales taxes and increased property values.**

6. Staff proposed amendment to the Park Impact Fee Formula.

Amended SMC 3.24.120(6)(c), park impact fee description of Level of Service to delete specific LOS standards and simply reference back to the LOS adopted in the Comprehensive Plan. This minor change eliminates the need to change the municipal code if the LOS standard is changed in the future.

“S” means the parks **Level of Service** ~~standard of two and one-half acres per 1,000 residents each for neighborhood parks and community parks for a total of five acres per 1,000 people~~ as established in the city comprehensive park and recreational plan.

Fiscal Impact			
No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.			
Fund(s):	Staff Time		
Amount:	\$	Project Estimate:	\$ -
Budget Authorized	☐ Yes ☐ No	Amendment Required	☐ Yes ☐ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

The above referenced changes have been added to the ordinance in response to Council questions. Staff recommends that Council accept the third reading of the proposed amendments and adopt ordinance 1520.

Committee/Board Recommendation:

The Advisory Group and Planning Commission have reviewed the proposed amendments; their comments have been incorporated into the drafts. All groups have recommended to adopt the amendments.

CITY COUNCIL OPTIONS

1. Accept the third and final reading of Ordinance 1520 adopting Title 3, Revenue and Finance.
2. Request changes to Ordinance 1520 and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

“I MOVE TO ACCEPT THE THIRD AND FINAL READING AND ADOPTION OF ORDINANCE 1520 AS SET FORTH IN ATTACHMENT A”.

**CITY OF STANWOOD
WASHINGTON****ORDINANCE NO. 1520****AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) TITLE 3, REVENUE AND FINANCE, UPDATING CHAPTER 2.14 REFERENCES, DELETING IMPACT FEE CHAPTERS FROM TITLE 17 AND MOVING THEM TO TITLE 3, ADOPTING REAL PROPERTY REGULATIONS IN TITLE 4, AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, amendments include reorganizing Title 3 to group similar topic together thereby improving the flow and readability of the Title; and

WHEREAS, the amendments do not create any new taxes or fees, but instead groups the chapters by taxes, fees, fiscal policy and accounting funds; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number 230113; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their June 21, 2023 meeting, and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their July 10, 2023 meeting and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the City Council held a public meeting and first reading of the draft code amendment on September 14, 2023, a second reading on October 26, 2023, and accepted public comment; and

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

Section 1. Stanwood Municipal Code Title 3, Revenue and Finance, is repealed in its entirety and replaced with the new Title 3, Revenue and Finance, as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. SMC Chapter 4.18 is adopted as shown in Exhibit B.

Section 3. SMC Chapter 17.148A is adopted as shown in Exhibit C.

Section 4. References in SMC Chapter 2.14 to SMC Chapter 3.36 are updated to SMC Chapter 3.09.

Section 5. The following chapters are deleted: SMC 17.151 Impact Fees – Transportation, SMC 17.152 Impact Fees – Parks, Open Space and Recreational Facilities, SMC 17.153 Impact Fees – School Facilities, and SMC 17.153A Impact Fees – Fire Facilities.

Section 6. This ordinance contains a re-adoption of existing taxes, and no interruption from existing taxes is intended.

Section 7. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 8. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 9. Effective Date. This Ordinance shall take effect five days publication as required by law.

PASSED and APPROVED this 26th day of October 2023.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

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Title 3 Revenue and Finance

i This title is a complete rewrite of existing SMC Title 3.

i In this title, we have tried to strike a balance between keeping existing chapter numbering and reorganization for future expansion. To that end, we have organized the chapters as follows:

- 3.01-3.19 for sections pertaining to taxes.
- 3.20-3.29 for sections pertaining to fees.
- 3.30-3.39 for sections pertaining to fiscal policy, with general policies in 3.30. All accounting funds should be created and listed in their own section of SMC Chapter 3.34 corresponding to the fund number (e.g., fund 103, Street Construction Fund, is described in section 3.16.103) and following the pattern in Chapter 3.34.
- 3.40-3.41 for other sections that don't fit elsewhere, e.g., establishment of the transportation benefit district.

Chapter 3.01 General Provisions

3.01.020 Administration

Except where otherwise provided, the City Finance Director is responsible for the administration of this title.

3.01.040 Severability

The various chapters, sections, and clauses of the ordinances codified in this title are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the title must not be affected.

Chapter 3.03 Leasehold Excise Tax

i This is existing chapter 3.32, recodified to be near the other tax chapters.

3.03.010 Imposition of tax.

A leasehold excise tax is imposed on and after June 1, 1993, upon the act or privilege of occupying or using publicly owned real or personal property within the city of Stanwood through a "leasehold interest," as defined by Chapter 82.29A RCW. The tax must be paid, collected, and remitted to the State Department of Revenue.

3.03.020 Tax rate.

- (1) The rate of tax imposed by SMC 3.03.010 is 4% of the taxable rent, as provided in RCW 82.29A.040.
- (2) With respect to a product lease, a credit of 33% of the tax produced by the above rate.

3.03.030 Agreement.

The mayor is authorized to execute a contract with the State Department of Revenue for the administration and collection of the tax imposed by RCW 3.03.010; provided, that the city attorney must first approve the form and content of said contract.

3.03.040 Adoption by reference.

The city hereby adopts by reference Chapter 82.29A RCW, Leasehold Excise Tax.

Chapter 3.04 Sales and Use Tax

i This is an integration of existing SMC Chapter 3.04, Sales and Use Tax, and existing SMC Chapter 3.06, Additional Sales and Use Tax.

i Note there are two sections with two different sales taxes in this chapter because the state law authorizes them in different ways.

3.04.010 Imposition of tax.

i Based on existing SMC 3.04.010.

(1) Per RCW 82.14.030(1), a sales or use tax is imposed upon every taxable event occurring within the city.

i Next line is based on existing SMC 3.04.020.

(2) The rate of tax imposed by this section is 0.005% of the selling price or value of the article used, as the case may be; except that during such period as there may be in effect a sales or use tax imposed by Snohomish County under RCW 82.14.030(1), the rate of tax imposed by this chapter is 0.00425%.

i Next line is based on existing SMC 3.04.050.

(3) The effective date of the tax imposed in this section is January 1, 1971.

3.04.020 Imposition of additional tax.

i This section is based on existing SMC 3.06.010-.020.

(1) Per RCW 82.14.030(2), an additional sales or use tax is imposed on every taxable event within the city.

i Next line is based on existing SMC 3.06.020.

(2) The rate of tax imposed by this section is 0.005% of the selling price or value of the article used, as the case may be; except that during such period as there may be in effect a sales or use tax imposed by Snohomish County under RCW 82.14.030(2) at a rate equal to or greater than the rate imposed by a city within the county, the county must receive 15% of the city tax; and in the event that the county imposes a sales and use tax under RCW 82.14.030(2) at a rate less than the rate imposed by a city within the county, the county must receive that amount of revenues from the city tax equal to 15% of the rate of tax imposed by the county.

i Next line is existing SMC 3.06.040.

(3) The effective date of the tax imposed in this section is July 1, 1982.

3.04.030 Administration.

i Based on existing SMC 3.04.030 and 3.06.030.

- (1) The tax is imposed upon and collected from those persons from whom the state sales or use tax is collected, pursuant to Chapters 82.08 and 82.12 RCW.
- (2) "Taxable event" has the meaning in RCW 82.14.020.
- (3) The administration and collection of the tax imposed by this chapter must be in accordance with the provisions of RCW 82.14.050, and the mayor is authorized and directed to execute on behalf of the city contracts with the State Department of Revenue for such collection and administration of the tax.

3.04.040 Inspection of records.

i Based on existing SMC 3.04.040.

The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330.

Chapter 3.05 Sales and Use Tax for the Transportation Benefit Fund

i This is a new chapter to codify the TBD sales tax approved by the voters in the 2022 election.

3.05.010 Imposition of tax.

Per RCW Chapter 36.73 and RCW 82.14.0455, a sales and use tax in the amount of two-tenths of one percent, having been approved for renewal by the voters of the City of Stanwood Transportation Benefit District in the November 8, 2022, general election, is levied to be collected from all taxable retail sales within the Transportation Benefit District established by SMC Chapter 3.40.

3.05.020 Deposit of proceeds.

Proceeds from the tax established by this chapter must be deposited and expended per SMC 3.05.108.

3.05.030 Expiration and renewal.

Per RCW 82.14.0455, the tax imposed by this chapter expires after a period of 10 years unless renewed with an affirmative vote of the voters voting at an election.

Chapter 3.06 Sales and Use Tax for Affordable Housing

i This is a recodification of existing SMC Chapter 3.50, adopted in 2020, to place all tax-related chapters together.

3.06.010 Purpose of tax.

i Existing SMC 3.50.010.

The Washington State Legislature recognizes that local governments have been faced with a rising level of homelessness and limited affordable housing. To help address the state housing affordability crisis, the legislature provided to counties and cities the authority to implement a local sales tax to fund affordable or supportive housing.

3.06.015 Imposition of sales and use tax for affordable housing.

i Existing SMC 3.50.015.

- (1) There is imposed a sales and use tax as authorized by RCW 82.14.540 upon every taxable event, as defined in Chapter 82.14 RCW, occurring within the city of Stanwood.
- (2) The tax is imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW.
- (3) The rate of the tax imposed by this chapter is the maximum capacity of the sales and use tax (0.0073 percent authorized by RCW 82.14.540) of the selling price or value of the article used.
- (4) The tax imposed under this chapter must be deducted from the amount of tax otherwise required to be collected or paid to the Department of Revenue under Chapter 82.08 or 82.12 RCW. The Department of Revenue will perform the collection of such taxes on behalf of the city at no cost.
- (5) The Department of Revenue will calculate the maximum amount of tax distributions for the city of Stanwood based on the taxable retail sales in the city, and the tax imposed under this chapter will cease to be distributed to the city for the remainder of any state fiscal year in which the amount of tax exceeds the maximum amount of tax distributions for the city as properly calculated by the Department of Revenue. Distributions to the city of Stanwood that have ceased during a state fiscal year must resume at the beginning of the next state fiscal year.

3.06.020 Applicability of tax.

i Existing SMC 3.50.020.

- (1) The city may use the moneys collected by the tax imposed under this chapter for the following purposes:
 - (a) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or
 - (b) Providing the operations and maintenance costs of new units of affordable or supportive housing; or
 - (c) Providing rental assistance to tenants.
- (2) The housing and services provided under this chapter may only be provided to persons whose income is at or below 60 percent of the median income of the city.

3.06.025 Administration and collection.

i Existing SMC 3.50.025.

The administration and collection of the tax imposed by this chapter must be in accordance with the provisions of RCW 82.14.540. The mayor, with approval of the city council, is hereby authorized to and directed to execute and sign contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax.

3.06.030 Duration of tax.

i Existing SMC 3.50.030.

- (1) The tax imposed by the city under this chapter will expire 20 years after the date on which the tax is first imposed.
- (2) The finance director must provide notice to the city council and the mayor of the expiration date of the tax each year, beginning three years before the expiration date, and must also promptly notify the city council and the mayor of any changes to the expiration date.
- (3) The finance director must report annually to the Washington State Department of Commerce, in accordance with the Department's rules, on the collection and use of the revenue from the tax imposed under this chapter.

3.06.040 Deposit of proceeds.

i This is a new section.

Proceeds from the tax established by this chapter must be accounted for separately to ensure compliance with RCW 82.14.540.

Chapter 3.07 Brokered Natural Gas Use Tax

i No changes to this existing chapter.

3.07.010 Adoption by reference.

RCW 82.14.230 providing for imposition and collection of a use tax on brokered natural gas is hereby adopted as if set forth in full.

3.07.020 Rate.

There is hereby imposed a use tax in the amount of 6% upon brokered natural gas to be paid by the consumer under the provisions of RCW 82.14.230.

Chapter 3.08 Real Estate Excise Tax (REET)

- i** This chapter has been renamed from "Real Estate Sales Excise Tax" to conform to the language used in the RCW and common parlance.
- i** No major changes to this existing chapter except that the enumeration of the allowed uses has been deleted and a reference inserted to the statutorily allowed purposes, which change from time to time.
- i** Deleted 3.08.080 regarding deposit of revenue.

3.08.010 Imposition of tax—REET 1

- i** Based on existing SMC 3.08.010.

- (1) Per RCW 82.46.010, an excise tax of one-quarter of one percent of the selling price is imposed on each sale of real property within the corporate limits of the city of Stanwood.

- i** The following subsections are based on existing SMC 3.08.080.

- (2) Proceeds of taxes imposed in this section must be deposited per SMC 3.34.120 and used by the city as authorized by RCW 82.46.010.
- (3) This section does not limit the existing authority of this city to impose special assessments on property specially benefited thereby in the manner prescribed by law.

3.08.015 Imposition of tax—REET 2

- i** Based on existing SMC 3.08.015.

- (1) Per RCW 82.46.035, an additional excise tax of one-quarter of one percent of the selling price is imposed on each sale of real property within the corporate limits of the city of Stanwood.
- (2) This tax is in addition to the tax imposed by SMC 3.08.010.

- i** Based on existing SMC 3.08.080.

- (3) Proceeds of taxes imposed in this section must be deposited per SMC 3.34.121 and expended as authorized by RCW 82.46.035.

3.08.020 Taxable events.

- i** Existing SMC 3.08.020.

Taxes imposed in this chapter must be collected from persons who are taxable by the state under Chapter 82.45 RCW and Chapter 458-61 WAC upon the occurrence of any taxable event within the corporate limits of the city.

3.08.030 Consistency with state tax.

i Existing SMC 3.08.030

The taxes imposed in this chapter must comply with all applicable rules, regulation, laws, and court decisions regarding real estate excise taxes as imposed by the state under Chapter 82.45 RCW and Chapter 458-61 WAC. The provisions of those chapters, to the extent they are not inconsistent with this chapter, apply as though fully set forth in this chapter.

3.08.040 Disbursal of tax proceeds.

i Existing SMC 3.08.040.

The Snohomish County treasurer must deposit one percent of the proceeds of the excise tax collected, pursuant to SMC 3.08.010, into the Snohomish County current expense fund to defray the costs of collection. No such deduction may be made from the proceeds of the excise tax collected pursuant to SMC 3.08.015.

3.08.050 Seller's obligation.

i Existing SMC 3.08.050.

The taxes imposed in this chapter are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.

3.08.060 Lien provisions.

i Existing SMC 3.08.060.

The taxes imposed in this chapter and any interest or penalties thereon are the specific lien upon each piece of real property sold from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

3.08.070 Notation of payment.

i Existing SMC 3.08.070.

The taxes imposed in this chapter must be paid to and collected by the treasurer of the county within which is located the real property which was sold. The county treasurer must act as agent for the city within the county imposing the tax. The county treasurer must cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed in this chapter is evidence of the satisfaction of the lien imposed in SMC 3.08.060 and may be recorded in the manner prescribed for recording satisfactions or mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument may not be accepted until suitable notation of this fact is made on the instrument by the county treasurer.

3.08.085 Date payable.

i Existing SMC 3.08.085.

The taxes imposed in this chapter become due and payable immediately at the time of sale and, if not so paid within 30 days thereafter, bear interest at the rate of 1% per month from the time of sale until the date of payment.

Chapter 3.09 Lodging Tax

i This chapter is based on existing SMC Chapter 3.36. It has been moved here to number all tax chapters together.

i Note that the Lodging Tax Advisory Committee has been reorganized by prior ordinance into SMC Chapter 2.14.

3.09.010 Imposition of lodging tax.

i Based on existing SMC 3.36.010.

- (1) There is hereby created a special excise tax of two percent on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapters 67.28 and 82.08 RCW. This tax is assessed pursuant to the terms of RCW 67.28.180.
- (2) The tax imposed under this section applies to the sale of or charge made for the furnishing of lodging by a hotel, motel, rooming house, tourist court, or trailer camp, and the granting of any similar license to use real property as distinguished from the renting or leasing of real property. The tax imposed under this section applies to "short-term rentals" as defined in RCW 64.37.010.
- (3) It is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

3.09.030 Definitions.

i Based on existing SMC 3.36.030.

The definitions in RCW 82.08.010 are adopted and apply throughout this chapter unless the context clearly requires otherwise.

3.09.040 Tax deemed in addition to license fee or other taxes.

i Based on existing SMC 3.36.040.

The taxes levied by this chapter are in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the city; however, pursuant to Chapter 67.28 RCW, such tax must be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the State Tax Commission under the provisions of Chapter 82.08 RCW.

3.09.050 Deposit of proceeds—Use of funds.

i Based on existing SMC 3.36.040.

Proceeds from the taxes levied by this chapter must be deposited per SMC 3.34.115 and may be used solely for the uses authorized by RCW Chapter 67.28 through the procedures described in that chapter and SMC Chapter 2.14.

3.09.060 Administration and collection.

i Existing SMC 3.36.060.

For the purpose of the taxes levied by this chapter:

- (1) The State Department of Revenue is designated as the agent of the city for the purpose of collection and administration;
- (2) The administrative provisions contained in RCW 82.08.050 through 82.08.070, and as contained in Chapter 82.32 RCW, apply with respect to the administration and collection by said department;
- (3) All rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 RCW, are adopted;
- (4) The Department of Revenue is authorized to prescribe and utilize such special forms and procedures as the Department may deem necessary and appropriate.

Chapter 3.10 Gambling Tax

i No major changes to this existing chapter.

3.10.010 Definitions.

For the purposes of this chapter the terms used herein have the same meanings as defined in Chapter 9.46 RCW, as the same now exists or may hereafter be amended. Said definitions are hereby incorporated by reference.

3.10.020 Imposition of tax.

i Existing SMC 3.10.020.

- (1) There is hereby levied pursuant to RCW 9.46.110 upon all persons, corporations, associations, and organizations authorized to conduct or operate any gambling activity or amusement game within the city, as provided herein, taxes as follows:
 - (a) Bingo and Raffles. These activities are taxed at a rate of 5% of the gross receipts received therefrom, less the amount paid for as prizes.
 - (b) Amusement Games. These activities are taxed at a rate of 2% of the gross revenue therefrom less the amount paid for as prizes.
 - (c) Punchboards and Pull-tabs. These activities are taxed:
 - (i) To bona fide charitable or nonprofit organizations at a rate of 5% of gross receipts less prizes;

- (ii) To commercial stimulant operators at a rate of 5% of gross receipts.
- (d) Social Card Games and Any Other Gambling Activity. These activities are taxed at a rate of 5% of the gross receipts therefrom to the extent provided in subsections (2) and (3) of this section.
- (2) Provided, that no tax may be imposed on bingo, or amusement games when such activities are conducted by any bona fide charitable or nonprofit organization, which organization has no paid operating or management personnel, and has gross income from bingo, or amusement games, or any combination thereof, not exceeding \$5,000 per year, less the amount paid for as prizes. No tax may be imposed on the first \$10,000 of net proceeds from raffles conducted by any bona fide charitable or nonprofit organization.
- (3) Provided further, that the tax provided for in subsection (1)(d) of this section applies solely to those social card games and any other gambling activity, including fund-raising events conducted, held or operated as a commercial stimulant as defined in Chapter 9.46 RCW. Specifically, such tax applies only to such activities conducted in a “public card room” as defined in WAC 230-15-001.

3.10.030 Administration – Collection.

i Based on existing SMC 3.10.030.

The city treasurer must administer and collect the tax levied by this chapter pursuant to rules and regulations as may be adopted by the State Gambling Commission.

3.10.040 Payments – Late penalties and liens.

i Based on existing SMC 3.10.040.

- (1) The tax imposed by this chapter is due and payable in quarterly installments, and remittance therefor must accompany each return and be made on or before the 30th day of the month next succeeding the quarterly period in which the tax accrued.
- (2) For each payment due, if such payment is not made by the due date thereof, a penalty is added as follows:
 - (a) First to 17 days delinquency, 10 percent of payment due;
 - (b) More than 17 days delinquency, 15 percent of payment due;
 - (c) A copy of all forms submitted to the state must be submitted with the payment to the city.
- (3) Taxes imposed under this chapter become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010. The lien attaches on the date the tax becomes due and relates back and have priority against real and personal property to the same extent as ad valorem taxes.

3.10.050 Disposition of proceeds.

i Based on existing SMC 3.10.050.

- (1) All taxes received under this chapter must be deposited in the current expense fund. Moneys deposited in such fund as a result of the tax imposed by this chapter may be used by the police department for the policing and enforcement of state statutes and city ordinances relating to the control of gambling and such criminal activities as may be incidental to gambling, including vice and drug controls.

(2) For purposes of this chapter, the reasonable and necessary expenses of the city treasurer in administering and providing audit services pursuant hereto are legitimate charges against the gambling tax since such expenses are recognized as being vital to the enforcement of this chapter.

3.10.060 City treasurer's authority.

i Based on existing SMC 3.10.050. Updated to treasurer, rather than clerk-treasurer.

The city treasurer must:

- (1) Adopt, publish and enforce such rules and regulations consistent with this chapter as are necessary to enable the collection of the tax imposed by this chapter in the unincorporated areas of Snohomish County;
- (2) Prescribe and issue the appropriate forms for determination and declaration of the amount of tax to be paid.

3.10.070 Access to records.

i Existing SMC 3.10.050.

It is the responsibility of all officers, directors and managers of any organization conducting gambling activities to provide access to such financial records as the city treasurer, chief of police, city attorney, their authorized representatives, or law enforcement representatives of local municipalities may require in order to determine compliance with this chapter.

3.10.090 Violation – Penalty.

i Based on existing SMC 3.10.090.

i Updated to reflect adoption of SMC Title 13.

Violation of this chapter is a category 1 civil infraction and may be enforced per SMC Title 13.

Chapter 3.11 Utility Tax

i This is a new chapter for Title 3, based on existing SMC Chapter 5.01, which is being repealed by simultaneous adoption of an ordinance re-adopting the entirety of Title 5.

i References to clerk-treasurer have been collected to treasurer.

i Gender-specific pronouns have been removed.

3.11.010 Generally.

i Based on existing SMC 5.01.010.

There are levied and must be collected utility taxes against the persons on account of the business activities, and in the amounts to be determined by the application of the rates against gross income, as set forth in this chapter.

3.11.020 Definitions.

i Based on existing SMC 5.01.020. “Person” is defined in SMC 1.04.020 so excluded here.

The following definitions apply to the terms when used in this chapter:

“Gross revenue” means revenues received by a utility or business from operations or sales within the city less net uncollectibles.

Gross revenue of natural, artificial, or mixed gas and electric utilities includes revenues from the use, rental, or lease of operating facilities of the utility other than residential-type space and water heating equipment. Gross revenues do not include charges which are passed onto the subscribers by a utility pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

Gross revenue of telephone utilities includes 100% of the toll service fees from calls originating in or billed to subscribers within the city of Stanwood including revenue from providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, telephonic, video, data or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system, including transmission of communication for cellular telephones or other wireless phone service. Per the federal Internet Tax Freedom Act, gross revenue of telephone utilities does not include revenue from internet access.

Gross revenue of cable television utilities includes revenues from the one-way transmission of video programming and associated nonvideo signals to subscribers which is provided in connection with video programming. Per the federal Internet Tax Freedom Act, gross revenue of cable television utilities does not include revenue from internet access.

“Taxpayer” means any person liable for taxes imposed by this chapter.

3.11.030 Businesses and utilities subject to utility tax – Amount.

i Based on existing 5.01.040.

Utility taxes are hereby levied and must be collected on account of business activities in amounts determined by the nature of the business activities, and by the application of rates against gross income, as follows:

- (1) Electric. Upon every person engaged in or carrying on the business of selling or furnishing electric light and power within the city of Stanwood, a tax equal to 6% of the total gross revenue from such business during the tax-reporting period;
- (2) Gas. Upon every person engaged in or carrying on a business of selling or furnishing gas within the city of Stanwood, a tax equal to 6% of the total gross revenue from such business in the city during the tax-reporting period;
- (3) Telephone. Upon every person engaged in or carrying on a telephone business within the city of Stanwood, a tax equal to 6% of the total gross revenue from such business during the tax-reporting period;
- (4) Water. Upon every business in the city engaged in selling or furnishing water including for resale or distribution outside of the city, to be levied upon customers of such business:
 - (a) A city tax equal to 10.7% of the total gross revenue from such business during the tax-reporting period;
 - (b) A state public utility tax at the rate established by RCW 82.16.020, as amended.
- (5) Sanitary Sewer. Upon every business in the city engaged in furnishing sanitary sewer services within the city of Stanwood, to be levied upon customers of such business:

- (a) A city tax equal to 6% of the gross revenue from such business during the tax-reporting period;
 - (b) A state public utility tax equal to the amount of the public utility tax on sewerage collection incurred by the city under RCW 82.16.020, to be revised annually based on actual preceding year costs and the rate in said section; and
 - (c) The business and occupation tax on the amount of sewer service costs that are not related to sewerage collection, to be revised annually based on actual costs, according to the guidance provided by WAC 458-20-251.
- (6) Drainage. Upon every business engaged in providing drainage services within the city of Stanwood, to be levied upon customers of such business:
- (a) A city tax equal to 6% of the gross revenue from such business during the tax-reporting period;
 - (b) A state business and occupation tax at the rate established by RCW 82.04.290, as said rate adjusts, said rate currently being equal to 1.5% percent of the total gross revenues.
- (7) Garbage. Upon every person engaged in or carrying on the business of collection of garbage or solid waste within the city of Stanwood, a tax of 6% of the gross revenue from such business during the tax-reporting period;
- (8) Cable Television. Upon every person engaged in or carrying on a cable television business within the city of Stanwood, a tax equal to 3% of the gross revenue from such business in the city during the tax-reporting period.

3.11.040 Exemptions and deductions.

i Based on existing 5.01.050.

- (1) The following amounts are exempt and deducted from the total gross income upon which the tax is computed:
- (a) income derived from transactions in interstate or foreign commerce;
 - (b) income derived from business done for the government of the United States, its officers, or agents;
 - (c) any amount paid by the taxpayer to the United States, the state, or the city, as excise taxes levied or imposed upon the sale or distribution of property or services;
 - (d) bad debts for services incurred, rendered or charged for during the tax-reporting period.
- (2) Debts are deemed bad and uncollectible when they have been written off the books of the taxpayer.

3.11.050 Reporting period and payment provisions.

i Based on existing 5.01.030.

- (1) Utility taxes are due at the end of each monthly tax-reporting period. However, the city treasurer may, in the interest of economy of administration, set quarterly tax-reporting periods for individual taxpayers.
- (2) Remittance of utility taxes imposed by this section must be made to the city treasurer on or before the 25th day of the month next succeeding the end of the tax-reporting period.

3.11.060 Sale or transfer of business.

i Based on existing 5.01.060.

Upon the sale or transfer during any tax year of a business subject to the utility tax, if the tax has not been paid in full for the year, the purchaser or transferee is responsible for payment for that portion of the year during which the transferee carries on such business.

3.11.070 Taxpayer to keep books and records – Returns to be confidential.

i Based on existing 5.01.070.

- (1) Each taxpayer taxed upon his gross income must keep and enter in a proper book or set of books or records an accurate accounting of his gross income.
- (2) The accounting must always be open to the inspection of the city treasurer to verify the return made by the taxpayer.
- (3) The applications, statements or returns made to the city treasurer, pursuant to this chapter, may not be made public, nor may they be subject to inspection of any person except the mayor, city attorney, the city treasurer or his authorized agent, and members of the city council.

3.11.080 Right to audit.

i Based on existing 5.01.080.

- (1) If a taxpayer fails to make a return, or if the city treasurer is dissatisfied as to the correctness of the statements made in the application or return of any taxpayer, the taxpayer must provide an accounting.
- (2) If the taxpayer fails to provide such an accounting, the city treasurer may conduct audit procedures, at the expense of the taxpayer, as necessary to establish or account for the taxable revenue.

3.11.090 Overpayment or underpayment of tax.

i Based on existing 5.01.090.

- (1) If the city treasurer finds that the tax paid is more than the amount required of a taxpayer, the city treasurer must refund the amount overpaid by a warrant upon the general fund.
- (2) If the city treasurer finds that the tax paid is less than required of a taxpayer, the city treasurer must send a statement to the taxpayer showing the balance due, and such taxpayer must pay the amount shown thereon within 10 days after notification.

3.11.100 Late payment penalties.

i Based on existing 5.01.100; substantially simplified.

All taxes due under this chapter that are not paid within 15 days of the due date specified in SMC 3.11.050 incur a late payment penalty equal to 5% of the tax.

3.11.110 City treasurer may make rules.

i Based on existing 5.01.110.

i Changed rulemaking from mandatory to permissive; updated to website from posting in city hall.

- (1) The city treasurer may, from time to time, adopt and enforce rules and regulations not inconsistent with this chapter or with law for the purpose of carrying out the provisions thereof.
- (2) Rules promulgated pursuant to this section must be posted in city hall and published on the city website.
- (3) It is unlawful to violate or fail to comply with any such rule or regulation.

3.11.120 Violation – Penalty.

i Based on existing SMC 5.01.120, which made a violation a “Class B” infraction, which no longer exists post-adoption of the revised SMC Title 13.

- (1) A violation of the mandatory requirements of this chapter is a class 1 civil infraction and may be punished by any of the civil enforcement remedies under SMC Title 13.
- (2) Officers, directors, and managers of any organization conducting business activities are jointly and severally liable for payments required under this chapter.

Chapter 3.12 Local Improvements

i This chapter deletes the fees in existing SMC 3.12.320 and 330, which should instead be included in the City's consolidated fee schedule.

i Changed clerk-treasurer to treasurer. Almost no other changes.

3.12.010 Local improvements.

Local improvements may be performed under the provisions of RCW 35A.43.010 or 35A.43.020.

3.12.280 Segregated assessment – Determination – Collection.

The City treasurer is authorized to collect and receive from any owner or owners of any subdivision or subdivision of any lot, tract or parcel of land, upon which a LID assessment has been or may hereafter be made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of the local improvement as the city engineer must certify to the council and found by the council to be chargeable to such subdivision or subdivisions, in accordance with the requirements and provisions of law and ordinances of the city in force at the time the original charge or assessment was made, together with a similar proportion of any penalties, interest or costs which may have accrued.

3.12.290 Segregated assessment – Collection record, receipt required.

Upon making such collection upon any such subdivision, the treasurer is authorized to note such collection upon the assessment record, give receipt for such certified portion of the assessment as and for the assessment levied upon and due from the subdivision; provided that this section may not authorize segregation of any assessment which has been delinquent for a period of two years or more; or in any case where it appears that such property as segregated, in the discretion of the council, is not sufficient security for the payment of the assessment.

3.12.300 Segregated assessment – Street conformance required.

No segregation of any assessment on unplatted land, or large platted tracts, may be made until a showing has been made by the applicant for segregation that the proposed segregation of property will conform to the system of streets as they exist in adjacent territory. In all such instances, the council must determine such question of fact.

3.12.310 Segregated assessment – Certification.

Whenever on account of the filing of a plat or replat, or on account of a sale or contract to sell, or other proper evidence of a change of ownership of a divided portion of any lot, tract or parcel of land assessed for local improvements, it must appear to be in the best interest of the city to segregate such assessment, the council must make the proper certification as provided for herein upon the written application of the owner of the segregated property, and upon the payment of the fees provided in the city's consolidated fee schedule.

Chapter 3.20 Public Service Fees

i This chapter replaces existing SMC Chapter 3.30 , and the many sections therein, with new sections to support the City's now-existing Consolidated Fee Schedule. This chapter also integrates existing SMC Chapter 3.31, which has been largely subsumed by the Consolidated Fee Schedule.

3.20.010 Purpose

i Existing 3.31.010.

The city council finds that in order to avoid any person or particular class of persons being unduly benefited at public expense, and in order to equitably apportion certain administrative costs of the city, made necessary by reason of their employment by the citizens in their legitimate request for public services, it is reasonable and necessary to fix charges therefor, not as a means of revenue, but in order to defray a portion of the city's costs of such services to the taxpayer.

3.20.040 Consolidated Fee Schedule

- (1) The City Council has established a Consolidated Fee Schedule, to be adopted and amended by resolution of the City Council, to set the amount of fees to be charged for city services.
- (2) The city reserves the right to charge an amount in excess of the fees on the Consolidated Fee Schedule when the stated fees do not cover the city's costs.

3.20.060 Payment Processing Fees

i This section is based on existing SMC 3.30.020.

- (1) **Payment Methods.** The city is authorized to accept payments by credit and debit card for payment of city-imposed fees, fines, rates and charges. A payer desiring to pay by one of these methods may be required to bear the cost of processing the transaction in an amount to be determined by the finance department. Such determination must be based on the actual cost incurred by the city including handling, collection, discount, disbursing, and accounting for the transaction.
- (2) **Authorization to Set Limits.** The finance director or city administrator is authorized to approve the acceptance of credit cards or debit cards by a city department for the payment of city-imposed fees, fines, rates, and charges. No department may accept credit or debit cards without such approval. The finance

director is further authorized to establish appropriate internal control procedures and set any limitations concerning the acceptance of these alternative payment methods on participating departments.

- (3) Each fund authorized to use one of the alternative payment methods is responsible for the associated costs. The finance department will establish the accounting system to track associated costs with the use of the alternative payment methods and will charge the costs back to the accepting fund on a monthly basis.

3.20.080 Timely Payment

i Based on existing 3.31.030(1)-(4).

- (1) All permit fees and connection charges attributable by ordinance to any property or parcel are due and payable at time of issuance of the required use and occupancy permit.
- (2) Water services in excess of three-quarter-inch must pay a deposit equal to the minimum water service charge, with the balance owing due and payable upon completion of the water service work by the city.
- (3) Fees and connection charges for construction or occupancies that are outside the corporate limits of the city of Stanwood and are proposed for connection to city utilities must pay must fees at time of issuance of the utility connection permit.
- (4) No required permit may be issued without payment of all fees and charges due.

3.20.100 Refunds

i This section is based on existing SMC 3.31.030(5).

i Modified to clearly make the Finance Director authorized and responsible for refunds.

- (1) The Finance Director may refund a portion of fees and charges attributable to a property or parcel under the following conditions:

i Deleted "such fees and charges have been timely paid;"

- (a) the construction, occupancy, or development has not been commenced and the applicant has abandoned the proposal;
 - (b) the applicant has made the request for refund in writing to the Finance Director stating the reasons for the request and surrendered all permits and receipts applicable to the project.
- (2) Amount of refund.
 - (a) For permit application fees for which no permit has been issued, up to 50% of the permit fee may be refunded.
 - (b) For permit application fees for which a permit has been issued, no refund is allowed.
 - (c) For connection charges for which no work has been started or commenced and the project has been abandoned, up to the total amount of fees paid less a 10 percent administrative charge may be refunded.
 - (d) For connection charges upon which work has commenced, no refund is allowed.
- (3) Refunds may also be issued for impact fees, consistent with the procedures in SMC Chapter 3.24.

Chapter 3.24 Impact Fees

- i** This is a new chapter describing procedures and policies for assessment and payment of impact fees.
- i** Existing impact fees chapters are in Title 17. Because they are not development regulations (and because applicants do not vest to impact fees), we have moved that content here, consolidated duplicative procedural provisions, and integrated the following chapters into a new single chapter:

- 17.151 Impact Fees – Transportation
- 17.152 Impact Fees – Parks, Open Space and Recreational Facilities
- 17.153 Impact Fees – School Facilities
- 17.153A Impact Fees – Fire Facilities

3.24.010 Authority and Purpose

- i** The following is new material, to clearly indicate the four limited areas that impact fees are authorized in by state law.

- (1) RCW 82.02.050 authorizes the city to impose impact fees on development activity as part of the cost of financing the following capital facilities owned or operated by government entities:
 - (a) public streets and roads and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use;
 - (b) publicly owned parks, open space, and recreation facilities;
 - (c) school facilities; and
 - (d) fire protection facilities.

- i** This section is existing SMC 17.151.010.

- (2) This chapter is intended to accomplish the following purposes:
 - (a) To ensure that adequate facilities are available to serve new growth and development;
 - (b) To promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities needed to serve growth; and
 - (c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.

3.24.020 Findings

- i** This section is existing SMC 17.151.020 and 17.152.020 and 17.153.010, de-duplicated.

The city council finds and declares that:

- (1) New residential and nonresidential development causes increased demands on public roads, streets and other transportation facilities, as well as on parks, open space, and recreational facilities;

- (2) To the extent that new development places demands on the public facility infrastructure, those demands should be partially financed by shifting a proportionate share of the cost of such new facilities from the public at large to the developments actually creating the demand; and
- (3) The imposition of impact fees upon residential and nonresidential development in order to finance specified public facilities, the demand for which is created by such development, is in the best interest of the general welfare of the city and its residents, is equitable, does not impose an unfair burden on such development by forcing developers and builders to pay more than their fair or proportionate share of the cost and is reasonably necessary to provide the necessary public facility infrastructure to serve new development as planned for in the city Comprehensive Plan and the city capital facilities plan;
- (4) It is the desire of the city to have new development assessed impact fees in a uniform manner and to have a common formula and administrative process for the levying of this fee to the maximum degree possible.

3.24.030 Definitions

i Based on existing SMC 17.151.030 and 17.152.030 and 17.153.020, de-duplicated. Removed paragraph numbers. Substituted incorporated definitions from statute. New term "applicant." Deleted " Development approval authority," which was never used.

(1) The definitions in RCW 82.02.090 are incorporated by reference.

(2) As used in this chapter:

"Applicant" means the person applying for a building permit or other permit that requires calculation of an impact fee.

"Building permit" means the permit required for new construction and additions pursuant to SMC Title 14. The term "building permit" as used herein may not be deemed to include permits required for the remodeling, rehabilitation, or other improvement to an existing structure, or rebuilding a damaged or destroyed structure; provided there is no increase in the applicable unit of measure for nonresidential construction or the number of dwelling units for residential construction.

"Capital facilities plan" means the capital facilities element of the Stanwood Comprehensive Plan. Any reference to the capital facilities plan includes the city of Stanwood's six-year capital improvement program adopted as an amendment to the Comprehensive Plan by the city council.

"Department" means the community development department of the city.

"Director" means the City of Stanwood director of community development.

"Public facilities" means the following capital facilities owned or operated by government entities: (a) public streets, roads, and bicycle and pedestrian facilities that were designed with multimodal commuting as an intended use; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

i The following is based on existing SMC Chapter 17.153.020 Definitions. Deleted "Concurrent" or the "concurrency standard," "service area," "state match percentage" which were not used; and "system improvements" which was not different from the definition in RCW 82.02.090; deleted "student generation rate (SGR)" as a separately defined term from the term "student factor," as SGR was not used. Replaced "district" with "school district" in all relevant cases.

(3) With respect to the school component of the impact fee, the following definitions apply:

"Capacity" means the number of students a school site and its school building are designed to accommodate.

“Capital facilities plan” means the capital facilities plan prepared by or for the school district and adopted by reference into the capital facilities element of the city of Stanwood Comprehensive Plan.

“Development” means all subdivisions, short subdivisions, conditional use permits, or building permits for construction of new residential dwelling units. This definition does not include attached or detached accessory dwelling units or “housing for older persons” as defined in Title 46 U.S.C.

“School district” means the Stanwood-Camano School District No. 401.

“Student factor” means the student generation rate (SGR), i.e., the number of students of each grade span (elementary, middle/junior high, high school) that the school district determines is typically generated by dwelling unit types within the school district.

3.24.040 Applicability and imposition of impact fees.

i The following is based on existing SMC 17.151.040 and 17.152.040, deduplicated.

- (1) An impact fee is imposed upon all new development activity within the city.
- (2) The impact fee consists of four components: fire, parks, schools, and transportation.
- (3) Each of the impact fee components must be calculated according to the provisions of this chapter.
- (4) The City's schedule of impact fees is calculated based on the projects and projections in the city's capital facilities plan.
 - (a) The City's schedule of impact fees must be reviewed and revised annually to reflect changes in development costs and updates to the adopted capital improvement plan.
 - (b) The City Council may, in adopting the City's impact fee schedule, impose a cap on the total impact fee attributable to a project, or to various classes of projects. In the event that the calculated impact fee for a given project reaches that cap, the impact fee components must be reduced proportionately.

i The following is based on unnumbered text within existing SMC 17.151.055.

- (5) It is hereby declared that such impact fees must:
 - (a) Only be imposed for system improvements that are reasonably related to new development; and
 - (b) Not exceed a proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, reasonably related to new development; and
 - (c) Be used for system improvements that will reasonably benefit new development; and
 - (d) Not be imposed to make up for deficiencies in any previously constructed system improvements, although may be imposed based upon the formula for calculating the proportionate share of the cost of the system improvements, including the costs of previously constructed system improvements, necessitated by new development to be borne by impact fees.

3.24.050 Capital Facilities Plan

i Based on portions of existing SMC 17.151.060 and made applicable to all components of the impact fee.

- (1) The city must review the city's capital facilities plan and projects included in the adopted six-year capital improvement program during the annual process to review and update the city's budget, and must:
 - (a) Identify each project in the Comprehensive Plan that is growth-related and the proportion of each such project that is growth-related;

- (b) Forecast the total monies available from taxes and other public sources for street improvements over the next six years;
 - (c) Calculate the amount of impact fees already collected; and
 - (d) Identify those Comprehensive Plan projects that have been or are being built but whose performance capacity has not been fully utilized.
- (2) The following information must be considered in updating the capital improvement program:
- (a) The projects in the Comprehensive Plan that are growth related and that should be funded with forecasted public monies and the impact fees already paid;
 - (b) The projects already built or funded pursuant to this chapter whose performance capacity has not been fully utilized; and
 - (c) An update of the estimated costs of the projects listed.
- (3) After the city council amends the capital improvement program, it must by resolution review and update the city's schedule of impact fees for consistency.
- (4) Once a growth-related project is placed on the capital improvement program, a fee must be imposed on every development that impacts the project until the project is removed from the list by one of the following means:
- (a) The project may be administratively removed by the community development director from the impact fee calculation after it is constructed; or
 - (b) The council by ordinance may remove the project from the capital improvement program, in which case the fees already collected will be refunded if necessary to ensure that impact fees remain reasonably related to the traffic impacts of development that have paid an impact fee; provided, that a refund is not necessary if the council transfers the fees to the budget of another project that the council determines will mitigate essentially the same traffic impacts.

3.24.060 Expenditure—Timing.

i Based on existing SMC 17.151.140 and 17.152.140, de-duplicated.

- (1) Impact fees for system developments may be expended only in conformance with the capital facilities plan.
- (2) Per RCW 82.02.070, impact fees must be expended or encumbered within the greater of:
 - (a) 10 years of collection; or
 - (b) Such greater time as may be established in written findings documenting extraordinary or compelling reasons for extension beyond 10 years by the city council and the governing body of any district responsible for expenditure of the impact fees.

3.24.070 Accounting—Reporting.

i Based on existing SMC 17.151.130 and 17.152.130 and 17.153.100(1) and (2), de-duplicated.

i Changed where impact fee revenues are deposited, so that each type of impact fee is deposited into its own special revenue fund, as provided in the Funds chapter.

- (1) All impact fee revenue must be deposited into funds for each type of impact fee as provided in SMC Chapter 3.34.

- (2) All interest must be retained in each fund and expended for the purposes for which the impact fees were imposed.
- (3) The city treasurer must provide an annual report on the impact fee funds showing the source and amount of the moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

3.24.080 Administration of School Impact Fees

i This section based on existing SMC 17.153.050 regarding an interlocal agreement providing for accounts for expenditure of fees.

- (1) The school district and the city must, by interlocal agreement, provide for the establishment and maintenance of separate accounts by the city finance director and for the expenditure of fees by the school district in a timely fashion on appropriate capital projects as required by Chapter 82.02 RCW.
- (2) The agreement must:
 - (a) provide for the keeping of records for each such account whereby collected impact fees can be segregated by type of facility.
 - (b) specify the fees the city will charge the school district for the collection of the fees authorized in this chapter.
 - (c) provide for the transfer of collected fees from the city to the school district.

i Next line is based on existing SMC 17.153.110(1)(b).

- (d) require that if impact fee funds are not encumbered, the school district must notify the city, so that the city may timely notify potential refund claimants.

i Next line is based on existing SMC 17.153.110(2).

- (e) detail a refund process, as required by Chapter 82.02 RCW.

i The following is existing SMC 17.153.030, with the removal of sections that are about concurrency compliance, not impact fees.

- (3) Notwithstanding any other provision of this chapter, in the event of any of the following, the city will not impose a school impact fee where:
 - (a) The school district does not timely provide an updated capital facilities plan to the city for adoption as an element of the city's Comprehensive Plan; or
 - (b) The capital facilities plan of the school district does not satisfy the required ordinance or statutory criteria for imposition of a school impact fee; or
 - (c) The capital facilities plan prepared by the school district results in the calculation of the fee at \$0.
- (4) Provided, however, in no event will any of the events referenced in subsections (3)(a) through (c) of this section be construed as a repeal or waiver of the city's authority to impose school impact fees generally and the occurrence of any of these referenced conditions will act solely as a suspension of the imposition of the impact fees until the issue(s) in subsections (3)(a) through (c) of this section are cured. Provided further, nothing contained herein may be construed as an intent to refund any school impact fee previously imposed and collected on behalf of the school district by the city.

3.24.100 Fee Calculation—Generally

i Based on existing SMC 17.151.090 and 17.152.080, deduplicated.

- (1) If the development for which approval is sought contains a mix of residential and nonresidential uses, then the impact fee must be separately calculated for each type of use.

i Existing subsections (2) and (3) assumedly refer to the same process so are combined into one subsection.

i The (existing) authority below should probably be vested in the planning director and offer an appeal process.

- (2) If an applicant can demonstrate that none of the fee categories set forth in this chapter accurately capture the impacts of a new development, then the applicant may prepare and submit to the Director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. . Upon application by the developer, the Director may consider studies and data submitted by the developer and, if warranted, may adjust the amount of the impact fee. Such adjustment is warranted if:
 - (a) The public facility improvements would not reasonably benefit the proposed development;
 - (b) The public facility improvements identified are not reasonably related to the proposed development;
 - (c) The formula set forth for calculating the impact fee does not accurately reflect the associated impacts generated by the development.

3.24.110 Fee Calculation—Fire Component

i This section is based on existing SMC 17.153A.020.

- (1) North County Regional Fire Authority (the "fire district") provides fire service to the city of Stanwood.
- (2) No fire impact fee is imposed on development permit applications at this time. If the North County Regional Fire Authority determines that there is a need for a fire impact fee, the following is required to impose a impact fee:
 - (a) The fire district must adopt a six-year capital improvement plan identifying existing facilities and any deficiencies needing improvements to provide fire service to the city of Stanwood;
 - (b) The city and fire district must enter into an interlocal agreement on the imposition and processing of fire impact fees; and
 - (c) This chapter must be updated with the fire impact fee formula along with any associated management and procedural requirements.

3.24.120 Fee Calculation—Parks Component

i The following is based on existing SMC 17.152.060(unnumbered):

- (1) Applicability. The parks impact fee component is calculated based on the number and type of residential dwelling units permitted at the time of building permit issuance.

i The following is based on existing SMC 17.152.060(2):

(2) Exemptions.

- (a) A credit must be provided for redevelopment sites or subdivisions for the number of residential units existing on the site prior to redevelopment.
- (b) The reconstruction, remodeling, or replacement of existing buildings, structures, mobile homes, or manufactured homes, which does not result in any new units.
- (c) Conversions of apartment complexes to condominium ownership where no new dwelling units are created.

i The following is based on existing SMC 17.152.050.

- (3) Establishment of service areas. The city hereby establishes as the service area for park impact fees all areas in which development may occur that would impact the city's park, open space and recreational system, including all property located within the corporate limits of the city as now existing or may be amended by annexation or any surrounding properties within the city's urban growth area that would normally use city park facilities.

i The following is based on existing SMC 17.152.060(1).

- (4) The formula in this section is used to calculate the fee schedule, which must be adopted by city council resolution.

i The following is existing SMC 17.152.070.

- (5) The parks impact fee component must be calculated using the following formula:

$$PIF = \frac{C \times S \times U \times A}{P}$$

- (6) In the formula above:

- (a) "PIF" means the parks and recreational facility component of the total development impact fee.
- (b) "C" means the average cost per acre for land appraisal and acquisition plus an average development cost per acre for neighborhood and community parks as identified in the most recent capital improvement plan. The construction cost per acre is then multiplied by the percent of projected new population growth as identified in the Comprehensive Plan. Such cost may be adjusted periodically, but not more often than once every year. Park development costs must be based on actual, recent comparable construction.
- (c) "S" means the parks Level of Service as established in the city comprehensive park and recreational plan.
- (d) "P" means 1,000 people.
- (e) "U" means the average number of occupants per dwelling unit as provided by the Washington State Office of Financial Management for the city of Stanwood.
- (f) "A" means an adjustment of rate portion of anticipated tax revenues resulting from a development that is proportional to system improvements contained in the capital plan facilities. The adjustment for park impacts is determined to be 40 percent, so that "A" equals 60 percent.

3.24.130 Fee Calculation—Schools Component

i Existing SMC 17.153.060. Deleted the ability for the city to discount impact fee by an arbitrary amount.

- (1) Separate fees must be calculated for single-family and multifamily types of dwelling units. For purposes of this chapter, manufactured housing must be treated as single-family dwellings and duplexes must be treated as multifamily dwellings.
- (2) The calculation of school impact fees must be based upon the school district's capital facilities plan, as approved by the city council and adopted by reference into the capital facilities element of the Stanwood Comprehensive Plan.
- (3) To ensure equitable calculation of impact fees based on student population and geographic location, the City and the Stanwood Camano School District shall enter into an Interlocal Agreement that outlines the impact fee methodology prior to the City's approval of the District's Capital Facilities Plan. This methodology shall include a proportionate growth factor reflecting the expected growth in Stanwood, Snohomish County and Island County so that the resulting fee accurately reflects each jurisdiction's fair share of expected growth irrespective of whether or not all jurisdictions adopt an impact fee ordinance.
- (4) Establishment of service areas. The city hereby establishes as the service area for school impact fees the geographic area served within the school district boundaries, which includes the entire city limits.
- (5) The capital facilities plan must contain the following as a basis for the adoption of school impact fees to be collected by the city:
 - (a) Inventory of permanent and relocatable classroom facilities;
 - (b) Student enrollment projections over a six-year period;
 - (c) Facility needs and planned improvements over a six-year period;
 - (d) Six-year financing plan; and
 - (e) Methodology used for the calculation of the fees.
- (6) The proposed fee must be calculated based on the following factors as documented in the capital facilities plan:
 - (a) The costs of site acquisition;
 - (b) The costs of facility construction or improvements;
 - (c) The costs of needed portables;
 - (d) The proportionate share of the above costs attributable to new development;
 - (e) The costs of previously constructed facilities that serve new development; provided, that the fee is not used to make up for any existing system deficiencies not related to new growth; and
 - (f) Credits, or other revenues applied, such as user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement.

3.24.140 Fee Calculation—Transportation Component

i Based on existing SMC 17.151.055(1):

- (1) Applicability. The transportation impact fee component is based on PM peak hour trips as computed in accordance with the most current edition of the Institute of Transportation Engineers' Trip Generation Manual as applied to the city's transportation element of the adopted Comprehensive Plan.

i Based on existing SMC 17.151.055(3):

(2) Redevelopment credit.

(a) For redevelopment of a site, a credit must be given for trips generated by the previous use on the site.

i Based on existing SMC 17.151.050:

(3) Establishment of service areas. The city hereby establishes as the service area for traffic impact fees all areas in which development may occur that would impact the city's transportation system, including all property located within the corporate limits of the city as now existing or may be amended by annexation or any surrounding properties within the city's urban growth area that would normally use city transportation facilities.

i The following is based on existing SMC 17.151.055(2) and to make parallel with the Parks calculation section.

(4) The formula in this section is used to calculate the fee schedule, which must be adopted by city council resolution.

i Based on existing SMC 17.151.060.

(5) The transportation impact fee component must be calculated using the following formula:

$$TIF = \left(\frac{\text{total cost of growth-related system improvements}}{\text{total new growth trips}} \right) \times 0.666(\text{Adjustment Factor})$$

(6) In the formula above:

(a) "TIF" means the transportation component of the total development impact fee.

(b) "Total cost of growth related system improvements" means the total projected cost to construct growth-related transportation projects contained in the adopted six-year capital improvement program as presented in the capital facilities element of the city's Comprehensive Plan, and may include system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements and to the extent not already funded, but may not include the costs to make up for any existing system deficiencies.

(c) "Total new growth trips" means the total number of projected trips generated by new development as anticipated in the adopted future land use map (FLUM) for an adopted six-year capital improvement program period.

(d) "Adjustment factor" means an adjustment of rate portion of anticipated tax revenues resulting from a development that is proportional to system improvements contained in the capital plan facilities. The adjustment for traffic impacts is determined to be 33 percent, so that "A" equals approximately 67 percent.

3.24.150 Fee Calculation—Credits.

i Based on existing SMC 17.151.055(4) and SMC 17.151.110 and SMC 17.152.100, deduplicated, as well as SMC 17.153.070. Changed "owner" to "applicant."

- (1) The applicant is entitled to a credit against the applicable impact fee component for the value of any dedication of land for, improvements to, or new construction of any system improvements to facilities that are identified in the capital facilities plan and that are required by the city as conditions of approval for the development.
 - (a) That portion of the open space network and related improvements used as a credit for required open space for a project is not eligible for this credit.
 - (b) The determination of "value" must be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs.
 - (c) In the event the amount of any credit exceeds the amount of the impact fee due, the city is not required to reimburse the difference to the owner.

i Based on existing SMC 17.153.120 (characterizing SEPA mitigation fees as an "exception").

- (2) SEPA mitigation. An applicant required to pay a fee under RCW 43.21C.060 for system improvements to mitigate impacts must not be required to pay a impact fee under this chapter for those same system improvements.

i Based on existing SMC 17.151.160 and 17.152.160, deduplicated.

- (3) The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits; provided, that any other such city development regulation that would require the developer to undertake dedication or construction of a facility contained within the city capital facilities plan may be imposed only if the developer is given a credit against impact fees as provided in this section.

3.24.160 Fee Calculation—Exemptions, Waivers, or Reductions

i Some of the following sections originally applied only to the transportation component of the impact fee, but are here adjusted to apply to all components.

i The following is based on existing SMC 17.151.055(6).

- (1) Commercial Development. A "commercial use," as defined in SMC 17.20.040, is eligible for a 10% reduction in the impact fee due to the economic development benefits derived from new sales taxes and increased property values.

i The following is based on existing SMC 17.151.055(7).

- (2) Reuse of Existing Structures in the MBI, MBII and future Downtown Mixed-Use Corridor". A commercial project in the main street zones (MBI, MBII and future Downtown Mixed-Use Corridor) that meets the criteria set forth below is exempt from the impact fee. This exemption does not apply to new buildings or to new projects that include demolition of the existing building and does not affect the imposition and collection of any other applicable city impact fees, hook-up fees, or application fees.

- (a) The project utilizes an existing building constructed prior to 1980 according to the Snohomish County assessor's database, and requires building permits for remodel, expansion, or improvement;
- (b) The original structure must be intact before and after the improvements;
- (c) The total building square footage of the project, following remodel, expansion or improvement, including any new additions and all buildings on the property, is less than 10,000 square feet;
- (d) The valuation of work on the building must exceed 25% of the assessed value of the building according to the Snohomish County assessor's database; and
- (e) The project must include improvement of any adjacent street frontage, including curb, gutter, sidewalks, and street trees to current code and standards, and must include a connecting walkway meeting ADA standards to the main entrance of the building. Any or a portion of these improvements may be waived or modified, if the community development director determines that existing conditions meet the current standards for these improvements.

i The following is based on existing SMC 17.151.055(8) and 17.152.060(3), deduplicated.

- (3) Historic Single-Family Lots. Development on individual single-family zoned lots and parcels created prior to the effective date of Chapter 58.17 RCW on July 1, 1969, are eligible for a 35% reduction in the impact fee. This incentive is limited to development of one single-family residence per lot or parcel existing prior to July 1, 1969.

i The following is based on existing SMC 17.151.055(9) and 17.152.060(4), deduplicated.

- (4) Low-Income Housing.

i Added requirement that form of covenant be acceptable to the City. The City should use its own template.

i Added definition in subsection (d) noting when the low-income credit is calculated.

- (a) The impact fee may be reduced by 80% if the developer records a covenant, in a form approved by the Director, that prohibits use of the property for any purpose other than for low-income housing.
- (b) At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, the property must be maintained for low-income housing for a minimum of ten years. After the minimum period, to convert the property to a use other than low-income housing, the property owner must pay the applicable impact fee in effect at the time of conversion.
- (c) The covenant must be recorded with the Snohomish County auditor or recording officer.
- (d) For purposes of this section, "low-income housing" means housing with a monthly housing expense that is no greater than 30 percent of 80 percent of the median family income adjusted for family size in Snohomish County as reported by the United States Department of Housing and Urban Development.
 - (i) For home buyers the monthly housing expense must be no greater than 30 percent of 80 percent of the median family income at the time of closing.
 - (ii) For renters the monthly housing expense must be no greater than 30 percent of the 80 percent of the median family income at the time of lease signing, including lease renewals.
- (5) Accessory Dwelling Units. Per RCW 36.70A.681, the impact fee for an accessory dwelling unit shall not exceed 50% of the impact fee that would be imposed on the principal unit. The actual fee amount shall be set by Council Resolution.

3.24.200 Payment—Timing

- (1) Impact fees are calculated at the time the building permit is issued at the rates then in effect.
- (2) Applications do not vest to the impact fees in effect at the time of application.

i Based on existing SMC 17.151.100 and 17.152.090, de-duplicated, and deleted ability to pay impact fees at time of preliminary plat. The provisions of SMC 17.153.040(5), allowing for school impact fees to be paid at time of subdivision, are deleted.

- (3) All impact fees must be paid prior to the issuance of a building permit except as provided in SMC 3.24.220.

3.24.220 Payment—Deferral

i Existing SMC 17.151.115 and SMC 17.152.110, de-duplicated.

- (1) Per RCW 82.02.050(3), the city hereby establishes a deferral system by which an applicant for a building permit for a single-family detached or attached residence may request a deferral of the full impact fee payment to the time of final inspection.
- (2) The city will withhold certification of final inspection until the impact fees have been paid in full.
- (3) The term of an impact fee deferral under this section may not exceed 18 months from the date of building permit issuance. If impact fees are not paid by the end of the 18 months, then city must withhold future inspection until such time impact fees are paid in full.
- (4) The community development department must allow an applicant to defer payment of the impact fees when, prior to submission of a building permit application for deferment or prior to final inspection for deferment under subsection (1) of this section, the applicant:
 - (a) Submits a signed and notarized deferred impact fee application and acknowledgement form for the development for which the property owner wishes to defer payment of the impact fees; and
 - (b) With regard to deferred payment under subsection (1) of this section, records a lien for impact fees against the property in favor of the city in the total amount of all deferred impact fees for the development. The lien for impact fees must:
 - (i) Be in a form approved by the city attorney;
 - (ii) Include the legal description, tax account number and address of the property;
 - (iii) Be signed by all owners of the property, with all signatures as required for a deed, and recorded in the county in which the property is located;
 - (iv) Be binding on all successors in title after the recordation; and
 - (v) Be junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.
- (5) In the event that the impact fees are not paid in accordance with subsection (1) of this section, the city must institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW, except as revised herein. In addition to any unpaid impact fees, the city is entitled to interest on the unpaid impact fees at the rate provided for in RCW 19.52.020 and the reasonable attorney fees and costs incurred by the city in the foreclosure process. Notwithstanding the foregoing, prior to commencement of foreclosure, the city must give not less than 30 days' written notice to the person or entity whose name appears on the assessment rolls of the county assessor as owner of the property and to the site address via certified mail with return receipt requested and regular mail advising of its intent to commence foreclosure proceedings. If the impact

fees are paid in full to the city within the 30-day notice period, no attorney fees, costs, or interest will be owed.

- (6) In the event that the deferred impact fees are not paid in accordance with this section, and in addition to foreclosure proceedings provided in subsection (5) of this section, the city may initiate any other action(s) legally available to collect such impact fees.
- (7) Upon receipt of final payment of all deferred impact fees for the development, the department must execute a separate lien release for the property in a form approved by the city attorney. The property owner, at their expense, is responsible for recording each lien release.
- (8) Compliance with the requirements of the deferral option constitutes compliance with the conditions pertaining to the timing of payment of the impact fees.

3.24.240 Payment—Under Protest.

i Based on existing SMC 17.153.090.

- (1) An applicant may pay impact fees under protest.
- (2) If the fee is protested:
 - (a) The city may issue the relevant permit, but must make final resolution of the protest a condition of the permit.
 - (b) Final occupancy of structures within the development must not be approved until the protest is resolved, unless waived by the Director.
 - (c) The applicant may appeal the impact fee determination per SMC 3.24.300.
 - (d) Arbitration may be utilized if agreeable to the city and the applicant. Any costs related to arbitration must be distributed evenly between the city and the applicant.

3.24.300 Appeals

i Based on existing SMC 17.151.120 and 17.152.120 and 17.153.080, de-duplicated.

- (1) Any person aggrieved by the amount of the impact fee calculated and imposed upon a particular development permit application may appeal such determination to the hearing examiner by filing written notice of appeal with the Director within 20 days of the issuance of the determination of the impact fee.
- (2) Pending completion of the appeal process as set forth herein, no building permits may be issued for any development activity for which the impact fees about which appeal is being sought were imposed.
- (3) Such appeal to the hearing examiner must be conducted in accord with Chapter 17.80 SMC, Permit Review Procedures.

3.24.400 Refunds.

i Based on existing SMC 17.151.150 and 17.152.150 and 17.153.110, de-duplicated.

i Incorporated existing SMC 17.153.100(4) requiring documentation by the school board (or fire district).

- (1) Per RCW 82.02.080, the current owner of property on which an impact fee has been paid may receive a refund of such fee if the fees are not expended or encumbered consistent with the requirements of SMC 3.24.400.

- (2) In determining whether impact fees have been encumbered, impact fees must be considered encumbered on a first-in, first-out basis.
- (3) The holder of a development permit may request and must receive a refund, including interest earned on the impact fees, when the building permit for which the impact fee has been paid has lapsed for noncommencement of construction. A partial refund must be provided where the project for which a building permit has been issued has been altered, resulting in a decrease in the amount of the impact fee due.
- (4) The current owner likewise may receive a proportionate refund when the public funding of applicable service area projects by the end of such 10-year period has been insufficient to satisfy the ratio of public to private funding for such service area as established in the capital facilities plan. The city must notify potential claimants by first-class mail at the last known address of each claimant.
- (5) The request for a refund must be submitted to the city treasurer in writing within one year of the date the right to claim a refund arises or within one year of the date notice is given, whichever is later. Any impact fees that are not expended within these time limitations and for which no application for refund has been made as herein provided must be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection must include any interest earned on the impact fees.
- (6) A developer may request and must receive a refund, including any interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

Chapter 3.30 Fiscal Policy

i Although there's not much in it now, this chapter is retained in the organizational scheme as a location where the City Council could in the future adopt other financial policies by ordinance.

3.30.010 Consolidated Financial Management Policy

The City Council has established a Consolidated Financial Management Policy, adopted and to be amended by resolution of the City Council.

Chapter 3.32 Payment of Claims

i This chapter is based on existing SMC Chapter 3.20, although it has been retitled.

3.32.010 Check authority.

i Existing SMC 3.20.010.

All checks must be drawn and signed by any of the following designated officers:

- (1) Finance director;
- (2) City administrator;
- (3) Mayor.

3.20.020 Expenditures and disbursements.

- (1) Per RCW 42.24.180, in order to expedite the payment of claims, the auditing officer of the city of Stanwood is authorized to issue checks in payment of claims, before the city council has acted to approve the claims. The auditing officer must submit to the city council for approval a listing of all such checks issued in payment of claims at a regularly scheduled public meeting within one month of issuance and must provide for the review of supporting documentation by the city council.
- (2) The city council may stipulate that certain kinds or amounts of claims may not be paid before the council has reviewed the supporting documentation and approved the issue of checks or warrants in payment of those claims.

3.20.030 Disapproval of claims.

If, upon review, some claims are disapproved by the City Council, the auditing officer and the officer designated to sign the checks or warrants must jointly cause the disapproved claims to be recognized as receivables and pursue collection diligently until the amounts disapproved are collected or until the city council is satisfied and approves the claims.

Chapter 3.34 Funds

- i** This chapter reorganizes existing chapter 3.16 (and moves the chapter to 3.34) to describe each of the city's existing funds, one per section, with a description of the purpose and use of each.
- i** Section numbering from the existing code is not preserved; sections have been numbered to match the fund numbers in the accounting system (except for the General Fund), which is prescribed by the [state BARS manual](#). This is for administrative convenience; there is no directive that requires the fund numbers to match the section numbers.
- i** Existing sections that do not now have corresponding funds in the accounting system are not included in this chapter:

- 3.16.100 Petty cash fund;
- 3.16.245 Ambulance fund;
- 3.16.250 Ambulance reserve fund;
- 3.16.350 Cumulative reserve – Fire apparatus
- 3.16.410 Stanwood Recreational Complex fund.
- 3.16.780 Police revolving cash fund;
- 3.16.790 et seq Drug enforcement fund;
- 3.16.810 BPA energy grant fund;
- 3.16.820 et seq Public works loan fund;
- 3.16.840 et seq Criminal justice fund;
- 3.16.860 Suspense fund.

3.34.010 General Provisions

- i** This is a new section.

- (1) This chapter creates and describes all the funds in the City's accounting system. Funds are the basis on which the city's accounting system is organized and operated.

- i** The definition of “fund” is from the state BARS manual.

- (2) For the purposes of this chapter, a “fund” means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

- i** Occasionally, state auditors may prescribe changes in the city's accounting system. The next line provides authority to the Finance Director to make those changes, although code changes should be executed concurrently.

- (3) Interest, earnings, and other proceeds from each fund must be deposited into the fund.

- (4) Notwithstanding the provisions of this Chapter, the Director of Finance has the authority to conform the City's accounting procedures to state law and the state Budgeting, Accounting and Reporting System (BARS) manual.

3.34.020 General Fund

- i** This section is based on existing SMC 3.16.730 et seq.
- i** Unlike the other sections, this section's number does not correspond to the accounting fund number, 001.

- (1) The "general fund" is hereby created as the city's general (current expense) fund.
- (2) Revenues from property taxes, sales taxes, business licenses, services, and other sources not designated for other funds in the annual budget or by the city council must be deposited into the general fund.
- (3) Expenditures of the general fund must be segregated into departments which must be separately budgeted and accounted for within the general fund.

3.34.101 Street Fund

- i** This is a new section.
- i** More information on the [motor vehicle fuel tax is available from CRAB](#).

- (1) The "Street Fund" is created as a special revenue fund.
- (2) Revenues from Motor Vehicle Fuel Tax must be deposited into this fund.
- (3) Expenditures from the fund must support the operation and maintenance of the city's system of streets and pathways.

3.34.102 Street Impact Fees Fund

- i** This is a new section.

- (1) The "Street Impact Fees Fund" is created as a special revenue fund.
- (2) Revenues from street impact fees collected per SMC Chapter 3.50 must be deposited into this fund.
- (3) Expenditures from this fund must qualify per SMC Chapter 3.50.

3.34.103 Street Construction Fund

- i** This section is based on existing SMC 3.16.770.

- (1) The "Street Construction Fund" is created as a special revenue fund.
- (2) Expenditures from this fund will be as determined by the city council for the construction and improvement of city streets.

3.34.104 Park and Trail Improvement Fund

i This section is based on existing SMC 3.16.300 et seq. Details on non-lapsing and interest are not included, as they are accounted for in the general provisions.

- (1) The "Park and Trail Improvement Fund" is created as a special revenue fund.
- (2) The purpose of this fund is to acquire and improve land to be owned by the city and operated as a public park inside or outside the limits of the city.

3.34.105 Fire Impact Fees

i This is a new section.

- (1) The "Fire Impact Fees Fund" is created as a special revenue fund.
- (2) Revenues from fire impact fees collected per SMC Chapter 3.24 must be deposited into this fund.
- (3) Expenditures from this fund must qualify per SMC Chapter 3.24.

3.34.106 Park Impact Fees

i This is a new section.

- (1) The "Park Impact Fees Fund" is created as a special revenue fund.
- (2) Revenues from park impact fees collected per SMC Chapter 3.24 must be deposited into this fund.
- (3) Expenditures from this fund must qualify per SMC Chapter 3.24.

3.34.107 Equipment Reserve Fund

i This section is based on existing SMC 3.16.950. Existing subsection (2)(b), transferring funds that existed in 1991, is not included.

- (1) The "Equipment Reserve Fund" is created as a special revenue fund.
- (2) Revenues for the fund are from interfund transfer from city departments or funds, investment interest of the fund and such revenue as may be authorized by the city council or provided in the city's budget.
- (3) Accounts. Contributions and disbursements of departments or funds of the city, to or from this fund, must be maintained in separate accounts, which, with investment interest, accumulate to provide funds required by that department. If the accounts of a department or fund become over-expended, interest at a rate set by the city treasurer must be charged on the deficient balance of the account until reimbursement by the department.
- (4) Expenditures. Departments or funds of the city that maintain accounts in this fund may use their account for the acquisition, replacement, or improvement of equipment or facilities needed by their department, subject to approval of the city council.

3.34.108 Transportation Benefit Fund

i This is a new section. The fund as listed on the accounting system report is the "transportation sales tax fund." Section name could be either, but renamed here for flexibility, because a TBD may also be funded by a car tab fee.

- (1) The "Transportation Benefit Fund" is created as a special revenue fund.
- (2) Revenues from the Transportation Benefit District funding sources established in SMC Chapter 3.40 must be deposited into this fund.
- (3) Expenditures from this fund must qualify per SMC Chapter 3.40.

3.34.109 Contingency Fund

i This section is based on existing SMC 3.16.450 et seq.

- (1) The "Contingency Fund" is created as a special revenue fund.
- (2) Per RCW 35.33.145, the fund created in this section is to provide monies with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting any annual budget, or from which to provide monies for such emergencies lawfully justifying emergency expenditures, or to supply deficiencies in any other fund arising from any cause.
- (3) The fund may be supported by a budget appropriation from any tax or other revenue source, not restricted in use by law, or may also be supported by a transfer from other unexpended or decreased funds made available by ordinance.

i Updated next line from 1.5 mils.

- (4) The total amount of monies in the fund accumulated at any given time may not exceed the equivalent of 37.5 cents per thousand dollars of assessed valuation of property within the city.
- (5) Any monies in the "contingency fund" at the end of any fiscal year may not lapse, except upon reappropriation by the council to another fund in the adoption of any subsequent budget.

3.34.110 Building Improvement Fund

i This is a new section.

- (1) The "Building Improvement Fund" is created as a special revenue fund.
- (2) The Building Improvement Fund is used to account for major maintenance and development of city facilities, such as City Hall and the Police Department.

3.34.115 Tourism Promotion Fund

i This is a new section.

- (1) The "Tourism Promotion Fund" is created as a special revenue fund.
- (2) Revenues from the tax established in SMC Chapter 3.09 must be deposited into the fund and expended in accordance with that chapter.
- (3) Expenditures from the fund must qualify per SMC Chapter 3.09.

3.34.120 REET 1 – Capital Improvements

i This section is based on existing SMC 3.16.660.

- (1) The "REET 1 Fund" is created as a special revenue fund.
- (2) Revenues from the first one-quarter percent real estate excise tax provided in SMC Chapter 3.08 must be deposited into the fund.

i Note that existing SMC 3.16.660(3) references RCW 35.43.040, but that seems to be incorrect.

- (3) Expenditures from the fund must qualify per RCW 82.46.010 and RCW 82.46.015.

3.34.121 REET 2 – Growth Management

i This section is based on existing SMC 3.16.900.

- (1) The "REET 2 Fund" is created as a special revenue fund.
- (2) Revenues from the additional one-quarter percent real estate excise tax provided in SMC Chapter 3.08 must be deposited into the fund.
- (3) Expenditures from the fund must qualify per RCW 82.46.035.

3.34.205 Debt Service Fund

i This is a new section.

- (1) The "Debt Service Fund" is created as a debt service fund.
- (2) The Debt Service Fund accounts for general obligations of the city and is funded by other accounting funds that benefit from debt issued.

3.34.401 Sewer Fund

i This is a new section.

- (1) The "Sewer Fund" is created as an enterprise fund.
- (2) Revenues from sewer service charges must be deposited into this fund.
- (3) Expenditures from the fund must benefit the maintenance and operation of the sewer utility.

3.34.403 Sewer Construction Fund

i This section is based on existing SMC 3.16.210 et seq. Note that existing code names the fund the "sanitary sewerage construction reserve fund."

- (1) The "Sewer Construction Fund" is created as an enterprise fund.

i Based on existing SMC 3.16.220.

- (2) From time to time, upon recommendation of the city treasurer and the concurrence of the city council, sewer revenues in excess of amounts necessary to provide for adequate revenue bond reserves and redemption funds may be transferred to and accumulated, held, invested and reinvested in investments permitted by law to the credit of the fund created in this section.

i Existing SMC 3.16.230. Previously the "sewer revenue bond redemption fund." Staff confirmed "sewer bond reserve fund" is correct.

- (3) At any time the city council may deem it to be in the best interests of the city to retire any of the sanitary sewerage revenue bonds in advance of their normal maturity date, the city council may by resolution transfer any or all of the monies in the fund created in this section to the sewer bond reserve fund.

i Existing SMC 3.16.240.

- (4) Until such time as all of the sanitary sewerage revenue bonds of the city are redeemed, the monies in this fund may be disbursed only for the purpose in subsection (3) and for constructing such additions, corrections, extensions and other construction of the city's sanitary sewerage system, as allowed by the city council.

3.34.405 Sewer Plant Investment Fund

i This is a new section.

- (1) The "Sewer Plant Investment Fund" is created as an enterprise fund.
- (2) Revenues from sewer plant investment fees must be deposited into this fund.
- (3) Expenditures from the fund must support sewer capital investment.

3.34.410 Drainage Fund

i This is a new section.

- (1) The "Drainage Fund" is created as an enterprise fund.
- (2) Revenues from drainage utility service rates must be deposited into this fund.
- (3) Expenditures from the fund must support drainage utility system maintenance and operation.

3.34.411 Drainage Construction Fund

i This is a new section.

- (1) The "Drainage Construction Fund" is created as an enterprise fund.
- (2) The Drainage Construction Fund accounts for capital development of the drainage utility which are funded from other accounting funds, grants, and loans.

3.34.412 Drainage Plant Investment Fund

i This is a new section.

- (1) The "Drainage Plant Investment Fund" is created as an enterprise fund.
- (2) Revenues from drainage plant investment fees must be deposited into this fund.
- (3) Expenditures from the fund must support drainage capital infrastructure.

3.34.421 Water Fund

i This is a new section.

- (1) The "Water Fund" is created as an enterprise fund.
- (2) Revenues from water service rates must be deposited into this fund.
- (3) Expenditures from the fund must support maintenance and operation of the water utility.

3.34.422 Water Construction Fund

i This is a new section.

- (1) The "Water Construction Fund" is created as an enterprise fund.
- (2) The water construction fund accounts for capital development of the water utility which are funded from other accounting funds, grants, and loans.

3.34.423 Cedar Home Plant Investment Fund

i This is a new section.

- (1) The "Cedar Home Plant Investment Fund" is created as an enterprise fund.
- (2) Revenues from Cedar Home Plant Investment fees must be deposited into this fund.
- (3) Expenditures from the fund must support water utility infrastructure.

3.34.424 Water Plant Investment Fund

i This is a new section.

- (1) The "Water Plant Investment Fund" is created as an enterprise fund.
- (2) Revenues from water plant investment fees must be deposited into this fund.
- (3) Expenditures from the fund must support water utility infrastructure.

3.34.451 Water Bond Reserve Fund

i This is a new section.

- (1) The "Water Bond Reserve Fund" is created as an enterprise fund.

- (2) Expenditures from the fund must this fund accounts for debt issued by the water utility including reserves required by debt covenants.

3.34.452 Sewer Bond Reserve Fund

i This is a new section.

- (1) The "Sewer Bond Reserve Fund" is created as an enterprise fund.
- (2) This fund accounts for debt issued by the sewer utility, including reserves required by debt covenants.

3.34.457 Sewer Equipment Reserve Fund

i This is a new section.

- (1) The "Sewer Equipment Reserve Fund" is created as an enterprise fund.
- (2) The fund accounts for reserves held for replacement of sewer equipment and vehicles.

3.34.458 Drainage Equipment Reserve Fund

i This is a new section.

- (1) The "Drainage Equipment Reserve Fund" is created as an enterprise fund.
- (2) This fund accounts for reserves held for replacement of Drainage Utility equipment and vehicles.

3.34.459 Water Equipment Reserve Fund

i This is a new section.

- (1) The "Water Equipment Reserve Fund" is created as an enterprise fund.
- (2) This fund accounts for reserves held for replacement of water utility equipment and vehicles.

3.34.630 Agency Fund

i This is a new section.

The "Agency Fund" is created as a fiduciary fund to account for monies received and held by the city for third parties.

Chapter 3.36 Interfund Loans

i Based on existing SMC Chapter 3.45.

i Dropped the word "program."

3.36.010 Interfund loans authorized.

- (1) The finance director is hereby authorized to make interfund loans as needed to keep the funds of the city solvent.

- (2) In conjunction with an interfund loan, the finance director must prepare a planned schedule of repayment of the loan principal plus applicable interest. The monthly rate of interest will be the same monthly rate of interest paid by the Washington State Local Government Investment Pool and must be charged by the lending fund, unless the borrowing fund has no other source of revenue other than the lending fund, or is normally funded by the lending fund. In addition, the borrowing fund must anticipate sufficient revenues to be in a position over the period of the loan to make the specified principal and interest payments.

3.36.020 Report to the city council.

- (1) The finance director must include a report within 60 days of any such loans and subsequent repayment to the city council in conjunction with the finance director's financial reports to the city council.
- (2) Any city council member may request or the mayor may direct the finance director to make such additional reports as may be necessary to fully inform the city council of any revenue deficit or interfund loan or similar transfer.

3.36.030 Repayment directed.

- (1) The finance director is directed and authorized to repay an interfund loan, in whole or in part, when budgeted revenues are received sufficient to cover the projected foreseeable needs of the city for the ensuing month of the budget year.
- (2) In the event of doubt regarding the foreseeable needs of the city, the finance director is encouraged to consult with the mayor and finance committee and to bring questions regarding borrowing or repayment to the city council for its advice.

Chapter 3.40 Transportation Benefit District

i This is based on existing SMC Chapter 3.40.

3.40.010 Establishment of transportation benefit district.

i Based on existing SMC 3.40.010.

There is created a transportation benefit district to be known as the Stanwood Transportation Benefit District (the "district") with geographical boundaries congruent with the corporate limits of the city as they currently exist or as exist following future annexations.

3.40.015 Assumption of transportation benefit district.

i Existing SMC 3.40.015.

From and after the effective date of Ordinance 1406 codified in this chapter, the city of Stanwood assumes all of the rights, powers, immunities, functions, and obligations of the Stanwood Transportation Benefit District previously established in this chapter, and the city of Stanwood is hereby vested with each and every right, power, immunity, function, and obligation granted to or possessed by the Stanwood transportation benefit district under Chapter 36.73 RCW, this chapter, and any other applicable law as of the effective date of the ordinance codified in this chapter. The rights, powers, functions, and obligations previously exercised and performed by the governing body of the Stanwood Transportation Benefit District pursuant to SMC 3.40.020 are hereby assumed by and transferred to the city of Stanwood city council.

3.40.020 Governing board.

i Based on existing SMC 3.40.020.

- (1) The Stanwood city council has the authority to exercise the statutory powers set forth in Chapter 36.73 RCW and this chapter.
- (2) The treasurer of the transportation benefit district is the city finance director.
- (3) The city must implement the material change policy previously adopted by the Stanwood Transportation Benefit District to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

3.40.030 Authority of the city.

i Based on existing SMC 3.40.030.

- (1) The city, acting by and through its city council, may authorize a vehicle tax fee of up to \$20.00 per vehicle as provided for by RCW 82.80.140. Any expansion of the authorized purposes of the district may be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).
- (2) When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges, and tolls or increases in these revenue sources may be assessed for the preservation, maintenance and operations of city streets or other transportation improvements specified in an adopted transportation plan. Additional transportation improvements may be added to the functions of the district upon compliance with the requirements of said chapter.
- (3) The city has and may exercise all powers and functions provided by Chapter 36.73 RCW to fulfill the purposes of Chapter 36.73 RCW and this chapter.

3.40.040 Transportation improvements funded.

i Based on existing SMC 3.40.040.

- (1) The revenues generated by exercise of the powers granted in SMC 3.40.030 and Chapter 36.73 RCW must be used for transportation improvements that preserve, maintain, and operate existing infrastructure of the city consistent with the requirements of Chapter 36.73 RCW.
- (2) Expenditures of such revenues must preserve, maintain, and operate the city's previous investments in transportation infrastructure, reduce the risk of transportation facility failure, improve safety, or reduce congestion. Any change or expansion of these authorized purposes may be undertaken only after notice, hearing and adoption of an authorizing ordinance in accordance with RCW 36.73.050(b)(2) or a vote of the people pursuant to RCW 36.73.065(c).

3.40.060 Annual Report

i Next line based on existing SMC 3.40.020, updated from City Council in existing code.

The Finance Director must issue an annual report per RCW 36.73.160(2).

EXHIBIT B

i This is a new chapter to provide protection for the City against ill-considered property purchases that could create legal or political liability.

Chapter 4.18 Acceptance of Interest in Real Property

4.18.010 Applicability

This chapter applies to any City action to accept interest in real property.

4.18.020 Definitions

- (1) "Interest in real property" includes property rights less than a fee simple interest, such as a lease or an easement.

i Definition from Black's Law Dictionary.

- (2) "Real property" means land and anything growing on, attached to, or erected on it, excluding anything that be severed without injury to the land.

4.18.030 Acceptance of Interest

- (1) The city may accept ownership of or an interest in real property, including a lease or other instrument transferring anything less than a fee simple interest, only if approved by action of the city council, such as by ordinance or council-approved contract, or as a condition of plat approval.
- (2) No other action by any city employee or agent may constitute the city's acceptance of any interest in real property.

EXHIBIT C

i This is a new chapter created to contain the provisions of existing SMC 17.153.030 that principally concern concurrency rather than impact fees. The provisions have not been modified. We anticipate creation of a more general concurrency chapter during the unified development code rewrite.

Chapter 17.148A School Concurrency

17.148A.010 Adequacy Standards

- (1) School facilities shall be deemed to have adequate capacity for purposes of determining adequate provision of school facilities for approval of any residential development proposal, if the circumstances in subsections (1)(a) and (1)(b), or subsection (1)(c), of this section exist. Additionally, the provisions of subsection (1)(d) of this section must be met in all cases.
 - (a) The district has permanent facilities to house the students projected to be coming from the development without exceeding the adopted capacity standards of the district by more than 10 percent. Permanent facilities will not include those that have been closed for more than two years until any necessary rehabilitation has been completed.
 - (b) The district has the land to accommodate the permanent and portable facilities needed to serve the students projected to be coming from the development.
 - (c) The department certifies that the concurrency standard has been complied with. “Concurrency standard” means that the permanent and interim improvements are planned to be or are in place at the time the impacts of development are expected to occur, and that the necessary financial commitments are in place to complete the improvements necessary to serve the development within six years of the time the impacts of the development are expected to occur.
 - (d) Any school impact fee required by this chapter is paid or is scheduled for payment and is adequately secured.
- (2) If capacity standards are or would be exceeded with the construction of a proposed development, the school facilities available to serve the development shall be deemed inadequate and the development shall not be approved until the impact fee authorized by SMC Chapter 3.24 is paid; provided, the district has met all the other provisions of SMC 3.24.080.
- (3) The capacity standards and student factors for the district shall be documented by the capital facilities plan developed by the district and adopted by reference in the Stanwood Comprehensive Plan.
- (4) The adequacy standards of this section shall apply to all forms of residential development which are subject to review and approval and which would result in the creation of new residential building lots or construction of new dwelling units. Reconstruction or remodeling of existing dwelling units or construction of new accessory dwelling units or commercial structures are not subject to the provisions of this chapter.

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 9c

DATE: December 14, 2023

SUBJECT: Stanwood Municipal Code Title 5 – Business Licenses and Regulations

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Ordinance 1521 Adoption of Title 5 – Business Licenses and Regulations

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the third and final reading of Ordinance 1521, adoption of Title – 5, Business Licenses and Regulations, of the Stanwood Municipal Code.

SUMMARY

Included in the next batch of Municipal Code Amendments is Title 3 – Revenue and Finance and Title 5 – Business License and Regulations. These Titles have been grouped together for review as they have direct code correlations. Using the approved style guide, the draft amendments delete outdated code citations and modernize the text by applying current best practices. It notes where new sections have been added or where moved. In general, these titles and chapters have been reorganized for better flow and readability with similar topics being grouped together.

Ordinance 1521 includes:

- Title 5 – Business Licenses and Regulations which implements RCW 35A.82.020 which provides cities with the authority to require a license for all businesses that operate in city limits.

BACKGROUND

The City initiated the Municipal Code Update project in 2022 to modernize the code reflecting best practices with respect to content and administration of the code. The update is intended to be user friendly for staff, property owners and developers by 1)

removing legalese and jargon unfamiliar to the lay person, 2) improving clarity and overall functionality, and 3) reflect regulatory best practices. The amendments will also be consistent with current case, state and federal laws.

To help guide the review of the amendments, two types of informational banners are included in the descriptive versions of each amendment. These blue- and yellow-colored bars highlight changes, recommendations and questions; it notes where new sections have been added or where moved.

 Blue banner describes actions taken or issue descriptions.

 Yellow banners highlight important policy issues.

Due to the sheer size of amending an entire municipal code, work has been broken into manageable pieces with similar titles, or titles that interact with each other, being processed together. To date, the Council has approved the following Title groupings:

Stanwood Municipal Code Titles	Action
Interim Zoning Regulations Prohibiting Mini-Storage Facilities	Council Approved October 27, 2022
Interim Sign Regulations Signs in the Right of Way	Council Approved January 26, 2023
Title 1 – General Provisions Title 2 – Personnel Title 4 – Administration (New)	Council Approved April 23, 2023 Three Readings
Title 6 – Parks and Public Spaces (New) Title 9 – Public Peace, Morals, and Safety Title 13 – Civil Enforcement	Council Approved June 8, 2023 Three Readings
Title 7 – Noise Ordinance Only	Council Approved July 13, 2023
Title 3 – Revenue and Finance Title 5 – Business Licenses & Regulations	Pending City Council Action September / October 2023

As Titles and Chapters are approved, there may be times when chapters or sections within chapters of approved Titles will need to be amended to ensure consistency throughout the Municipal Code as it is amended.

ANALYSIS

Title 5 adopts the City's business license procedures and requirements. State Law (RCW 35A.82.020) provides cities with the authority require a license for all businesses that

operate in city limits. Operation in the city includes those businesses that are physically located in the city and those that engage in business within the city, but their business address is located outside of the city.

State law (RCW 35.90) also requires all cities with general business licensing requirements to adopt a uniform "model ordinance" identifying what types of commercial activity are and are not subject to business licensing requirements. The provisions of Title 5 are consistent with the state law provisions and generally include:

- Approval process and conditions
- License terms and expiration dates
- Penalties
- Suspension, revocation, and appeals
- Exemptions

In addition to the standard business license provisions, Title 5 includes permitting and licensing of:

- Fireworks Stands
- Special Events – both public and private
- Merchants without a Fixed Location (Previously Titled Peddlers, Vendors, and Temporary Merchants)
- Sexually Oriented Businesses

The City also reached out to the Washington Cities Insurance Authority for guidance on special event permitting. In response to their comments the insurance section was updated and a new section, "Grounds for Denial of Special Events", was added.

The existing Sexually Oriented Businesses chapter contains both licensing and regulatory standards. As regulatory standards should not be located in the business license chapter, no changes to this chapter are proposed at that time but will instead be revised when the Unified Development Code is prepared as part of the municipal code update project.

Council Policy Decision Issues:

The following policy issues need to be discussed before the final reading:

Business License Regulations (SMC 5.02):

- A. For clarity, new section 5.02.030(7) was added providing clarity on the state model ordinance requirements:

- (7) The City interprets the foregoing to exempt the following activities:
- a) working from home as a remote employee;
 - b) conducting advertising through social media;
 - c) a seller located outside the City merely delivering goods into the City by means of common carrier includes delivery by commercial delivery services such as Fed Ex or UPS.

- B. An option was included in the draft code to increase the income threshold for doing business in the City, from \$2,000.00 to \$4,000.00, for when a business owner must obtain a license from the City. (SMC 5.02.040(2))

RCW 35.90.080 states that “a city that imposes a general business license requirement must adopt the mandatory provisions of the model ordinance by January 1, 2019. The following provisions are mandatory:

- (a) A definition of "engaging in business within the city" for purposes of delineating the circumstances under which a general business license is required;
- (b) A uniform minimum licensing threshold under which a person would be relieved of the requirement to obtain a city's general business license. A city retains the authority to create a higher threshold for the requirement to obtain a general business license but must not deviate lower than the level required by the model ordinance.”

This same RCW also states that the definitions in the model ordinance may not be amended more frequently than once every four years, except that the model ordinance may be amended at any time to comply with changes in state law or court decisions.

If the City changes the threshold option or amount, we must notify WA DOR Business Licensing Services. BLS requires a 75-day notice of changes to business licenses. If the City Council wants to go in that direction, it could delay the effective date of the \$4,000 threshold through adoption of a second ordinance or other mechanism.

Currently an AWC (Association of Washington Cities) work group has been looking at a variety of options like a one-time increase to a higher threshold, an automatic increase by inflation, and a periodic increase by inflation. The work group will report their recommendations to the AWC Board, then the AWC model ordinance threshold will be updated, and all cities will then implement the change. We anticipate that the change will likely take effect by January 1, 2025. Staff recommends no changes at this time and wait for the AWC working group to make their recommendations.

- C. The proposal changes the penalty for business license violations from a misdemeanor to a class 1 penalty fine of \$250.00. (SMC 5.02.120)

Special Events (SMC 5.05):

Three changes were made to the special event section to facilitate better permitting approval:

1. Expanded the scope of this chapter to include private events;
2. Reduced the size of the event that requires a permit from the City (75 to 50 people); and

3. Changed authority for funding from City Council decision to Planning Director if the project is listed in the approved budget.
 - Example: summer concert series is funded through the budget; an additional Council approval step is not necessary and slows down the permit approval process.

Sexually Oriented Businesses (SMC 5.32):

This chapter of the code contains a mix of zoning/development rules and business license rules. Because the new Unified Development Code Title (new Title 18) will be one of the last Titles to be updated, staff proposes to delay any major changes to this Chapter until the UDC is drafted.

Other Clarifications and Questions:

- How are seasonal business, such as Christmas Tree Stands, licensed?
 - Seasonal sales are considered “Soliciting Sales” per SMC 5.02.030(3)(c).
- How are residential landscape businesses licensed?
 - Local landscape maintenance companies, or similar types of services, are licensed under SMC 5.02.030(3)(d): “Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.”
- Is a business license required for anyone selling their own personal possessions or belongings?
 - No business license is required per SMC 5.02.040(3)(c): “Persons selling personal property or providing a service pursuant to an order or process of a court of competent jurisdiction.”
- How are estate sales licensed?
 - There are two options: 1) if a professional company runs an estate sale and they do more than \$2,000 of sales per year in the City, they should have a business license per SMC 5.02.030(3)(c), or 2) if a private home owner is running an estate sale then they would be exempt under the selling of personal property per SMC 5.02.040(3)(c).

Response To Council Questions (Second Reading):

At Council's September 14 meeting, Council requested the following changes:

- Correct typo in 5.06.08;
- Add regulations specific to food trucks;
- Address if seasonal fruit stands should be allowed and how; and
- Address if the City can regulate and charge fees for internet services similar to cable systems.

Below are staff responses to the questions.

1. Typo Correction: deleted duplicative word in 5.06.080(2)(d) – approval Criteria for a special event permit.
 - (a) The proposed event will not ~~unreasonable~~ cause unreasonable impacts to other activities such as events or construction on the date(s) requested;
2. Food Trucks: Added new section in Mobile Venders addressing food trucks (New 5.08.070) and renumbered the remaining subsections. These draft regulations were based on a combination of Marysville, Walla Walla, and Vancouver codes.
 - Must comply with all requirements of the state and local health departments and the Department of Labor and Industries;
 - Prohibited in residential zones unless part of a special event permit;
 - Conform to the International Building Code regarding accessibility;
 - May not utilize any tents, tarps, or pop-up shelters for food preparation or sales;
 - May not obstruct pedestrian traffic;
 - Must be parked on a paved or gravel surface;
 - May not occupy ADA parking spaces or diagonal parking spaces unless the parking spaces are closed pursuant to a street use permit;
 - Provide access to a restroom for the vendor's staff;
 - Clean up and vacant each day each day;
 - Ensure trash receptacles not intended for customer use are screened from public view and securely covered;
 - Install and maintain an adequate grease trap per Washington State health regulations;
 - Dispose of all wastewater in a proper manner and document disposal;
 - Provide seating at the rate of six seats per vendor;
 - Provide restroom facilities with handwashing facilities;
 - Direct any site lighting away from adjacent properties; and
 - Generator use must comply with SMC Chapter 7.30, Noise Control, and may not exceed 70 decibels at 10 feet.

3. Fruit Stands: Seasonal fruit and produce stands are not subject to City regulation per RCW 36.71.090 Therefore no changes have been made.

It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person and ***no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license*** from the producers and manufacturers of farm produce and edibles as defined in this section. However, nothing in this section authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such activity in such city or town.

4. Internet Services: Local governments are prohibited by federal law from regulating telecommunication services per 47 CFR 76.43 and may not charge additional fees or taxes. In review of this section, only one minor change is proposed: under the application section (SMC 5.20.060(5)) the timeline for Council to decide on a franchise application has been amended to comply with federal law.

- (5) ~~Within 60 days after the close of the hearing~~ **the time frame specified by 47 CFR 76.41**, the city council must decide whether to grant a franchise and on what conditions. The city council's decision must be based upon the application, any additional information submitted by the applicant or obtained by the city from any source, and public comments. The city council may grant one or more franchises, or may decline to grant any franchise. Any final action must be taken in accordance with the requirements of RCW 35A.47.040.

5. Staff Recommended Amendment – Public Display of Fireworks – License Required: The current fireworks code assumes an event near the 4th of July. Staff has proposed a minor amendment to SMC 5.04.040(2) to require an application 60 days prior to an event. This change accommodates off season firework displays, such as the high school homecoming event or other special events that may be proposed in the future.

- (2) An application for a license for the public display of fireworks must conform to the requirements of RCW 70.77 and be submitted to the clerk ~~prior to June 1~~ **at least 60 days in advance of the event**.

Response To Council Questions (Third Reading):

At Council's October 26 meeting, Council requested the following changes regarding food trucks:

- Extend the time for temporary merchants from 15 days to 30 days;
- Add definitions of "food court"; and
- Restrict food trucks from parking in front of a business.

The following changes were made in response to Council's requests.

1. SMC 5.08.080 Location Restrictions: Subsection 2 was amended to extend the time period from 15 days to 30 days and reads as follows.

(2) A temporary merchant may only operate up to 30 days per calendar year from each location, except from a permanent building they own or lease.

2. The following definitions related to foot courts were added to 5.08.030:

"Food court for mobile food vendors" means a site where two or more mobile food vendors congregate to offer food or beverages for sale to the public as a principal use of the land.

"Mobile food vendor" means a vendor from a mobile unit that service food.

3. Section 5.08.060(4) restricts a mobile unit from being within 200 feet of a similar existing and stationary business. No additional changes to the code were necessary to address Council's concern about food trucks being located in front of a business.
4. Section 5.08.060(6) was deleted as it was duplicative of Section 5.08.050(2): The City reserves the right to limit the number of mobile vending sites allowed in any give area.

Fiscal Impact			
No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.			
Fund(s):	Staff Time		
Amount:	\$	Project Estimate:	\$ -
Budget Authorized	☐ Yes ☐ No	Amendment Required	☐ Yes ☐ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

The above listed changes have been made to the draft ordinance and Staff recommends that the Council accept the third and final reading of the proposed amendments and adopt Ordinance 1521.

Committee/Board Recommendation:

The Advisory Group and Planning Commission have all reviewed the proposed amendments; their comments have been incorporated into the drafts. All groups have recommended to adopt the amendments.

CITY COUNCIL OPTIONS

1. Accept the third and final reading of Ordinance 1521 and adopt Title 5, Business Licenses and Regulations.
2. Request changes to Ordinance 1521 and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

“I MOVE TO ACCEPT THE THIRD AND FINAL READING AND ADOPTION OF ORDINANCE 1521 AS SET FORTH IN ATTACHMENT A”.

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1521

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE (SMC) TITLE 5, BUSINESS LICENSES AND
REGULATIONS, RECODIFYING CHAPTER 5.50 REGARDING DAMAGES CLAIMS
AS SMC CHAPTER 1.50, AND ESTABLISHING SEVERABILITY AND AN
EFFECTIVE DATE.**

WHEREAS, the City of Stanwood has begun a process to comprehensively update its municipal code to conform to current law and practice; and

WHEREAS, the purpose of this code amendment is to eliminate conflicts, improve clarity and overall function of the municipal code, and reflect current city and best practices; and

WHEREAS, Title 5 adopts the City's business license procedures and requirements; and

WHEREAS, the amendments were reviewed for consistency with the state model ordinance and city's review procedures; and

WHEREAS, the amendments update the city's permitting procedures for firework stands, special events, and merchants without a fixed location; and

WHEREAS, the City of Stanwood SEPA Responsible Official has reviewed the proposed amendments to the Stanwood Municipal Code, determined that the amendments are categorically exempt from SEPA, and memorialized those conclusions under file number 230114; and

WHEREAS, the Stanwood Advisory Group reviewed the draft ordinance at their July 6, 2023 meeting, and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the Stanwood Planning Commission reviewed the draft ordinance at their July 19, 2023 meeting and has recommended that the City Council adopt the ordinance as presented; and

WHEREAS, the City Council held a public meeting and first reading of the draft code amendment on September 14, 2023, a second reading on October 26, 2023, and accepted public comment; and

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

Section 1. Stanwood Municipal Code Chapter 5.50, Damages Claims Against the City, is recodified as SMC Chapter 1.50.

Section 2. Stanwood Municipal Code Title 5, Business Licenses and Regulations, is repealed in its entirety and replaced with the new Title 5, Business Licenses and Regulations, as provided in Exhibit “A” attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2023.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

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Title 5 Business Licenses and Regulations

i This title is a complete rewrite of existing SMC Title 5.

- Existing Chapter 5.01, Utility Tax, is being recodified into Title 3 through concurrent adoption of an ordinance re-adopting the entirety of Title 3.
- Existing SMC Chapter 5.50, Damage Claims Against the City, is proposed for recodification into SMC Title 1 through the adopting provisions of this ordinance.
- Existing SMC Chapter 5.24, Utility Pole Attachment Permit, is proposed for repeal through this readoption, given that the Legislature through RCW Chapter 80.54 has given the WUTC the authority to articulate rules for pole attachment (which it did through rules adopted in WAC Chapter 480-54 in 2015).

Chapter 5.01 General Provisions

5.01.010 Administration

Except where otherwise provided, the City Community Development Director is responsible for the administration of this title.

5.01.020 Severability

The various chapters, sections, and clauses of the ordinances codified in this title are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the title must not be affected.

Chapter 5.02 Business Licenses

i This chapter is based on existing chapter 5.03.

5.02.010 Applicability.

This chapter applies to:

- (1) persons engaging in business within the City of Stanwood; and
- (2) business licenses issued by the City of Stanwood, including those issued through the state Master License Service.

5.02.020 Definitions—Generally

- i** This section is based on existing SMC 5.03.010. "Stuffed definitions" in which a substantive rule is contained within the definition, have been removed.
- i** Added a general definition of clerk for the entire title that allows designation of someone other than the clerk.

- (1) "Clerk" means the city clerk or such city employee or agent as the city administrator may designate to administer this title.
- (2) "Engaging in business" has the meaning found in SMC 5.02.030.
- (3) "Person" includes the terms company, corporation, individual, owner, partnership, proprietorship and sole proprietorship and shall mean any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, joint venture, club, business trust, association, society, or group of individuals acting as a unit, whether mutual, cooperative, fraternal, religious, profit, nonprofit, or otherwise.

5.02.030 Definition—"Engaging in Business"

- i** RCW 35.90.080 requires the city to use the model ordinance, developed by the Association of Washington Cities, to describe what constitutes "engaging in business." This definition is from the June 2018 definition. This section should not be modified.

- (1) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
- (2) This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.
- (3) Without being all-inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.
 - (a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.
 - (b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.
 - (c) Soliciting sales.
 - (d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
 - (e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
 - (f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.
 - (g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

- (h) Collecting current or delinquent accounts.
 - (i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
 - (j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
 - (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
 - (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
 - (m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
 - (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.
 - (o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
 - (p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
- (4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.
- (a) Meeting with suppliers of goods and services as a customer.
 - (b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
 - (c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
 - (d) Renting tangible or intangible property as a customer when the property is not used in the City.
 - (e) Attending, but not participating in a "trade show" or "multiple vendor events". Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.
 - (f) Conducting advertising through the mail.
 - (g) Soliciting sales by phone from a location outside the City.
- (5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4).
- (6) The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

 Councilmember Schmitt has suggested the following exemptions. We do not propose modifying the sections above because they are part of the state-mandated model license. Instead, we have attempted to address the issues below in the following optional language:

(7) The City interprets the foregoing to exempt the following activities:

- (a) working from home as a remote employee;
- (b) conducting advertising through social media;
- (c) a seller located outside the City merely delivering goods into the City by means of common carrier includes delivery by commercial delivery services such as Fed Ex or UPS.

5.02.040 Business License—When Required—Penalty for Violation.

 RCW 35.90.060 allows the city to require a business license only of those persons or entities that are "engaging in business" within the city.

(1) All entities "engaging in business" as defined in SMC 5.03.030 within the City of Stanwood require a city business license.

 The next subsection is based on existing SMC 5.03.025 and portions of existing SMC 5.03.030.

- (a) A subcontractor engaging in business within the City of Stanwood must obtain a city business license. The license of a general contractor does not satisfy the licensing requirements for a subcontractor.

 The following subsections are based on existing SMC 5.03.030.

- (b) If business is transacted by one person at two or more separate locations within the city, each business location requires a separate license.
- (c) If more than one business is conducted or operated on a single premises, a separate license is required for each business.

 State law requires the City to adopt the AWC model ordinance "uniform minimum licensing threshold," and allows the city to either exempt businesses outside the city that are below the minimum licensing threshold from obtaining a business license entirely, or may require them to obtain a fee-free license. The City adopted the first option in 2018 in SMC 5.03.027.

 The minimum threshold is \$2000 annual business, but the City may set it higher. If the City changes the threshold option or amount, it must notify WA DOR Business Licensing Services. BLS requires a 75-day notice of changes to business licenses.

(2) Exemption for businesses located outside the city.

 Councilmember Schmitt has suggested changing the threshold below to \$4,000. An AWC work group is looking at this issue and may recommend a uniform increase, potentially indexed to inflation. We recommend waiting for the outcome of that process.

- (a) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the city is equal to or less than \$2,000 and who does not maintain a place of business within the city is exempt from the general business license requirements in this chapter.

- (b) Such a business is not exempt from the regulatory special permits requirements of this title.

i Next subsection is based on 5.03.050(3), which makes these activities exempt from the application fee, but per staff should be exempt from the licensing requirement.

(3) The following are exempt from the requirement to obtain a city business license:

- (a) Nonprofit and not-for-profit activities and fundraising sales carried on by a corporation registered as a nonprofit with the Secretary of State's Office;
- (b) Garage sales, lawn sales, rummage sales, or any other similar casual sale of tangible personal property conducted on an infrequent basis not to exceed three times per each calendar year and not to exceed two consecutive days at one time;
- (c) Persons selling personal property or providing a service pursuant to an order or process of a court of competent jurisdiction;
- (d) Persons acting in accordance with their powers and duties as public officials.
- (e) a farmer, gardener, or other person, who sells, delivers, or peddles any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced, or manufactured by such person consistent with RCW 36.71.090.

i Next subsection is based on existing SMC 5.03.030(6).

(4) A business license is not transferable.

- (a) No licensee may allow another person to operate a business under or display the license issued to their business, nor may another person operate under or display the license issued to another business.
- (b) A person who acquires an existing business must apply for a city business license before commencing business within the city with that business.
- (c) A licensee must report a change of location of the business to the Master License Service, in coordination with the city clerk.
- (d) A change of the location of a business requires approval by the city before business may commence at the new location, and may require submitting a new master application and payment of fees.

i The following two subsections are based on existing SMC 5.03.030(7)-(8).

- (5) A city business license does not convey the City's permission to conduct a prohibited activity or other violation. The city may not be held liable for the actions of any licensed business by virtue of having issued a license to conduct business.
- (6) An applicant or licensee must permit reasonable inspections of the business premises by governmental authorities for the purpose of enforcing the provisions of this chapter.

5.02.050 Application and Renewal

i This section is based on existing SMC 5.03.030(1)-(2).

- (1) An application for a city business license or renewal must be filed via a master application through the State Department of Licensing's Master License Service.

- (a) An application may only be for a single city business license. Each license requires a separate application.
 - (b) The applicant must pay the filing fee described in the City's Consolidated Fee Schedule and any State Master License Service's handling fees.
- (2) A business may not start operation within the city prior to city approval of its city business license.

5.02.060 Application Fees

i This section is based on existing SMC 5.03.050. Deleted references to SMC 3.30.080 and .090, which are being repealed and have been subordinated by the City's Consolidated Fee Schedule.

- (1) The fee for the business license required by this chapter is established by resolution of the city council. The fee may be pro-rated as necessary to conform to SMC 5.03.080.
- (2) The business license fee is in addition to any license fee or tax imposed or levied under any law or other ordinance or resolution of the city except as otherwise expressly provided.

5.02.070 Review of Application—Approval or Denial

i Next line based on existing SMC 5.03.030(3).

- (1) The clerk must, when appropriate, refer applications to the planning department, the police department, or other governmental agencies for their review.
- (2) The clerk must approve an application for a business license that complies with this chapter and other provisions of the Stanwood Municipal Code.

i The next line is based on a portion of existing SMC 5.03.080(2). Deleted requirement to notify via certified mail to facilitate notice through the state master licensing system.

- (3) If the clerk denies an application, the clerk must give written notice to the applicant of the denial of their license. The notice must include a summary of the information considered by the clerk, the reason(s) for the action, and the opportunity for appeal provided by SMC 5.02.110.

5.02.080 License Expiration

i Based on existing SMC 5.03.070.

Each city business license must include an expiration date as determined by the Master License Service in coordination with the city. The city license may be prorated to coordinate with the expiration date assigned by the State Master License Service.

5.02.090 Penalty for Late Application or Renewal

i This section is based on existing SMC 5.03.060.

- (1) Licenses must be renewed annually on or before the expiration date, or expiration of any prorated period. Failure to renew a business license by the license expiration date may result in the assessment of a late renewal penalty, and may lead to the revocation of the city license.

- (2) Revocation of a license due to nonrenewal requires reapplication for the city license, and approval by the city before the revoked business may continue operation within the city.

5.02.100 License Suspension or Revocation

i This section is based on existing SMC 5.03.080(1).

- (1) The Clerk may suspend or revoke a business license when the licensee or any of its officers, directors, agents, owners, or employees fails or have failed to:
- (a) maintain the licensed premises or business activity in compliance with applicable health, building, fire, zoning (including legal nonconforming uses) or safety laws, ordinances, or regulations;
 - (b) comply with the requirements of this chapter. Any suspension shall remain in effect until the conditions causing the suspension are cured and reasonable measures are taken to ensure that those conditions will not recur; or
 - (c) renew a business license within 120 days after the expiration date of the license.

i The next line is based on a portion of existing SMC 5.03.080(2).

- (2) The Clerk must give written notice to the license-holder of the suspension or revocation of their license. The notice must include a summary of the complaints, objections, and information considered by the clerk; the effective date of the suspension or revocation; the reason(s) for the action; and the opportunity for appeal provided by SMC 5.02.110.

5.02.110 Appeals

i This section is based on existing SMC 5.03.080(2). Separated from suspension/revocation because it also applies to appeal of denials of initial applications.

- (1) Notice mailed to the mailing address on the application or most recent renewal is deemed received three days after mailing.
- (2) The applicant or license-holder may appeal the clerk's decision to the city hearing examiner by:
- (a) filing written notice of appeal to the Clerk within seven calendar days; and
 - (b) paying the appropriate fee.
- (3) The hearing examiner may overturn or modify the clerk's decision if it is clearly erroneous, and must issue its decision within 30 days of the date the appeal is received. The hearing examiners review of the appeal is not subject to a hearings proceeding.

5.02.120 Penalty for violation.

i This section is based on existing SMC 5.03.090.

i Existing code provides for a misdemeanor penalty.

Violation of any requirement of this chapter not otherwise specified is a Class 1 civil infraction and may also be enforced pursuant to SMC Title 13.

Chapter 5.04 Fireworks

- i** This chapter is based on existing SMC Chapter 5.04.
- i** Existing SMC 5.04.050 and SMC 5.04.060 is proposed for deletion as part of the Title 9 update.

5.04.010 Purpose.

- i** Existing SMC 5.04.010.

It is the intent of this chapter to provide a procedure for the granting of licenses, and the possession, sale, and discharge of fireworks.

5.04.020 Applicability

- i** This is a new section.

This Chapter applies to:

- (1) licenses for the public display of fireworks;
- (2) licenses for the sale of consumer fireworks.

5.04.030 State law adopted.

- i** Existing SMC 5.04.020.

Chapter 70.77 RCW pertaining to fireworks is adopted by this chapter by reference as though stated in its entirety in this chapter.

5.04.040 Public Display of Fireworks—License Required.

- i** Based on existing SMC 5.04.030, with additional provisions to describe application process from 5.04.080.

- (1) A license is required for the public display of fireworks per RCW 70.77.
- (2) An application for a license for the public display of fireworks must conform to the requirements of RCW 70.77 and be submitted to the clerk at least 60 days in advance of the event.
- (3) Per RCW 70.77.280, after investigation and report by the fire marshal, a license for a public display of fireworks may be issued by the Community Development Director if the application demonstrates compliance with the standards of Chapter 70.77 RCW.

5.04.050 Fireworks Sales—License Required.

- i** Based on existing SMC 5.04.030. Changed from "fireworks stand" to "fireworks sales."

A license is required for the sale of consumer fireworks, consistent with SMC Chapter 9.42.

5.04.070 Fireworks Sales License—Who May Apply.

i Existing SMC 5.04.070. Title has changed to delete "insurance prerequisite," which was not contained within this section.

A fireworks sales license may be issued only to such applicants who meet the following qualifications:

- (1) Nonprofit, charitable, religious, or eleemosynary corporations, organized and existing primarily for veteran, patriotic, religious, charitable, or civic betterment purposes; and
- (2) The corporation or association has its principal and permanent meeting place in the city, and has been organized and established in the city for a period of at least one year prior to the date application is made for a fireworks license.

5.04.080 Fireworks Sales License—Application—Insurance required.

i Based on existing SMC 5.04.080. Adjusted timelines and insurance minimums to refer to statute. Deleted requirement to apply by June 1 of each year.

- (1) Application for a fireworks sales license:
 - (a) Must be made in writing on forms provided by the city;
 - (b) Must be accompanied by the license fee as established by resolution;
 - (c) Must set forth the proposed location of the fireworks stand applied for.
- (2) An application must be processed by the City consistent with the timelines in RCW 70.77.270(1).
- (3) If an applicant is not granted a license, the application fee must be refunded.
- (4) An application for a license must be rejected unless the fireworks stand is covered by a liability insurance policy consistent with RCW 70.77.270.

5.04.090 Fireworks Sales License Renewal – Preference.

i Existing SMC 5.04.090.

Applicants for renewal of a fireworks sales license must be given preference over applicants for license by persons not previously licensed, provided that if the holder of the license fails to make application for renewal by the third Monday in April, the preference must be forfeited.

5.04.100 Fireworks Sales License—Number.

i Existing SMC 5.04.100.

- (1) No one organization may receive more than one license for fireworks sales during any one calendar year.
- (2) The maximum number of licenses which may be issued pursuant to this chapter during any one calendar year must not exceed one license for each 1,500 residents of the city, or fraction thereof, according to the last official census. Once the maximum number of licenses for the year have been approved, the city will no longer accept fireworks license applications.

5.04.110 Fireworks Sales—Operation.

i Existing SMC 5.04.110.

No person other than the licensee organization may operate the fireworks stand for which the license is issued, or share or otherwise participate in the benefits of the operation of such stand.

5.04.120 Fireworks Sales—Requirements.

i Existing SMC 5.04.120. Updates to conform section to style guide.

All retail sales of “safe and sane” fireworks are permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands are subject to WAC [212-17-185](#) through [212-17-21519](#) and the following provisions:

- (1) No fireworks stand may be located within 25 feet of any other building, nor within 100 feet of any gasoline station;
- (2) A fireworks stand need not comply with the provisions of the building code of the city but must be erected under the supervision of the fire chief, who may require that those stands be constructed in a manner and place to ensure the safety of attendants and patrons.
- (3) A fireworks stand must maintain approved fire extinguishers at all times;
- (4) A fireworks stand must have at least two exits;
- (5) A fireworks stand must not be located closer than 600 feet to another fireworks stand;
- (6) All weeds and combustible material must be cleared from the location of a fireworks stand, including a distance of at least 20 feet surrounding the stand;
- (7) Signs reading “No Fireworks Discharge Within 100 Feet” in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, must be conspicuously posted on all four sides of the stand;
- (8) Signs reading “No smoking within 20 feet” in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, must be conspicuously posted on all four sides of the stand;
- (9) A fireworks stand may be operated by adults only.
- (10) No fireworks may be left unattended in a stand.
- (11) All unsold stock, accompanying litter, and the fireworks stand itself must be removed from the location and the city by 12:00 noon on July 6th of each year for the July 4th selling season and by 12:00 noon on January 3rd for the New Year’s selling season.

5.04.130 Violations—Penalties and Revocation

i Existing SMC 5.04.130.

- (1) Violation of any provision of this chapter is subject to the penalties of Chapter 70.77 RCW.

i New material below.

- (2) The clerk may revoke a license of a fireworks stand for non-compliance with the rules in this chapter or the rules in SMC 9.42.020 regarding purchase and sales of fireworks or for sales of fireworks other than consumer fireworks.

Chapter 5.06 Special Events

5.06.010 Purpose

i Based on City of Lynnwood purpose statement.

The purpose of this chapter is to accommodate and allow for individual, occasional, or seasonal activities and events desired by members of the community and to:

- (1) ensure special events and activities do not unduly impact or threaten the public's health, safety, and welfare;
- (2) protect and preserve public infrastructure and city resources;
- (3) prevent unplanned disruption of public services;
- (4) mitigate impacts to the extent feasible;
- (5) allow for the exercise of protected free speech; and
- (6) facilitate business events of a singular or infrequent nature.

5.06.020 Applicability

- (1) This chapter applies only to "special events" as defined in SMC 5.06.030.

i The following is based on existing SMC 5.06.025:

- (2) This chapter specifically exempts the following:
 - (a) parades, athletic events or other special events that are conducted in full by the city of Stanwood;
 - (b) funeral procession by a licensed mortuary;
 - (c) temporary sales conducted by businesses on site, such as holiday sales, grand opening sales, sidewalk sales, or anniversary sales;
 - (d) garage sales, rummage sales, lemonade stands, and car washes outside of the right-of-way;
 - (e) lawful picketing/demonstrating in public places protected by the First and Fourteenth Amendments to the United States Constitution.

5.06.030 Definitions

i Based on existing SMC 5.06.010.

The following definitions apply to the terms used in this chapter:

"Director" means the director of the Community Development Department, or the director's designee.

"Event organizer" means the person or entity that is sponsoring or organizing a special event.

i Existing definition of "special event" used "and/or," which is never recommended. Reworded for clarity. Deleted "uncommon impact on a public place" for vagueness. Replaced "reasonably expected to require the provision of public services" with the language from existing section 5.06.020. Deleted requirement for event to occur on public property, consistent with staff direction to regulate events on private property. Changed threshold from 75 to 50 people. Changed City Administrator to Director.

"Special event" means any temporary or ongoing activity (including, but not limited to, fun runs, roadway foot races, fundraising walks, auctions, bike-a-thons, parades, carnivals, shows, or inhabitations, filming/movie events, circuses, concerts, festivals, block parties, and fairs) conducted on:

- (a) Public property or in a public right-of-way that causes the closure or limited use of streets, sidewalks, public parking, parks or other public venues normally accessible by the general public; or
- (b) Private property and would have a direct significant impact on traffic congestion or traffic flow to and from the event over public streets or rights-of-way, would significantly impact public streets or rights-of-way near the event, would significantly impact the need for emergency services, or would create a nuisance per SMC Chapter 7.16. It is presumed that an event with an estimated attendance of 50 or more people qualifies as a "special event."

i Deleted "The proposed event requires the event organizer to obtain a use permit from two or more city departments."

5.06.040 Permit required.

i Based on existing SMC 5.06.020; deleted thresholds for permit requirement that are duplicated in the definition of "special event."

It is unlawful for any person to hold or conduct any special event as defined in 5.06.030 in the city without a permit issued per this chapter.

5.06.050 Permit application.

i Based on existing SMC 5.06.030. Fee payment moved from 5 days prior to event to time of application.

- (1) An application for a special event permit must:
 - (a) be made on forms available from the community development department;
 - (b) be completed and submitted to the Director no later than 60 days prior to the proposed event;
 - (c) include the application fee.
- (2) A waiver of the deadline in subsection (1)(b) may be granted by the director upon a showing of good cause. The director must consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other city services for the event. Good cause can be demonstrated by the applicant showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file within the time prescribed, or that the event is related to the exercise of rights under the First and Fourteenth Amendments of the United States Constitution.
- (3) The application must include the following:
 - (a) Purpose of the special event; name, address and telephone number of the sponsoring organization or individual(s);

- (b) Proposed date of event, location and hours of operation, schedule of events, and estimated attendance;
- (c) Special facility requirements and city assistance required; and
- (d) Sanitation Requirements:
 - (i) Adequate waste disposal facilities must be identified and information demonstrating how facilities will be obtained must be provided.
 - (ii) Adequate restroom and washroom facilities must be identified and information demonstrating how facilities will be arranged for or obtained by the applicant, subject to the Snohomish County Health Department's review and certification process, must be provided.
- (4) Permits, approvals, or coordination from other public agencies (e.g., Community Transit, Island Transit, Department of Transportation) when required must be submitted prior to the issuance of the permit.
- (5) Five days prior to the event, a complete list of concessionaires operating any booths must be submitted.
- (6) The city may require other information deemed reasonably necessary to determine that the permit meets the requirements of this chapter.
- (7) When an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, the application must be processed promptly, without charging a fee or imposing terms or conditions that infringe upon constitutional freedoms, and in a manner that respects the liberty of applicants and the public.

5.06.060 Application for city contribution.

i Based on existing SMC 5.06.035.

- (1) An application for city contribution towards a special event must:
 - (a) be made on forms available from the community development department;
 - (b) be completed and submitted to the community development director ("director") or designee no later than 60 days prior to the proposed event.
- (2) The application must include the information required in SMC 5.06.050 and must include cost estimates for any needed city services.
- (3) A waiver of application deadline for requests for city contribution may be granted by the Director on the same basis as in SMC 5.06.050(2).
- (4) An application for city contribution may be approved by the Director. To approve an application for city contribution, the Director must make all of the following findings:
 - (a) the event contributes to the marketing of the city;
 - (b) the event will attract the general public into the downtown or uptown commercial areas and will be conducted in a way that creates potential for additional retail or service business transactions that contribute to the city's tax base;
 - (c) the event provides recreation benefit to the general public;
 - (d) the event promotes the general public welfare;
 - (e) the event is included in the city's adopted budget, although a contribution in excess of the budgeted amount also requires City Council approval.
- (5) As part of the city contribution, the City may allow or require, in its sole discretion, the city of Stanwood logo or text indicating the city role on signage, posters, and other advertising materials for the event.

5.06.070 Departmental analysis.

i Existing SMC 5.06.060.

- (1) The Director must send copies of special event permit applications to all pertinent city departments for review and determination of services required.
- (2) The applicant is required to coordinate with the Stanwood police department and public works department to employ police officers for security and traffic control as determined by the departmental analysis.
- (3) The Director must estimate the cost of city services (e.g., police, public works employees, etc.) for a special event prior to the event. As a condition of permit approval, the Director may require a cash deposit for such costs prior to issuance of a special event permit. Additional costs incurred by the city will be evaluated following the completion of the event.
- (4) If city sponsorship is requested, the city financial contribution to the event must be determined as part of the departmental analysis. The city may at its discretion provide for the full or partial cost of police and public works services for city-sponsored special events.

5.06.080 Approval—Criteria.

i Based on existing SMC 5.06.040.

- (1) After receipt of the comments of affected city departments on the application, permits issued under this chapter may be issued by the Director.
- (2) Approval/Denial by Director. A permit may be issued by the Director only if all of the following criteria and conditions for issuance are met:
 - (a) Adequate plans for parking exist to meet the need generated by the proposed event;
 - (b) The proposed event or proposed use of the street will not intrude onto or over any portion of a public right-of-way open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering property or public safety;
 - (c) The proposed event will not impact, or will reasonably mitigate its impact, on nearby private property, including those impacts related to noise, light, and parking;
 - (d) The proposed event will not cause unreasonable impacts to other activities such as events or construction on the date(s) requested;
 - (e) The proposed event location has not been unreasonably impacted by the number of other events in a one-year period;
 - (f) City personnel and resources are available to assist with the event as deemed necessary by the community development director, chief of police, and the public works director;
 - (g) Such other and further conditions as the Director deems necessary to reasonably ensure that the proposed special event does not in any way create a likelihood of endangering public safety, including, but not limited to, those who may participate or be spectators.
- (3) The Director must notify the City Council of all special event approvals made by staff.

5.06.090 Approval—Conditions.

i Based on existing SMC 5.06.075.

- (1) The Director may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect public safety, to protect the rights of persons and property, to address traffic control, and ensure consistency with SMC 5.06.080(2).
- (2) The following conditions apply to all special event permits:
 - (a) The applicant may not alter the time, place, and manner of the event proposed on the event application;
 - (b) Conditions concerning the area of assembly and disbanding of an event occurring along the route;
 - (c) Conditions concerning accommodation of pedestrians or vehicular traffic, including restricting the event to only a portion of the street or right-of-way;
 - (d) Compliance with any other applicable federal, state, or local laws and regulations.
- (3) Conditions on a special event permit that does not involve activities protected by the First and Fourteenth Amendments of the United States Constitution include but are not limited to:
 - (a) Requirements for the use of traffic cones or barricades;
 - (b) Requirements for the provision of first aid or sanitary facilities;
 - (c) Requirements for use of event monitors and providing notice of permit conditions to event participants;
 - (d) Restrictions on the number and type of vehicles, animals or structures at the event, and the inspections and approval of floats, structures, and decorated vehicles for fire safety;
 - (e) Compliance with animal protection laws;
 - (f) Requirements for use of garbage containers, cleanup, and restoration of city property;
 - (g) Restrictions on the use of amplified sound and compliance with noise laws;
 - (h) Notice to residents and/or businesses regarding any activity which would require a street closure;
 - (i) Restrictions on the sale and/or consumption of alcohol;
 - (j) Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the city;

i The next line is modified to clarify overtime may be required.

- (k) Requirements regarding the use of city personnel and equipment, including any requirement for the event sponsor to pay for staff overtime;

i The next line is based on existing SMC 5.06.033:

- (l) Compliance of event signage with Chapter 17.110 SMC, Sign Standards.

i The following subsection was recommended by WCIA.

- (4) Prior to the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the U.S. Constitution, the event sponsor must agree to reimburse the City for any costs

incurred by it in repairing damage to City property. The event sponsor must agree to indemnify, defend and hold the City, its officers, employees, volunteers and agents harmless from all causes of action, claims or liabilities occurring in connection with the permitted event, except those which occur due to the City's sole negligence.

5.06.100 Denial—Criteria.

i Based on existing SMC 5.06.080.

- (1) An application for a special event permit may be denied for any of the following reasons:
 - (a) The event will disrupt traffic within the city of Stanwood beyond practical solution;
 - (b) The event will protrude into the public space open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering the public;
 - (c) The event will interfere with access to emergency services;
 - (d) The location or time of the special event will cause undue hardship or excessive noise levels to adjacent businesses or residents;
 - (e) The event will require the diversion of so many city employees that it would unreasonably affect other city services;
 - (f) The application contains incomplete or false information;
 - (g) The applicant fails to provide proof of insurance;
 - (h) The applicant fails to obtain local, county, state, or federal permits as required;

i The following subsections were recommended by WCIA.

- (i) The applicant fails to complete the application or to supply other required information of documents or the applicant declares or shows an unwillingness or inability to comply with the reasonable terms or conditions contained in the proposed permit;
 - (j) The proposed event would conflict with another proximate event, interfere with construction or maintenance work in the immediate vicinity, or unreasonably infringe upon the rights of abutting property;
 - (k) The proposed event would unreasonably disrupt the orderly or safe circulation of traffic and would present an unreasonable risk of injury or damage to the public;
 - (l) There are not sufficient safety personnel or other necessary City staff to accommodate the event.
- (2) In the event paragraph (1)(j), (k), or (l) applies, the City must offer the applicant the opportunity to submit an alternative date or place for the proposed event before denying the application.

5.06.110 Site restoration.

i Existing SMC 5.06.065.

- (1) Cleanup. The permittee is required to clean all permitted public properties and the right-of-way of rubbish and debris, returning it to its pre-event condition. If the permittee fails to clean up such refuse, the cleanup will be arranged by the city and the costs charged to the permittee. The city may in its discretion require a cash cleanup deposit.

- (2) Damage to City Property. The city reserves the right to charge the event permittee the replacement cost for any documented damage to city property occurring during a special event. The city may in its discretion require a cash damage deposit.

5.06.120 Insurance required.

i Existing SMC 5.06.070. Amended per WCIA recommendation.

- (1) The applicant for a special event that does not involve the exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution is required to obtain and present evidence of insurance prior to permit issuance.
- (2) The City will determine the types and amounts of insurance required based on the risk exposure of the event.
- (3) A general liability insurance policy must be consistent with all of the following:
 - (a) be written on an occurrence form;
 - (b) name the City as an additional insured using an endorsement at least as broad as ISO additional endorsement form CG 20 26;
 - (c) be written for a period not less than 24 hours prior to the event and extending for a period not less than 24 hours following the completion of the event, or for the entire period of set up and tear down, whichever is longer.
- (4) The applicant must provide the City and all additional insureds for this event with written notice of any policy cancellation within two business days of their receipt of such notice.
- (5) In circumstances posing a significantly high risk of liability, the city may, in its discretion, increase the minimum insurance requirements, and in circumstances posing a significantly low risk of liability, the city may in its discretion reduce the minimum insurance requirements.

5.06.130 Revocation of special event permit.

i Based on existing SMC 5.06.090.

- (1) Any special event permit issued pursuant to this chapter may be revoked by the Director if the Director in consultation with the mayor determines that any of the following apply:
 - (a) That the special event cannot be conducted without violating the provisions of this chapter or the conditions of the special event permit;
 - (b) The special event is being conducted in violation of the provisions of this chapter or any condition of the special event permit;
 - (c) The special event poses a threat to the public health or safety;
 - (d) Conditions such as severe weather or other circumstances beyond the control of the city or the permittee have created or are likely to create conditions detrimental to the health and safety of the public or the event participants;
 - (e) The permittee has failed to obtain any other permit required by the city or pursuant to other local, state or federal law;
 - (f) The special event permit was issued in error or contrary to applicable law;
 - (g) The permittee has not paid all applicable city fees when due;

- (h) The participants in the special event are engaged in illegal activities.
- (2) Except as otherwise provided in this section, revocation of a special event permit must be in writing, must describe the reasons for the revocation and must be mailed, electronically transmitted, or hand-delivered to the permittee.
- (3) If there is an emergency requiring immediate revocation of a special event permit, the Director may verbally notify the permittee of the revocation and the reasons for the revocation, followed by written notice within 7 days.

5.06.140 Appeal.

i Based on existing SMC 5.06.100

- (1) An applicant may appeal any administrative denial or revocation of a special event permit to the city administrator. Any such appeal must:
 - (a) be in writing;
 - (b) specify the grounds for the appeal; and
 - (c) must be submitted to the city clerk within seven calendar days of the issuance of the permit denial or revocation.
- (2) An applicant may appeal the city administrator's denial of a special event permit to Snohomish County superior court. Any such appeal must be made within 21 calendar days of the permit denial.
- (3) No appeal is available for City denial of an application for city contribution under SMC 5.06.060.

5.06.150 Violation – Penalty.

i Based on existing SMC 5.06.110.

- (1) It is unlawful to sponsor, conduct, or operate a special event contrary to this chapter or contrary to the conditions of a special event permit, or for any participant in a special event to violate a condition of the special event permit willfully and knowingly.
- (2) Violation of this chapter is a Class 1 civil infraction and may also be enforced pursuant to SMC Title 13.

Chapter 5.08 Merchants without a Fixed Location

i This is a heavy rewrite of existing SMC Chapter 5.08 titled "Peddlers, Vendors and Temporary Merchants" to provide substantive rules for such vendors without the requirement for an additional permit (other than a city business license).

i New chapter title to better capture the intended purpose of the regulations.

5.08.010 Purpose

i New material.

The purpose of this chapter is to regulate vendors and other merchants without a fixed location that desire to operate in the City of Stanwood.

5.08.020 Applicability

i This section is a new organization of applicability rules from the existing chapter.

- (1) This chapter applies to merchants without a fixed location, such as door-to-door salespeople, food trucks or other mobile or vehicle-based vending of merchandise, or temporary concessionaires, whether or not a business license is required by SMC 5.02.

i The following subsections are based on the exclusions in existing SMC 5.08.010 definition of "temporary merchant" or "concessionaire."

- (2) This chapter does not apply to:

- (a) merchants who operate within the City less than 1 day per year;
- (b) public officers selling property under authority of law and to persons selling property under court order;

i The next line is based on existing SMC 5.08.020(9):

- (c) special events, which are regulated by Chapter 5.06 SMC, but may apply to vendors operating at special events;

i The following exclusion is based on the exclusions in existing SMC 5.08.010 definition of "Vending of food from a mobile unit."

- (d) deliveries of meals on wheels and food basket or hot food delivery, by churches or other not-for-profit charitable organizations, to the elderly, sick or physically challenged;

i Next line captures "newspapers," which was excluded from existing definition of peddler, and pizza deliveries, which was excluded from definition of "vending of food from a mobile unit."

- (e) deliveries of other services or merchandise arranged at a location not otherwise subject to this chapter, including delivery of newspapers and food pursuant to orders taken at an established place of business.

5.08.030 Definitions.

i Based on existing SMC 5.08.010. Deleted "peddler" as duplicative of "temporary merchant." Deleted "solicitor for profit," which was unused. Amended "vending of food from a mobile unit" to be broader than just food.

The following definitions apply to the terms used in this chapter:

i Definition of food court from Walla Walla Municipal Code 5.04.010.

"Food court for mobile food vendors" means a site where two or more mobile food vendors congregate to offer food or beverages for sale to the public as the principal use of the land.

"Mobile food vendor" means a vendor from a mobile unit that serves food.

"Temporary merchant" or "temporary concessionaire" means any person who sells, or offers for no charge, any goods, wares, merchandise, food or anything of value, from a location other than a permanent building they own or lease, including any person, either as agent or principal, who carries goods, wares, merchandise or food

of whatever nature or description from house to house, building to building or upon any street, highway or public place within the city for the purpose of selling such goods, wares or merchandise or solicits orders for the same.

“Permanent building” means a structure constructed on a permanent foundation, and hooked up to city water, sewer, and drainage, that have restrooms and washing areas.

“Solicit” and “solicitation” mean the request, directly or indirectly, for money, credit, property, financial assistance or other thing of value on the plea or representation that such will be used for a charitable purpose as hereafter defined. “Solicit” and “solicitation” includes the following methods of requests, collections, or receipts:

- (a) Any oral or written request;
- (b) The sale of, offer or attempt to sell any change, coupon, device, tag, emblem, ticket, book, card, magazine, membership, merchandise, subscription, advertising space or other thing in connection with which an appeal is made for a charitable purpose or any statement is made that the whole or any part of the proceeds from such sale will be donated to or will go to a charitable purpose.

“Vendor from a mobile unit” means a business that sells merchandise from a mobile unit traveling city streets for the purpose of selling merchandise.

5.08.040 Business License Required

i This section supplants the separate license requirement in existing SMC 5.08.020.

- (1) A City business license is required for any business to which this chapter applies, unless exempted per SMC Chapter 5.02.
- (2) An application for such a business license must include:

i The following is based on existing SMC 5.08.020(4) and (6):

- (a) a brief description of the nature and method of the business, and goods to be sold, or services solicited or provided;
- (b) if a vehicle is to be used, a description of the vehicle, the name of the person or company to whom the vehicle is registered, and the vehicle license number or other means of identification, and whether the vehicle is to be used to provide food;

i Next line based on existing SMC 5.08.070(2).

- (c) if a business intends to conduct business for more than one day at any one location, a site plan of the business location and such other plans or drawings as the city may require for approval;
- (d) if a business intends to conduct business on private property, other than door-to-door sales, written approval of the property owners.

5.08.050 General Requirements

- (1) Businesses to which this chapter applies must comply with the following:

i Next line based on existing SMC 5.08.070(1). Note difficulty for strict compliance for door-to-door salesmen.

- (a) No person may conduct business under this chapter on private property without written permission from the property owner, with the exception of door-to-door sales, which must respect all private "no trespassing" signs.

i Next sections are based on existing SMC 5.08.080:

- (b) The site of the business operation must be kept clean and orderly at all times and the business must provide a refuse container if their activities generate refuse.
- (c) If located on a sidewalk, a minimum usable and unimpaired sidewalk clearance of five feet must be maintained by any street vendor.
- (d) If located on a street, the operation must be oriented to the pedestrians on the sidewalk and not the vehicular traffic, if such exposure would interfere with the traffic flow.
- (e) If providing food, the operation must be properly licensed by the Snohomish County Health Department and the vehicle must be reviewed and approved by the fire marshal.
- (f) The business must comply with all parking requirements as listed in Chapter 17.105 SMC.
- (g) The business must comply with all city, county, state and federal regulations regarding food handling.
- (h) The business must comply with all applicable requirements of SMC Title 17, Zoning, especially regulations governing signs.

i The next line is based on existing SMC 5.08.030(6):

- (i) The business must obtain and retain a public liability and property damage insurance in the form and amounts recommended by the city's insurance provider.

i The next line is based on existing SMC 5.08.080(3):

- (2) The city reserves the right to limit the number of mobile vending sites allowed in any given area.

5.08.060 Additional Requirements for All Mobile Vendors

A vendor from a mobile unit:

- (1) may not place advertising on the street or sidewalk (all advertising must be on the mobile unit);
- (2) may not use radios or any other sound devices to attract public attention except in accordance with Chapter Title 7;
- (3) must provide, for public use, receptacles of adequate size on said unit for the deposit of refuse and recyclables;
- (4) must be 200 feet from a similar existing and stationary business;
- (5) must manage water, grey water, and black water consistent with applicable regulations.

~~(6) The city reserves the right to limit the number of mobile vending sites allowed in any given area.~~

5.08.070 Additional Requirements for Mobile Food Vendors (e.g., Food Trucks)

 Added regulations for food trucks based on several other jurisdictions' codes and existing SMC 5.08.040.

(1) A mobile food vendor and a food court for mobile food vendors:

- (a) must comply with all requirements of the state and local health departments and the Department of Labor and Industries;

 Next line based on Marysville MC 22C.260.040(1).

(b) are prohibited in residential zones unless approved as part of a special event permit.

 The following subsections are based on Walla Walla Municipal Code 5.04.045:

(2) A mobile food vendor must:

- (a) conform to the requirements of the International Building Code regarding accessibility;
- (b) not utilize any tents, tarps, or pop-up shelters for food preparation or sales;
- (c) direct any site lighting away from adjacent properties and ensure it is shielded and aimed downward;

 The following is based on City of Vancouver's requirements:

- (d) may not obstruct pedestrian traffic;
- (e) be parked on a paved or gravel surface;
- (f) not use ADA parking spaces or diagonal parking spaces unless the parking spaces are closed pursuant to a street use permit;
- (g) provide access to a restroom for the vendor's staff;

 The following is based on Marysville MC 22C.260.030:

- (h) leave the site clean and vacant each day, including picking up all trash and litter within 100 feet of the mobile food vending unit;
- (i) ensure trash receptacles not intended for customer use are screened from public view and securely covered;
- (j) install and maintain an adequate grease trap in the mobile food vending unit and properly dispose of grease per Washington State health regulations;
- (k) dispose of all wastewater generated by the mobile food vending unit in a proper manner and document disposal.

 The following subsections are based on Walla Walla Municipal Code 5.04.045:

(3) A food court for mobile food vendors must:

- (a) Provide seating at the rate of six seats per vendor.
- (b) Provide restroom facilities with handwashing facilities either on site or within an adjacent building that is accessible to the mobile vendor food court when the business(es) are in operation. A mobile vendor

food court must have at least one restroom. One additional restroom is required for each five vendors in the court.

- (c) Direct any site lighting away from adjacent properties and ensure it is shielded and aimed downward.

i The following is based on City of Vancouver's requirements:

- (4) Generator use must comply with SMC Chapter 7.30, Noise Control, and may not exceed 70 decibels at 10 feet.

5.08.080 Location Restrictions

i The next subsections are based on existing SMC 5.08.080(6-7):

- (1) Businesses to which this chapter applies are prohibited in the following locations:
 - (a) within the SR-532 right-of-way;
 - (b) parks, unless approved as part of a special event permit or as allowed in SMC Title 17, Zoning;
 - (c) any other location prohibited by SMC Title 17, Zoning.

i Next line is based on existing definition of "temporary merchant."

- (2) A temporary merchant may only operate up to ~~15~~30 days per calendar year from each location, except from a permanent building they own or lease.

5.08.090 Business License—Revocation

i Based on existing SMC 5.08.060; this catch-all makes it unnecessary to list the various reasons for revocation in the existing section.

The business license for a business to which this chapter applies may be revoked per SMC 5.02.100 for any failure to comply with the requirements of this chapter.

5.08.100 Responsibilities.

i Based on existing SMC 5.08.090.

The issuance of a business license for a business regulated by this chapter does not relieve the licensee from securing any other license(s) required by state, federal, county or city law.

5.08.110 Penalty for violation.

i Revision of existing SMC 5.08.100 to civil infraction.

Violation of this chapter is a class 1 civil infraction and may also be enforced pursuant to SMC Title 13.

Chapter 5.12 Taxicabs

-  Ride-share companies such as Uber and Lyft are now regulated by ESHB 2076 (2022), notably RCW Chapter 46.72B, which preempts local regulation of such “transportation network companies and drivers.”
-  This revision deletes the requirement for a local taxi license, relying instead on city business licensing and the state’s licensing scheme in RCW Chapter 46.72. A taxicab operator will therefore need to obtain a taxicab license from the state rather than the city.

5.12.010 Purpose

The purpose of this chapter is to clarify applicability of business licenses to taxicabs. It is not the purpose of this chapter to supplant the state licensing requirement in RCW 46.72.020.

5.12.020 Applicability

This chapter applies to taxicabs and other for-hire cars per RCW 81.72, but not transportation network companies and drivers that are regulated by RCW 46.72B.

5.12.030 State and Local Licenses Required.

- (1) To operate a taxicab in the City of Stanwood, the following licenses are required:
 - (a) a state taxicab license per RCW 46.72.020; and
 - (b) a City of Stanwood business license.
- (2) To obtain a city business license, a taxicab operator must comply with all of the following:
 - (a) all drivers must be at least 21 years of age;
 - (b) all drivers must be duly licensed to drive a motor vehicle for hire under the laws of the state of Washington;
 - (c) only operate as a taxicab a vehicle in safe condition for use as such;
 - (d) fully comply with the requirements of RCW Chapter 46.72.

5.12.040 Business License—Revocation

The business license for a taxicab may be revoked per SMC 5.02.100 for any failure to comply with the requirements of this chapter.

Chapter 5.20 Cable System Regulations

-  This chapter is existing SMC Chapter 5.20 with only a few changes to conform the chapter to the style guide.

 Note that local governments are prohibited by federal law from regulating telecommunication services. See, notably, [47 CFR 76.43](#)

5.20.010 Short title.

This chapter constitutes the “cable system regulations” of the city of Stanwood and may be referred to as such.

5.20.020 Definitions.

For the purposes of this chapter, the following words, terms, phrases, and their derivations have the meanings given herein:

“Affiliate,” when used in connection with the franchisee, means any person who owns or controls, is owned or controlled by, or is under common ownership or control with the franchisee.

“Applicant” means any person or entity that applies for an initial franchise.

“Cable Act” means the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, and as any of them may be amended.

“Cable service” means the one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

“Cable system” means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

- (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations;
- (b) a facility that serves subscribers without using any public right-of-way;
- (c) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the federal Communications Act (47 U.S.C. 201 et seq.), except that such facility shall be considered a cable system (other than for purposes of Section 621(c) (47 U.S.C. 541(c)) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;
- (d) an open video system that complies with federal statutes; or
- (e) any facilities of any electric utility used solely for operating its electric utility system.

“Channel” means a portion of the frequency band capable of carrying a video programming service or combination of video programming services whether by analog or digital signal.

“Franchise” means an agreement that authorizes a person or entity to construct, operate, maintain or reconstruct a cable system. Upon the written acceptance by a franchisee, the agreement constitutes a contract between the city and franchisee.

“Franchisee” means the person, firm, corporation or entity to whom or which a franchise, as hereinabove defined, is granted by the city council under this chapter and the lawful successor, transferee or assignee of said person, firm, corporation or entity.

“Right-of-way” or “rights-of-way” means all of the following which have been dedicated or otherwise conveyed to the public or are hereafter dedicated or conveyed to the public whether in fee or as a right-of-way and maintained under public authority or by others and are located within the city: streets, roadways, highways, avenues, lanes, alleys, bridges, sidewalks, easements and similar public property and areas.

“Subscriber” means any person who or which elects to subscribe to, for any purpose, cable service provided by a franchisee by means of or in connection with the cable system and whose premises are physically wired and lawfully activated to receive cable service from franchisee’s cable system.

5.20.030 Franchise grant.

- (1) It is unlawful to engage in or commence construction, operation, or maintenance of a cable system in the city without a franchise issued under this chapter.
- (2) The city council may, by ordinance, issue a nonexclusive franchise to construct, operate, and maintain a cable system within all or any portion of the city to any person or entity, whether operating under an existing franchise or not, who applies for authority to furnish cable service which complies with the terms and conditions of this chapter; provided that such person or entity also agrees to comply with all of the provisions of the franchise.
- (3) This authority may not be deemed to require the grant of a franchise to any particular person or entity.
- (4) The city council may restrict the number of franchisees if it determines such a restriction would be in the public interest.

5.20.040 Franchise purposes.

A franchise granted by the city under the provisions of this chapter must:

- (1) Permit the franchisee to engage in the business of operating a cable system and providing cable service within the city;
- (2) Permit the franchisee to erect, install, construct, repair, rebuild, reconstruct, replace, maintain and retain cable lines, related electronic equipment, supporting structures, appurtenances and other property in connection with the operation of the cable system in, on, over, under, upon, along and across rights-of-way within the city;
- (3) Permit the franchisee to maintain and operate said cable system for the origination, reception, transmission, amplification and distribution of cable television signals and for the delivery of cable service; and
- (4) Set forth the obligations of the franchisee under the franchise.

5.20.050 Nonexclusive franchise.

Any franchise granted pursuant to this chapter:

- (1) is nonexclusive;
- (2) must not preclude the city from granting other or future franchises or permits;
- (3) must not preclude the city from using any rights-of-way or other public properties and may not affect its jurisdiction over them or any part of them, or limit the full power of the city to make all necessary changes, as the city in its sole discretion decides, including the dedication, establishment, maintenance and improvements of all rights-of-way and thoroughfares and other public properties of any type.

5.20.060 Application.

- (1) An applicant for an initial franchise must submit to the city a written application in a format provided by the city, at the time and place specified by the city for accepting applications and accompanied by the designated application fee. An application fee as set by resolution or as set forth in the city's adopted fee schedule must accompany the application to cover costs associated with processing the application, including, without limitation, costs of administrative review, financial, legal, and technical evaluation of the applicant, the costs of consultants, notice and publication requirements, and document preparation expenses. In the event such costs exceed the application fee, the applicant must pay the difference to the city within 30 days following receipt of an itemized statement of such costs. Conversely, if such costs are less than the application fee, the city must refund the difference to the applicant.
- (2) Application – Contents. An application for an initial franchise for a cable system must contain, at a minimum:

- (a) A statement as to the proposed franchise and information relating to the characteristics and location of the proposed system;
 - (b) A resume of prior history of the applicant, including the expertise of the applicant in the cable system field;
 - (c) Information demonstrating the applicant's legal, technical and financial ability to construct and operate the proposed system;
 - (d) A list of the partners, general and limited, of the applicant, if a partnership, members, if a limited liability company, or the percentage of stock owned or controlled by each stockholder having a five percent or greater interest, if a corporation;
 - (e) A list of officers, directors and key employees of the applicant, together with a description of the background of all such persons;
 - (f) The names and addresses of any parent entity or subsidiary of the applicant or any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant;
 - (g) A proposed construction and service schedule;
 - (h) Any other reasonable information that the city may request.
- (3) The city must be allowed the opportunity to ask relevant follow-up questions and obtain further information from whatever source. A refusal by an applicant to cooperate or provide requested information is sufficient grounds for the city acting through its community development director or designee to deny an application.
- (4) Consideration of Initial Franchise.
- (a) Upon receipt of an application for an initial franchise and after obtaining any additional information the city in its sole discretion deems appropriate from any source, a public hearing must be scheduled to allow public comment. At the public hearing, the city council may receive public comment regarding the following:
 - (i) Public Benefit. Whether the public will benefit from granting a franchise to the applicant;
 - (ii) Qualifications. Whether the applicant appears to have adequate legal, financial, and technical qualifications and capabilities to build, operate and maintain a cable system in the city;
 - (iii) No Conflicting Interests. Whether the applicant has any conflicting interests, either financial or commercial, that will be contrary to the interests of the city;
 - (iv) Compliance with the Franchise and Local Laws. Whether the applicant will comply with all of the terms and conditions placed upon a franchisee by the franchise, this chapter, and other applicable local laws and regulations;
 - (v) Compliance with Other Requirements. Whether the applicant will comply with all relevant federal and state laws and regulations pertaining to the construction, operation, and maintenance of the cable system.

i Existing code provides a 60-day timeline after close of the public hearing, but federal law limits the city to 90 or 180 days (depending on circumstances) from date of application for competitive franchise applications. See 47 CFR 76.41.

- (5) Within the time frame specified by 47 CFR 76.41, the city council must decide whether to grant a franchise and on what conditions. The city council's decision must be based upon the application, any additional information submitted by the applicant or obtained by the city from any source, and public comments. The

city council may grant one or more franchises, or may decline to grant any franchise. Any final action must be taken in accordance with the requirements of RCW 35A.47.040.

- (6) The means, methods and processes for franchise renewal or franchise transfer must be set out in the franchise agreement subject to any applicable requirements of federal or state law.

5.20.070 Pole or conduit agreements – Regulatory permits – Right-of-way permits.

No franchise relieves the franchisee of any of its obligations to obtain:

- (1) pole or conduit agreements from any department of the city, any utility company, or from others maintaining facilities in the rights-of-way;
- (2) building or similar regulatory permits or approvals;
- (3) a right-of-way permit for construction within rights-of-way where applicable.

5.20.080 Other authorizations – Franchise.

Franchisee must comply with and obtain, at its own expense, all permits, licenses, and other authorizations required by federal, state, and local laws, rules, regulations and applicable resolutions and ordinances which are now existing or hereafter lawfully adopted. The provisions of this chapter do not limit or restrict the terms, conditions, or provisions the city may require in a franchise.

5.20.090 Rules and regulations of the city.

In addition to the inherent powers of the city to regulate and control any franchise it issues, the authority granted to it by the Cable Act, and those powers expressly reserved by the city, or agreed to and provided for in a franchise, the right and power is reserved by the city to promulgate such additional rules and regulations as it may find necessary in the exercise of its lawful powers and in furtherance of the terms and conditions of a franchise and this chapter, and as permitted by applicable state and federal law.

5.20.100 Applicability.

The provisions of this chapter apply to all franchisees and cable systems to the greatest extent permissible under applicable law.

Chapter 5.32 Sexually Oriented Businesses

- i** This chapter is existing SMC Chapter 5.32 without modification except for cross-references (where noted).
- i** This chapter contains a mix of zoning/development rules and non-development rules. Ideally, development code should all be contained within the proposed new unified development code title, which also could apply within the UGA, and non-development regulatory measures should be located here in Title 5 (and cannot be applied outside the city limits). Because the new unified development code title will be one of the last titles that the City adopts as part of this project, we propose only changes to correct cross-references in this chapter at this time, and queue the remainder of the chapter for a full rewrite concomitant with the unified development code, which would retain the substantive regulations in Title 5, but move the zoning overlay to Title 17.
- i** Existing SMC 5.32.270 regarding the duration of time of a suspension or a license, cross-referencing to 13.01.030(8), is deleted as unnecessary.

5.32.010 Purpose and intent.

It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote health, safety, morals, and general welfare of the citizens of the city of Stanwood, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.

5.32.020 Definitions.

For the purposes of this chapter certain terms and words are defined as follows:

- (1) "Sexually oriented businesses" mean those businesses defined as follows:
 - (a) "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic or computer generated reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
 - (b) "Adult bookstore", "adult novelty store", or "adult video store" means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:
 - (i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 - (ii) An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of

consideration, the specified materials which depict or describe “specified anatomical areas” or “specified sexual activities;

(iii) Video stores that sell and/or rent only video tapes or other photographic or computer generated reproductions, and associated equipment shall come within this definition if 20 percent or more of its stock-in-trade or revenues comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(c) “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features: i) persons who appear nude or semi-nude; ii) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or iii) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(d) “Adult motel” means a hotel, motel, or similar commercial establishment which has the primary function of:

(i) Offering accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; and

(ii) Offering a sleeping room for rent for a period of time that is less than 20 hours; or

(iii) Allowing a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 20 hours.

(e) “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” are regularly shown for any form of consideration.

(f) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

(g) “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

(h) “Nude or semi-nude model studio” mean any place where a person, who appears nude or semi-nude or displays “specified anatomical areas”, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(i) “City” means the city of Stanwood, Washington.

(j) “Clerk” means the city clerk, or designee.

(k) “Employee” means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any business offering adult entertainment, adult theater, or adult use establishments, whether or not such person is paid compensation by the operator of said business.

(l) “Entertainer” means any person who provides sexually oriented entertainment in an adult cabaret whether or not an employee of the operator and whether or not a fee is charged or accepted for such entertainment.

(m) “Manager” means any person who manages, directs, administers, or is in charge of, the affairs and/or the conduct of an adult cabaret.

- (n) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (o) "Establishment" means and includes any of the following:
- (i) The opening or commencement of any sexually oriented business as a new business; or
 - (ii) The conversion of an existing business, whether or not a sexually oriented businesses, to any sexually oriented businesses defined herein;
 - (iii) The addition of any of the sexually oriented businesses defined herein to any other existing sexually oriented business; or
 - (iv) The relocation of any such sexually oriented business.
- (p) "Nude or state of nudity" means the appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast.
- (q) "Operator" means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed premises.
- (r) "Permitted and/or licensed premises" means any premises that requires a license and/or permit and that is classified as a sexually oriented business.
- (s) "Permittee and/or licensee" shall mean a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- (t) "Person" means any individual, firm, joint venture, copartnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.
- (u) "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- (v) "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, sexual encounter establishment, semi-nude model studio, escort agency, or adult motel.
- (w) "Specified anatomical areas" mean and include any of the following:
- (i) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of areolae; or
 - (ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (x) "Specified criminal acts" mean any conviction or acts which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including but not limited to, distribution of obscenity or material harmful to minors, prostitution or pandering.
- (y) "Specified sexual activities" mean and include any of the following:
- (i) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 - (ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
 - (iii) Masturbation, actual or simulated; or
 - (iv) Human genitals in a state of sexual stimulation, arousal or tumescence; or

(v) Excretory functions as part of or in connection with any of the activities set forth in subsections (y)(i) through (iv) of this section.

(z) “Sexually oriented entertainment” means a live performance at an adult cabaret which is characterized by the performer’s exposure of “specified anatomical areas.”

(aa) “Transfer of ownership or control of a sexually oriented business” means and includes any of the following:

(i) The sale, lease or sublease of the business; or

(ii) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(iii) The establishment of a trust, gift or other similar legal devise which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

(bb) “Youth-oriented business or activity” means a business utilizing a permanent building or facility where children under the age of 18 years are invited onto the business premises in conjunction with such business activity and at least 50 percent of the business revenue is generated from their patronage.

5.32.030 Sexually oriented business overlay zone created.

There is hereby created a sexually oriented business overlay zone within such geographical areas of the city as are identified on the official city zoning map of the city. The boundaries of such sexually oriented business overlay zone are further identified and depicted on Exhibit A1, attached to the ordinance codified in this chapter and by this reference incorporated herein. Sexually oriented businesses as defined herein may only locate within the sexually oriented businesses overlay zone above described; provided, however, even within such zone a sexually oriented business shall not locate within a distance of 100 feet of an existing youth-oriented business or activity; within 100 feet of any residential zone or any single or multiple family use; within 100 feet of any public park; within 100 feet of any church or other religious facilities or institution including public or private schools. Such distance shall be measured in a straight line from the nearest property line of the existing youth-oriented business to the nearest property line of the site upon which the proposed sexually oriented business proposes to locate.

1 Code reviser’s note: Exhibit A is on file in the clerk’s office.

5.32.040 Prohibition.

For the reasons stated in the recitals and SMC 5.32.010, a person shall not use any property or premises for a sexually oriented business within the city of Stanwood except within the sexually oriented business overlay zone established by this chapter, and then only subject to all regulations and conditions enumerated herein.

5.32.050 Regulated uses.

The following sexually oriented businesses are subject to the provisions of SMC 5.32.030 and all other regulations contained in this chapter:

- (1) Adult arcade;
- (2) Adult bookstore, adult novelty store, or adult video store;
- (3) Adult cabaret;
- (4) Adult motion picture;
- (5) Adult theater;
- (6) Nude/semi-nude model studio;

- (7) Escort agency;
- (8) Adult motel/hotel.

5.32.060 Sexually oriented business permit required.

- (1) No sexually oriented business shall be permitted to operate without a valid sexually oriented business permit, issued by the city for the particular type of business. It shall be unlawful and a person commits a misdemeanor if he/she operates or causes to be operated a sexually oriented business without said permit.
- (2) The city clerk or his/her designee is responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business permits and licenses. The planning director or his/her designee are responsible for ascertaining whether a proposed sexually oriented business for which a permit and/or license is being applied for complies with all requirements enumerated herein and all other applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of the ordinance codified in this chapter.
- (3) An application for a sexually oriented business permit shall be made on a form provided by the city. Any person desiring to operate a sexually oriented business shall file with the city clerk an original and two copies of a sworn permit application on the application form supplied by the city.
- (4) The completed application shall contain the following information and shall be accompanied by the following documents:
 - (a) If the applicant is:
 - (i) An individual, he/she shall state their legal name and any aliases or previous married names and submit satisfactory proof that he/she is at least 18 years of age;
 - (ii) A partnership, the partnership shall state its complete name, and the names of all partners, and include their dates of birth, and partnership agreement, if applicable;
 - (iii) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of Washington, the names and capacity of all officers, directors and shareholders, the name of the registered corporate agent, and the address of the registered office for service of process;
 - (iv) As a part of the application process, every officer, director, or shareholder, as defined above, shall provide the city clerk with an affidavit attesting to their identity and relationship to the corporation.
 - (b) Whether the applicant or any other individuals listed pursuant to subsections (4)(a)(ii) and (iii) above within a two-year period immediately preceding the date of the application has been convicted of a specified criminal act and, if so, the specified criminal act involved, the date of conviction, and the place of conviction.
 - (c) Whether the applicant or any of the other individuals listed pursuant to this chapter has had a previous permit or license under this chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit or license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
 - (d) Whether the applicant or any other individual listed pursuant to this chapter holds any other permits and/or licenses under this chapter, et seq., or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other permitted businesses.
 - (e) The single classification of permit for which the applicant is filing.
 - (f) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
 - (g) The applicant's mailing address and residential address.

- (h) Two two-inch by two-inch black and white photographs of the applicant(s), including all shareholders/partners, taken within six months of the date of the application, showing only the full face of the applicant(s). The photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it one such photograph of the applicant.
- (i) The applicant(s) including all shareholders/partners, shall provide driver's license number, social security number, and or his/her state or federally issued tax identification number.
- (j) Each application shall be accompanied by a complete set of fingerprints of each person required to be included in the application, including all shareholders/partners as defined above, utilizing fingerprint forms as prescribed by the chief of police. Application shall be made for annual permit before January 1st of each year.
- (k) In the case of an adult cabaret, a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (l) Applicants for a permit and/or license under this chapter shall have a continuing duty to promptly supplement application information required in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change by supplementing the application on file with the city clerk or his/her designee, shall be grounds for suspension of a permit and/or license.
- (m) In the event the city clerk or his/her designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business permit or license, he/she shall promptly notify the applicant of such fact and allow the applicant 10 days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)
- (n) The applicant must be qualified according to the provisions of this chapter, must have a current city business license, and the premises must be inspected and found to be in compliance with health, fire, and building codes of the city.
- (o) The applicant shall be required to pay a nonrefundable application fee as listed in SMC 3.30.110 at the time of filing an application under this chapter. Note: this is a processing fee. License fees shall also be required in the event the application is approved.
- (p) The fact that a person possesses other types of state or city permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.
- (q) The application form for licenses and permits issued under this chapter shall contain a provision providing that under penalty of perjury the applicant verifies that the information contained therein is true to the best of their knowledge.

5.32.070 Investigation and application.

(1) Upon receipt of an application properly filed with the city clerk and upon payment of the nonrefundable application fee, the city clerk or his/her designee shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to other city departments or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the applicant's application and the proposed sexually oriented business. Said investigation shall be completed within 60 working days of receipt of the application by the city clerk or his/her designee. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, and in the event it recommends disapproval, state the specific reasons therefor citing applicable laws or regulations.

(2) A department or agency shall recommend disapproval of an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the city. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the city clerk or his/her designee.

5.32.080 Issuance of permit.

(1) The city clerk or his/her designee shall grant or deny an application for a permit within 60 days from the date of its proper filing. Upon the expiration of the sixtieth day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the city or its designee notifies the applicant of a denial of the application and states the reason(s) for that denial.

(2) Grant of Application for Permit.

(a) The city clerk or his/her designee shall grant the application unless one or more of the criteria set forth in subsection (2)(C) below (Denial of Application for Permit) is present.

(b) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be easily read at any time.

(c) Denial of Application for Permit. The city clerk or his/her designee shall deny the application for any of the following reasons:

(i) An applicant is under 18 years of age.

(ii) An applicant is overdue on his/her payment to the city of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.

(iii) An applicant has failed to provide information required by this chapter or permit application for the issuance of the permit or has falsely answered a question or request for information on the application form.

(iv) The applicant has failed to comply with any provision or requirement of this chapter.

5.32.090 Licenses required for sexually oriented business – Fees.

i Updated to reference the City's consolidated fee schedule.

(1) No sexually oriented business shall be operated or maintained in the city of Stanwood unless the owner or operator has obtained a sexually oriented business permit as set forth above, and the applicable licenses from the city clerk. For adult cabarets the required license shall be the adult cabaret license set forth in subsection (2) below. It is unlawful for any entertainer, employee, or operator to knowingly work in or about or knowingly perform any service directly related to the operation of an unlicensed adult cabaret business.

(2) The annual fee for an adult cabaret business license shall be as noted in the City's consolidated fee schedule. This amount shall be used for the cost of administration of this chapter.

(3) The annual license fee for all other sexually oriented businesses described in SMC 5.32.050 shall be as noted in the City's consolidated fee schedule. This amount shall be used for the cost of administration of this chapter.

(4) The above referenced licenses expires annually on December 31st and must be renewed by January 1st.

(5) In cases where the license becomes effective on a date other than January 1st, the license fee shall be prorated on a quarterly basis. The cost thereof shall be computed by prorating the annual fee on a quarterly basis rounded back to the beginning of the quarter in which the license is to be issued.

(6) The applicant must be 18 years of age or older.

5.32.100 License for managers and entertainers of adult cabarets required – Fee.

- (1) No person shall work as a manager or entertainer at an adult cabaret without having first obtained an entertainer's or manager's license from the city clerk. Each such applicant shall not be required to obtain a sexually oriented business permit, but shall complete an application containing the information identified in SMC 5.32.060(4) and the same procedures shall be followed as set forth in SMC 5.32.070 and 5.32.080. A nonrefundable processing fee as noted in the City's consolidated fee schedule shall accompany the application.
- (2) The annual fee for such a license shall be as noted in SMC 3.30.110. This amount shall be used for the cost of administration of this chapter.
- (3) This license expires annually on December 31st and must be renewed by January 1st.
- (4) In cases where the license becomes effective on a date other than January 1st, the license fee shall be prorated on a quarterly basis. The cost thereof shall be computed by prorating the annual fee on a quarterly basis rounded back to the beginning of the quarter in which the license is to be issued.
- (5) The applicant must be 18 years of age or older.

5.32.110 Licenses for models and escorts.

No person shall work as a model at a nude or semi-nude model studio or as an escort as defined herein without having first obtained a model or escort license from the city clerk.

- (1) Each such applicant shall not be required to obtain a sexually oriented business permit, but shall complete an application containing the information identified in SMC 5.32.060(4) and the same procedures shall be followed as set forth in SMC 5.32.070 and 5.32.080. A nonrefundable processing fee as noted in the City's consolidated fee schedule shall accompany the application.
- (2) The annual fee for such a license shall be as noted in the City's consolidated fee schedule. This amount shall be used for the cost of administration of this chapter.
- (3) This license expires annually on December 31st and must be renewed by January 1st.
- (4) In cases where the license becomes effective on a date other than January 1st, the license fee shall be prorated on a quarterly basis. The cost thereof shall be computed by prorating the annual fee on a quarterly basis rounded back to the beginning of the quarter in which the license is to be issued.
- (5) The applicant must be 18 years of age or older.

5.32.120 Due date for license fees.

All licenses required by this chapter must be issued and the applicable fees paid to the city clerk at least 14 calendar days before commencing work at a sexually oriented business. The sexually oriented business permit required by SMC 5.32.060 must only be renewed based on changed circumstances as set forth in SMC 5.32.060(4)(I).

5.32.130 Manager on premises.

- (1) A licensed manager shall be on duty at an adult cabaret business premises at all times.
- (2) The licensed manager on duty shall not be an entertainer.
- (3) It shall be the responsibility of the manager to verify that any entertainer who works or appears within the premises possesses a current and valid entertainer's license posted in the manner required by this chapter.

5.32.140 License nontransferable.

No license or permit issued pursuant to this chapter shall be transferable.

5.32.150 License – Posting and display.

- (1) Every entertainer shall post his or her license in his or her work area so that it is readily available for public inspection.
- (2) Every person, corporation, partnership, or association licensed under this chapter shall display its license in a prominent place within the establishment. In the case of adult cabarets, the name of the manager on duty shall be prominently posted during business hours.

5.32.160 Specifications – Adult cabarets.

- (1) Separation of Sexually Oriented Adult Entertainment Performance Area. The portion of the adult cabaret premises in which sexually oriented adult entertainment is performed shall be a stage or platform that is separated from all patron seating areas in the following ways:
 - (a) Be at least 24 inches in elevation above; and
 - (b) Be separated by a distance of at least 10 feet; and
 - (c) Have a continuous railing at least three feet in height, extending from the floor, and located at least 10 feet from all points of the sexually oriented adult entertainment performance area.
- (2) Lighting. Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and so that on any part of the premises which are open to and used by patrons a program, menu, or list printed in eight point type will be readable.
- (3) Submittal of Plans. Building plans showing conformance with the requirements of this chapter shall be included with any application for an adult cabaret business license.

5.32.170 Standards of conduct and operation applicable to adult cabarets.

- (1) Standards for Patrons, Employees and Entertainers. The following standards of conduct must be adhered to by patrons, entertainers and/or employees of adult cabarets at all times:
 - (a) No employee or entertainer shall appear nude or semi-nude on any part of the premises open to view of members of the public, except on or in the entertainment performance area described in SMC 5.32.160(1).
 - (b) No patron or customer shall go into or upon the adult entertainment performance area described in SMC 5.32.160(1) while sexually oriented entertainment is being performed.
 - (c) No member of the public or employee or entertainer shall allow, encourage, or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of any other person.
 - (d) No member of the public or employee or entertainer shall allow, encourage, or permit physical contact between an employee or entertainer and any member of the public, which contact is intended to arouse or excite sexual desires.
 - (e) No employee or entertainer shall perform acts of or acts which simulate:
 - (i) Sexual intercourse, masturbation, bestiality, sodomy, oral copulation, flagellation, or any sexual acts which are prohibited by law; or
 - (ii) The touching, caressing, or fondling of the breasts, buttocks, pubic area, or genitals.
 - (f) No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

- (g) No entertainer of an adult cabaret shall be visible from any public place outside the premises during the actual or apparent hours of his or her employment or performance on the premises.
- (h) No entertainer employed or otherwise working at an adult cabaret shall solicit, demand, accept, or receive any gratuity or other payment from a patron, customer, or member of the public.
- (i) No customer or patron of an adult cabaret shall give or otherwise provide an entertainer with a gratuity or other payment.
- (j) Signs in lettering at least three-quarters inch high shall be conspicuously displayed in the public area of the establishment stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF STANWOOD. ENTERTAINERS ARE:

- (i) Not permitted to engage in any type of sexual conduct;
 - (ii) Not permitted to appear nude or semi-nude, except on stage;
 - (iii) Not permitted to dance or model where patrons are congregated;
 - (iv) Not permitted to solicit, demand, accept, or receive any gratuity or other payment from a patron.
- (2) Standards for Owner or Operator of Adult Cabarets. At any adult cabaret where live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities" are provided the following are required:
- (a) Admission must be restricted to persons of the age of 18 years or more; and
 - (b) Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and so that on any part of the premises which are open to and used by patrons a program, menu, or list printed in eight point type will be readable.

5.32.180 Regulations applicable to adult arcades.

All adult bookstores, adult novelty stores, or adult video stores having facilities for customer's viewing of depictions of human nudity and/or sexual conduct of any nature, including depictions of specified sexual activities, shall comply with the following regulations:

- (1) The viewing areas within the sexually oriented viewing booth premises shall be visible from a continuous main aisle and shall not be obscured by any curtain, door, wall or other enclosure. As used in this chapter "viewing area" means the area where a patron or customer would ordinarily be positioned while watching a film, video or other viewing device.
- (2) The licensee shall not permit any doors to public areas on the premises to be locked during business hours in compliance with the applicable provision of the city of Stanwood Building Code, Uniform Fire Code, and National Fire Protection Association Code.
- (3) A sexually oriented adult viewing booth operator must, at all times when the premises are open or when any member of the public is permitted to enter and remain there, maintain sufficient lighting to provide equally distributed illumination about all parts of the premises which are open to and used by patrons so that objects are plainly visible at all times, and so that on any part of the premises which are open to and used by patrons a program, menu, or list printed in eight point type will be readable.
- (4) The licensee shall not permit more than one person to occupy a sexually oriented adult arcade station or viewing booth at any time and public notices to this effect shall at all times be conspicuously posted and maintained on the sexually oriented adult arcade premises.

(5) There must be at least one employee on duty and situated in the public room adjacent to the sexually oriented adult arcade stations or viewing booths at all times that any patron, member, or customer is present inside the premises.

(6) There must be permanently posted and maintained in at least two conspicuous locations on the interior of every sexually oriented adult arcade premises a sign stating substantially the following:

Occupancy of any station or viewing booth is at all times limited to one person. There may be no acts of lewd or obscene conduct in the stations or viewing booths or on the premises. Violators are subject to criminal prosecution.

Each sign must be conspicuously posted and not screened from the patron's view. The letters must be on a contrasting background and shall be no smaller than three-quarters inch in height.

(7) The premises must be equipped with overhead lighting fixtures of sufficient intensity to maintain sufficient lighting that provides equally distributed illumination about all parts of the premises which are open to and used by patrons so that objects are plainly visible at all times, and so that on any part of the premises which are open to and used by patrons a program, menu, or list printed in eight point type can be read.

(8) Doors to areas on the premises which are available for use by persons other than the owner, manager, operator or their agents or employees may not be locked during business hours.

(9) The unobstructed view into the sexually oriented adult arcade viewing booths or stations from the adjacent public room by direct line of sight must remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times.

(10) No patron, member, or customer is permitted access to any area of the premises which has been designated as an area in which patrons, members or customers will not be permitted.

(11) No sexually oriented adult arcade viewing booth or station may be occupied by more than one person at any time.

(12) There may be no acts of lewd or obscene conduct in the sexually oriented adult arcade stations or viewing booths or on the premises.

(13) No person may operate or maintain any warning system or device, of any nature or kind, for the purpose of warning or aiding and abetting the warning of patrons, members, customers or any other persons occupying sexually oriented adult arcade stations or viewing booths located on the premises that police officers or city health, fire, licensing or building inspectors are approaching or have entered the premises.

(14) No person under the age of 18 years of age may be on or within a sexually oriented adult arcade booth premises whether as a patron, member, customer, agent, employee or independent contractor.

(15) Premises. Restrooms may not contain video reproduction equipment.

(16) Steps Risers. No steps or risers are allowed in any sexually oriented adult arcade viewing booth or station.

(17) Seating. No sexually oriented adult arcade station or viewing booth shall have more than one stool type seat. In order to prevent obscuring the occupant of a sexually oriented adult arcade station or viewing booth from view, no stool for seating within a sexually oriented adult arcade station or viewing booth shall have any seatback or sides. The seat cannot be positioned behind the doorway so that the occupant sits with his or her back to the door.

(18) Ventilation and Other Holes. All ventilation devices between the sexually oriented adult arcade viewing booths must be covered by a permanently affixed ventilation cover. Ventilation holes may only be located one foot from the top of the viewing booth walls or one foot from the bottom of the viewing booth walls. There may not be any other holes or openings between the viewing booths.

5.32.190 Regulations applicable to video stores not qualifying as sexually oriented businesses.

Video stores that sell or otherwise distribute films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and less than 20 percent of their stock-in-trade or revenues comes from the rental or sale of such items shall be subject to the following regulations:

- (1) All such items as are described above shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.
- (2) No advertising for such items shall be posted or otherwise visible, except where such items are authorized for display.
- (3) Signs readable at a distance of 20 feet shall be posted at the entrance to the area where such items are displayed stating that persons under the age of 18 are not allowed access to the area where such items are displayed.
- (4) The manager or attendant shall take reasonable steps to monitor the area where such items are displayed to insure that persons under 18 years of age do not access the age-restricted area.
- (5) Rental or sale of obscene material (as defined by state law) or material harmful to minors (as defined by state law) to persons under 18 years of age is prohibited.
- (6) Employees of such video stores shall check identification of persons appearing to be 18 or under to insure that such items are not rented or sold to persons under the age of 18.

5.32.200 Exemptions.

It is a defense to prosecution under this chapter that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated by:

- (1) A proprietary school, licensed by the state of Washington; a college, junior college, or university supported entirely or partly by taxation;
- (2) A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) The modeling of clothing or lingerie in a full-service restaurant where no consideration is charged, whether directly or indirectly, and specified anatomical areas are not exposed by the model.

5.32.210 License – Name of business and place of business.

No person granted a permit and/or license pursuant to this chapter shall operate a sexually oriented business under a name not specified in his/her license, nor shall he/she conduct business under any designation or at a location not specified in his/her permit and/or license.

5.32.220 Inspections.

- (1) All books and records required to be kept pursuant to this chapter shall be open to inspection by the police chief of the city of Stanwood during the hours when the licensed premises is open for business upon two days' written notice to the licensee. The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.
- (2) The licensed premises shall be (as an implied condition of receiving a sexually oriented business permit and/or license) open to inspection by the police chief during the hours when the sexually oriented business premises is open for business. The purpose of such inspection shall be to determine if the licensed premises is operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this chapter.

5.32.230 Hours of operation.

It is unlawful for any sexually oriented business premises, except adult motels, to be conducted, operated, or otherwise open to the public between the hours of 2:00 a.m. and 11:30 a.m.

5.32.240 Record-keeping requirements.

- (1) Within 30 days following each calendar quarter, each sexually oriented business licensee shall file with the city clerk a verified report showing the licensee's gross receipts and amounts paid to entertainers, models, or escorts, if applicable, for the preceding calendar year.
- (2) Each sexually oriented business licensee shall maintain and retain for a period of two years beyond the last date of employment, the full name, date of birth, address, age and driver's license number of all persons employed or otherwise retained as entertainers, models, and escorts by the licensee.

5.32.250 Procedure for appealing a license/permit denial.

- (1) When the city clerk refuses to grant a license or permit, he/she shall notify the applicant in writing of the same, describing the reasons therefor, and shall inform the applicant of his right to appeal to the city council within 10 days of the date of the written notice by filing a written notice of appeal with the city clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested.
- (2) Within 10 days of receiving a timely appeal, the city clerk shall forward the administrative record of the licensing decision to the city council.
- (3) Once the applicant has appealed the city clerk's decision, the city council shall review the administrative record at the next regularly scheduled meeting for which proper notice can be given. Written notice of the date and time of the scheduled meeting will be given to the applicant by the city clerk-treasurer by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.
- (4) The applicant and city clerk or his/her representative shall be given an opportunity to argue the merits of the appeal before the city council. Oral argument by each party shall not exceed 20 minutes and shall be limited to the administrative record before the council. New evidence shall not be presented by the parties or accepted by the council.
- (5) The city council shall uphold the city clerk's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The applicant shall bear the burden of proof.
- (6) The city council shall issue a written decision within 10 days of hearing the appeal. The council may uphold the city clerk's decision and deny the permit, overrule the city clerk's decision and grant the permit, or remand the matter to the city clerk for further review and action. The city clerk shall complete further action or review within 30 days of receiving the remand.
- (7) Appeal to the city council shall constitute final administrative review.

5.32.260 Suspension or revocation of license or permit procedures – Appeal.

 Updated to reflect changes to SMC Title 13.

License suspension and/or revocation and appeal therefrom shall be done in accordance with SMC 13.01.030(8). (Ord. 1112 § 2, 2001; Ord. 930, 1996).

5.32.280 Adult bookstores not incorporating arcade uses.

Adult bookstores, adult novelty stores, or adult video stores not including or incorporating into the business conduct those activities described in the definition of "adult arcade," may locate or continue to operate within

commercial zones of the city, as well as the sexually oriented business overlay zone; provided, however, such businesses locating within a commercial zone shall be subject to the following additional requirements: No building or structure used for an adult bookstore, adult novelty store, or adult video store as defined herein shall locate closer than 1,200 feet from any other building or structure used for such purpose, nor shall such a business locate within 600 feet of an existing church or school building, as measured in all compass directions from the exterior wall of the existing building to the closest property line of the subject building.

5.32.290 Building facade.

All sexually oriented business building facades, exteriors, and exits must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of a building used for a sexually oriented business, or on any door or apparatus attached to such building.

5.32.300 Signs.

Signs shall be permitted as allowed in accordance with Chapter 17.110 SMC.

5.32.310 Parking and lighting regulations.

On-site parking shall be required and regulated in accordance with Chapter 17.105 SMC, and in addition shall meet the following requirements:

- (1) All on-site parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk until one hour past closing hours of operation with a lighting system that will provide adequate illumination and visibility on the parking surface and/or walkways. An on-premises exterior lighting plan shall be presented to the city building department for approval prior to the operation of any sexually oriented business.
- (2) All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of fencing as approved by the city building department.

5.32.320 Number of permitted uses per structure.

There shall be no more than one sexually oriented business operating in the same building, structure, or portion thereof. In addition there shall be no other nonsexually oriented business operating in the same building, structure, or portion thereof in which a sexually oriented business is currently operating.

5.32.330 Severability.

If any portion of this chapter as now or hereafter amended, or its application to any person or circumstance is held invalid or unconstitutional, such adjudication shall not affect the validity of the chapter as a whole, or any section, provision, or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected. Any ordinance or regulation in conflict with this chapter is hereby repealed.

5.32.340 Limitation of liability.

None of the provisions of this chapter are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

5.32.350 Penalties for violation.

i Updated to reflect changes in proposed amendments to Title 13.

Violation of this chapter is a Class 1 civil infraction and may also be enforced pursuant to SMC Title 13.

5.32.360 Public nuisance – Injunctions.

Any sexually oriented businesses in violation of this chapter shall be deemed a public nuisance, which, in addition to all other remedies, may be abated by injunctive relief.

5.32.370 Moral nuisances.

Chapter 7.48 RCW pertaining to moral nuisances is hereby adopted by reference.

5.32.380 Effective date.

The ordinance codified in this chapter shall be in full force and effect five days after its passage and publication as provided by law.

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11a

DATE: December 14, 2023

SUBJECT: 2024 Consolidated Schedule of Fees and Charges

CONTACT PERSON: Patricia Love, Community Development Director
David A. Hammond, Finance Director

ATTACHMENTS: A – Resolution 2023-16 Consolidated Fee Schedule
B – Park Impact Fee Methodology
C – Traffic Impact Fee Methodology

ISSUE

The purpose of this agenda item is for Council consideration and approval of Resolution 2023-16 updating the City's Consolidated Schedule of Fees and Charges.

BACKGROUND

Staff recommends updating the City's fee schedule every two years. This allows for adjustments to impact fees based on the adopted Capital Improvement Program, amendments or additions to permit fees based on current conditions and incremental fee increases to recover costs related to salary increases.

DISCUSSION

Each city department conducted a review of the fee schedule to determine if any changes or updates were needed. Upon review of the current fee schedule, staff noted several changes that are needed to keep up with changing costs and circumstances. Below is a summary of the proposed fee schedule changes.

Section	Subsection	Proposed 2024 Fee
Section 1 Administration of Fee Resolution	Convenience Fee	Updated the credit card convenience fee from 3.75% to 4.32% based on current costs.
Section 2 Hourly Rate Schedule	Hourly Rate	Updated the staff hourly rates to reflect 2024 salary ranges. Added hourly rates for Public Works Utility positions. Note: the hourly rates were rounded up or down at the 0.5 mark.
Section 3 Land Use Fees and Charges	Conditional Use Permit	Deleted the administrative CUP fee as that permit type no longer exists.

Section	Subsection	Proposed 2024 Fee
	Driveway Permit	Clarified that the fee applies to alterations of driveway areas not within the right-of-way to avoid conflicts with right-of-way permits.
	Environmental Review – Critical Areas	Added Drainage and Cultural Resources Reports to the list of environmental review documents.
	Grading Plan Review	Clarified that there is no charge for grading activities less than 50 cubic yards.
	Local Improvement Districts (Segregated Assessment Fees)	New fee added to the schedule from SMC 3.12.320 and .330: Replaced the original and outdated language (show below) with a deposit based on the engineers estimate. Original fee: A fee of \$3.00 per description shall be for each description added to the assessment roll, and there shall also be an engineer's fee of \$7.50 collected which shall be payable by the owner of the property sought to be segregated to such assessment. (1964)
	Lot Line Adjustment	Added payment of consultant fees to review fee. (Included this statement on other permits which require consultant peer review but wasn't listed in the fee schedule as such.)
	Impact Mitigation Fees	Updated Park and Traffic Impact Fees in accordance with 2018-2029 CIP. Deleted Fire Impact Fees. See Exhibit B and C regarding impact fee methodology.
	Public Notice / Publication	Deleted reference to \$60 fee and set fee at actual costs.
	Right-of-Way	Added a "Other" category to capture ROW permits that don't include boring or street cuts.
	Signs	Added feather Banners and State surcharge on all sign permits.
	Wireless Communication Facility	Added Satellite Receiving Permits to the list.
Section 4 Building Permit Fees	Building Permits	Updated the valuation data sheet to reflect the February and August annual updates (versus May). Also updated the building permit valuations as reflected in the latest building safety journal magazine.
	Fixture / Equipment Types	Included hose bibs in the fixture table; Clarified equipment types: furnaces, air handling units, and number of gas piping outlets.

Section	Subsection	Proposed 2024 Fee
	Building Permit Type	Changed the fee for decks, ramps, unheated sunrooms, covered porches and stairs and unfinished basements from a per square foot fee to valuation based to be consistent with the building code. Added re-roofs and solar panel permits to the chart.
Section 6 Code Violation Penalties	Infractions	Changed Class A and B infractions to be consistent with recent code changes: ▪ Violations of City Code – Class 1 – 4 (Title 1) ▪ Civil Violations for Code Enforcement (Title 13)
Section 7 Utility Billing and Charges	Meter Reading Fee	Increased disconnection fee from \$27.50 to \$30.00*. Increased the meter read fee for outside normal cycle requests from \$15 to \$25*. *based on cost for staff time. Increased Irregular Check Fee; Post Dated, Unsigned or Otherwise Not Acceptable for Bank Deposit from \$25 to \$30**. Increased the non-sufficient funds check fee from \$25 to \$30**. **based on rate charged by the city's bank. Added a Meter Use permit fee.
Section 9 Water Billing Fees and Charges	Other Water Service Fees	Clarified that irrigation only meter fees are not subject to plant investment fees.
Section 13 Public Records Act – Related Fees	Body Worn Camera Records Request	Increased the hourly rate from \$50.40 to \$55.00 to account for labor cost increases. Changed the prorated rate from 15-minute intervals to 1-minute intervals consistent with other jurisdictions.
Section 15 Athletic Field Rental Fees and Charges	Rental Fees	Updated rental fees consistent with recently adopted field use policy resolution 2023-17.

Changes to the utility rate structure will be brought back to Council in mid to late 2024 when the utility rate study is completed. In addition, in 2024 staff will be preparing an audit evaluation of the land use fees to verify that the fees charged cover city costs. Updates on the progress and outcomes of this work will be shared with Council by mid-2024.

The changes noted above are reflected in Exhibit A, Fee Resolution, in ~~strike-out~~ / **bold – underline** format for ease of reading. Staff recommends that the updated fee schedule become effective on January 2, 2024.

FINANCIAL IMPACT

Fiscal Impact

Fee schedules are intended to recover city costs for services. The changes proposed are difficult to quantify due to the variability in application volumes received; however, no amendment to current forecasted revenues is expected due to the change in fees.

Impact Fee Update:

Impact fees can vary by year based on the projects listed on the CIP. Since the fee is based on cost of improvements and adopted Level of Service standards, fee can go up or down depending on the type and number of projects included on the CIP list. In keeping with Council policy to maintain current fees, the park and traffic impact fees have been updated to reflect the current CIP list recently adopted. The impact fee methodology reports outline the process used to update these fees, which generally includes:

- Using a revolving 12 – year CIP list: past 6 years and future 6 years. The GMA allows cities to include recently completed projects to the extent that they service future growth and did not solely resolve existing deficiencies. In this case, 2018-2029 CIP projects are used to calculate the impact fee amounts.
- Applies the adopted level of service for parks and transportation.
- Applies the adopted adjustment factor which “discounts” the fee to account for other taxes that new property owners will pay.

Park Impact Fee:

Applying the 12-year CIP list and the fully adopted level of service (7.0003 Acres / 1,000 versus 5 Acres / 1,000) results in an impact fee slightly higher than the 2022 fee. It appears that the Level of Service rate in the park impact fee formula was not updated in 2015 when a “trails” and “regional parks” LOS was added to the plan. This fee update includes the trails LOS of 2 Acres / 1,000 and the regional parks LOS of 0.002 – 0.003 Acres / 1,000 population to the previously listed 5 acres / 1,000 population.

By applying the full LOS standard of 7.003 Acres/1,000 population and the 12-year CIP list, the park impact fee increased by approximately 15% as follows:

Land Use Type	Proposed 2024 PIF	2022 PIF	Difference
Single Family Residential	\$2,218	\$1,936	\$282
2-Unit Duplex / Townhouse	\$1,316	\$1,148	\$168
3 & 4 Unit Townhouse Structures	\$1,805	\$1,575	\$230
5+ Multifamily Complexes	\$1,481	\$1,293	\$188
Accessory Dwelling Unit	Charged at SFR Rate	1/2 Principal Use	Varies

Note: Fees were rounded up or down at the 0.05 mark.
Exhibit B provides the full methodology for calculating the park impact fee.

Traffic Impact Fee:

The Traffic Impact Fee has not been updated in 10 years – since 2013. It appears from past staff reports that there was some reluctance on behalf of Councilmembers in 2015 to update fee with the Comprehensive Plan at that time due to the increased fee amount. Since 2013, the transportation CIP list has changed significantly and is out of date. Per state law, a new fee must be adopted that reflects the current CIP list.

To be consistent in how impact fees are calculated, the transportation impact fee uses a 12-year CIP approach: previous 6-year CIP and future 6-year CIP. Traffic impact fees are based on the amount of trips generated by new growth and can only be used to fund road system improvements that are directly associated with new development.

Exhibit C provides the full methodology for calculating the park impact fee. By applying the current fee formula and CIP list, the traffic impact fee is calculated by:

- Calculate the total costs associated with the 2018-2024 CIP list.
- Delete costs associated non-eligible project costs. These include grants, maintenance projects, city programs and other agency projects.
- Apply a growth factor to the remaining projects which differentiates between that portion of the project that is paid for by existing revenues and that which is applied to new growth in the form of an impact fee. Depending on the type of project, the growth factor can vary from 20% of the project cost to 80%.
- The resulting costs are divided by future vehicle trips to get a cost per new trip. Per the most recent traffic model 2,767 new trips are expected to either begin or end in Stanwood.
- The resulting number is then multiplied by the adjustment factor (0.666). An adjustment factor is used to account for other fees and taxes that new residents will be paying into the system improvements, which includes property taxes, sales taxes or debt service payments. State law requires cities to provide a mix of revenue sources to pay for needed improvements. Impact fees cannot account for 100% of the costs attributed to new growth. In 1993 the City Council approved the ratio of 33% attributed to other revenue sources and roughly 67% to impact fees.

Applying the formula, the following per PM peak hour trip is generated:

Component	Amount	Description
Total Capital Cost	\$36,285,016	Total cost in 2018-2029 CIP (minus grants/deductions). Represents about 79% of total CIP cost.
TIF Eligible Costs	\$20,473,197	TIF Eligible Costs. Represents about 56% of total capital costs.
Citywide Trip Ends	2,767	Represents the total amount of citywide trip ends generated by new growth.
Preliminary Cost per New PM Peak Hour Trip	\$7,399	TIF eligible costs divided by total growth trip ends.
Final Cost per New PM Peak Hour Trip	\$4,928	With 0.666 factor applied.

This per trip rate is then multiplied by the number of PM peak hour trips generated by specific land uses.

Land Use Type	Cost Per PM Peak Hour Trip	ITE Manual PM Peak Hour Trip Rate	Transportation Impact Fee Per Trip
Single Family Residential - Detached	\$4,928	1 (ITE Code 210)	\$4,928
Single Family Attached (Duplex / Townhouse)	\$4,928	0.57 (ITE Code 215)	\$2,809
Multifamily	\$4,928	0.51 (ITE Code 220)	\$2,513
Commercial / Industrial	\$4,928	Based on ITE Code by Use	\$4,928 Per PM Peak Hour Trip

A comparison of the 2024 traffic impact fee against the 2022 shows an increase in single family residential fees, but a decrease in the multifamily residential per trip fee.

Land Use Type	2022 Transportation Impact Fee*	2024 Transportation Impact Fee	Difference
Single Family Residential	\$3,523.39	\$4,928	\$1,401.61
Single Family Attached (Duplex / Townhouse)	\$2,253.20	\$2,809	\$555.80
Multifamily	\$2,584.56	\$2,513	-\$71.56
Commercial / Industrial	\$368.17 / Average Daily Trip or Per Traffic Study**	\$4,928 Per PM Peak Hour Trip	See Comparison Below

Notes: *= Transportation Impact Fee has not been updated since 2013 (10-years);
 **= Impact fee has to be converted from PM Peak Hour Trips to Average Daily Trips

RECOMMENDATIONS

Staff Recommendation:

Staff recommends Council approve Resolution 2023-16 updating the City's Consolidated Schedule of Fees and Charges.

Committee/Board Recommendation:

The fee resolution is updated annually following adoption of the budget or budget amendment process. This has not gone to committee as it is generally reviewed by the Council as a whole.

CITY COUNCIL OPTIONS

1. Approve Resolution 2023-16 adopting a revised consolidated fee and charge schedule.
2. Request modifications to Resolution 2023-16 revising the consolidated fee and charge schedule.
3. Do not approve Resolution 2023-16 and direct staff to address specific questions or areas of concern.

RECOMMENDED MOTION

"I MOVE TO APPROVE RESOLUTION 2023-16 UPDATING THE CONSOLIDATED FEE SCHEDULE EFFECTIVE JANUARY 2, 2024".

**CITY OF STANWOOD
Stanwood, Washington**

RESOLUTION 2023-16

**A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON, ADOPTING A REVISED
CONSOLIDATED FEE AND CHARGE SCHEDULE AND TO REPEAL AND REPLACE
RESOLUTION NO. 2023-08**

WHEREAS, the City Council by Ordinance 1458 has ordained that all fees and charges shall be set by resolution; and

WHEREAS, on May 25, 2023, the City Council adopted Resolution 2023-08 further updating the City's consolidated fee schedule; and

WHEREAS, the City Council has determined that the existing fee schedule requires amending to recover reasonable cost of providing a wide array of local governmental services as well as to provide responsible cost recovery for staff and consultant time required to provide certain services; and

WHEREAS, the City has found that amendments are needed to update the 2023 Fee Resolution to include staff hourly rates and updates other permit fees; and

WHEREAS, the City Council wishes to make these fee adjustments to reflect the actual cost of services effective January 1, 2024 more closely.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON AS FOLLOWS:

Section 1. Fees and Charges. The schedule of fees and charges attached hereto and incorporated by this reference as Exhibit A in full is hereby adopted effective January 2, 2024.

Section 2. Reasonable Costs. The Stanwood City Council hereby finds that the fees and charges set forth in Exhibit A reflect the reasonable costs of providing the services set forth therein.

Section 3. Repealer. Resolution No. 2023-08 adopted on May 25, 2023 is hereby repealed in its entirety.

PASSED by the City Council and Approved by the Mayor this 14th day of December 2023.

ATTEST:

CITY OF STANWOOD

By: _____
Lisa Sokolik, City Clerk

By: _____
Sid Roberts, Mayor

APPROVED AS TO FORM:

By: _____
Nikki Thompson, City Attorney



2024 Fee Schedule Update Resolution 2023 – 16 Adopted December 14, 2023

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City of Stanwood, Washington
Fee and Charges Schedule

The following rates, fees, and charges for various services provided, actions performed, or items sold by the City and/or its contract services providers, and fines levied against code violators, are hereby adopted:

Section 1: Administration of Fee Resolution

This fee and charges schedule is subject to the following additional fees, conditions, and administration:

ADMINISTRATIVE FEE:	An administrative fee of 10% is added to all fees and charges listed herein whenever outside costs are incurred, except for outside costs incurred from a copying vendor that makes copies of documents for the City pursuant to a public records request.
OUTSIDE COSTS:	All outside costs shall be paid by the applicant as part of a permit application. Outside costs are generally all costs of services and materials billed to the City and shall include, but not be limited to, costs of publication and posting; attorney fees; filing fees; and reproductions costs; outside engineering, surveying and consultant services.
REIMBURSABLE COST RECOVERY:	The City reserve the right to recover all costs associated with corrective measures and enforcement actions taken by City staff, outside services or outside contractors hired by the City. Activities will be invoiced according to the hours of labor, equipment and materials to complete the work.
TECHNOLOGY FEE:	A technology fee of 5% is added to all fees and charges listed in Sections 3 and 4 herein to cover the costs of hardware, software and maintenance agreements. The 5% technology fee is not applied to outside costs as described above as they are already charged a 10% overhead fee.
DEPOSITS:	All deposits required in this resolution shall be held for a period not to exceed three (3) months from the date of the completion of the project to allow for all bills related to the event to be received by the City and billed against the deposit. When costs exceed the original deposit, an additional deposit shall be required; if the actual costs are below the deposit amount the excess funds shall be refunded.
REFUNDS:	Except as may be noted otherwise, fees and charges are non-refundable.
CONVENIENCE FEE	A 3.75% 4.32% convenience fee is added to all non-utility credit and debit card transactions to cover the City's processing costs.

Section 2: Hourly Rate Schedule

Fees for administrative review, which involves City staff time in excess of normal permit processing, and for any permit, or staff time, in which a fee is not established shall be as follows:

Department	Hourly Rate
Community Development:	
Community Development Director	\$86 99
Building Official	\$67 75
Economic Development and Marketing Manager	\$68
Communications and Marking Specialist	\$70
Park Planning Manger	\$74
Senior Planner	\$62 72
Construction Inspector	\$55
PW Lead Parks / Construction Inspector	\$69
Planner	\$56 62
Associate Planner	\$55 56
Permit Specialist	\$48
Administrative Assistant	\$51
Executive Department	
Administrative Assistant	\$51
Engineering Department:	
Public Works Director	\$90 107
Assist PW Director / City Engineer	\$87
City Engineer / Capital Projects Manager	\$88
Engineering Technician	\$60
Associate Engineer	\$75
Public Works Administrative Assistant	\$51
Public Works Office Specialist	\$61
Utilities:	
Water Treatment Plant Operator Lead	\$72
Water Treatment Plant Operator 2	\$65
North County Regional Fire Authority:	
Fire Marshal	\$115
Fire Inspector / Emergency Manager	\$84 98
Engine / Ladder Crew	\$170 186
Other:	
Undesignated Staff	\$51 61

Section 3: Land Use Fees and Charges

Depending on the project, multiple fees may apply. Check with the Community Development Department for the required fees.

Permit Type / Activity	Fee
Adult Family Home	\$75
Administrative Decision, Modification, Adjustment	\$100 First Application \$125 Each Additional Application
Administrative Interpretation	\$100
Administrative Review (Outside or beyond permit process)	Refer to Hourly Rate Schedule
Annexations	\$1,000
Appeals	\$500; Plus Cost Of Hearing If The Appeal Is Denied
Binding Site Plans	\$3,000; Plus \$300 Per Lot
Building Permit Fees (Various)	See Section 4
Civil Construction - Plan Review	
Residential Short Plat Developments 1-9 Units	\$1,500; Plus \$100 Per Lot For First Two Reviews; Plus Each Additional Review Will Be Charged Per The Hourly Rate Schedule; Plus Actual Costs Of Consultant Time If Applicable
Residential Subdivision Developments 10 or More Units	\$1,500; Plus \$150 Per Lot For First Two Reviews; Plus Each Additional Review Will Be Charged Per The Hourly Rate Schedule; Plus Actual Costs Of Consultant Time If Applicable
Commercial, Industrial and/or Multifamily Developments of 5+ Units:	\$5,000 For First Two Reviews; Plus Each Additional Review Will Be Charged Per The Hourly Rate Schedule; Plus Actual Costs Of Consultant Time If Applicable
Single Family and 2 Unit Duplex/Townhouse Developments:	No Fee; Costs Are Covered By Building Permit Fee

Permit Type / Activity	Fee
Multifamily 3- and 4-Unit Developments:	\$300 If Off-Site Improvements Are Required; No Fee If No Off-Site Improvements Are Needed
Consultant Fees	Applicants Shall Pay Actual Costs Of Charges
Civil Construction -Inspection Fees (Based on Valuation)	
\$0 - \$500,000	3.50% of Estimated Engineers Construction Cost ²
Greater than \$500,000 ¹	2.00% of Estimated Engineers Construction Cost ²
Government Facilities	Exempt ³
Inspection Fee Footnotes: 1. Minimum Inspection Fee \$19,500 and Maximum Inspection Fee \$60,000 2. Includes Labor, Equipment, Materials, Overhead, and Profit 3. "Government Facility" means a facility wholly or partially funded by tax dollars including government of the United States, the governments of the State of Washington, Snohomish county, the City of Stanwood, Regional Fire Authorities, Public Schools, Colleges, and Universities.	
Comprehensive Plan Amendment Request Fee (After Final Docket Approval)	\$1,500
Conditional Use and / or Amendment Fee	
Conditional Use	\$1,000; Plus Cost of Hearing
Conditional Use – Administrative	\$100
Development Agreement	\$2,000; Plus Cost of Hearing
Docket Application	Free
Driveway Permit (Driveway Expansions or Alterations not in ROW)	\$80
Encroachment Permit	\$50 for New Structures; No Fee for Existing Structure Permitted before 2016
Engineering Deviation Request (Administrative)	\$100 First Application \$125 Each Additional Application

Permit Type / Activity	Fee
Environmental Review – Critical Areas	
Exemption (Non-Flood)	\$25
Exemption (Flood Areas)	\$50
Single Family / Duplex Critical Area Review	\$250
Subdivision (Short and Long Plats)/Multifamily / Commercial Critical Area Review	\$350
All Geotechnical Evaluations	\$350
Stormwater / Drainage Reports	\$350
Cultural Resource Reports	\$350
Peer Review of Environmental Documents	\$3,000 Deposit Plus Actual Cost
Fire Permits	
Sprinklers – Plan Review	\$345
Sprinklers – Permit Fee	Based on Valuation
Fire Alarm – Plan Review	\$345
Fire Alarm – Permit Fee	Based on Valuation
Commercial Hood (Type I and II) – Plan Review	\$230
Commercial Hood (Type I and II) – Permit Fee	Based on Valuation
Other Fire Safety System – Plan Review	\$230
Other Fire Safety System – Permit Fee	Based on Valuation
Re-Inspections for corrections	\$115
Base Rate for Non- SFR Residential Projects Exceeding 9 Hours of Review Time:	Hourly Rate
Fire Works Permit	\$100
Fire Works Stand Inspection	No Charge
Floodplain Certificate Development Permit	Free
Forest Practice Application Waiver	\$800; Plus \$100 / Acre Over 5 Acres; Plus Cost of Hearing
Franchise Agreements / Renewal Fees	Hourly Cost Based On Hourly Rate
Grading Plan Review	
0 – 49 Cubic Yards	No Charge
50 – 499 Cubic Yards	\$250
500 – 1,000 Cubic Yards	\$500
Over 1,000 Cubic Yards	\$750

Permit Type / Activity	Fee
Grading Permit Fee	No Fee; Costs Are Covered Under the Civil Construction Plan Review and Inspection Fee
Hearing Examiner Costs	
Public Hearing	\$3,000 Deposit Plus Actual Cost of Hearing
Reconsideration	\$200; Plus Actual Cost of Hearing
Landscape Plan	
Landscape Plan Review	\$400
Landscape Modification	\$200
Landscape Inspections	\$150
Landscape Re-Inspections	\$200 Per Re-Inspection
Consultant Peer Review (If Applicable)	Actual Cost
Land Use Permit Fee	
Land Use Permits (If Not Otherwise Listed Herein) Requiring a Public Hearing or Public Meeting	\$2,000 for First Two Reviews; Plus Each Additional Review Will Be Charged Per the Hourly Rate Schedule; Plus Actual Costs of Consultant Time
Land Use Permit Fee	Varies by Valuation:
Administrative Land Use Permits If Not Otherwise Listed Herein	Valuation: \$0 - \$5,000: \$125; Plus Actual Cost of Consultant Time
	Valuation: \$5,001 - \$15,000: \$250; Plus Actual Cost of Consultant Time
	Valuation: \$15,001 - \$30,000: \$500; Plus Actual Cost of Consultant Time
	Valuation: Over \$30,000 \$1,000; Plus Actual Cost of Consultant Time

Permit Type / Activity	Fee
Land Use Permit Fee	
General Information Meeting	No Fee
Permit Extension	\$100
Local Improvement District (Segregated Assessment Fees)	Deposit based on engineers estimate to prepare legal descriptions and the assessment roll. Note to be deleted: Original & outdated language from SMC 3.12.320 and .330: A fee of \$3.00 per description shall be for each description added to the assessment roll, and there shall also be an engineer's fee of \$7.50 collected which shall be payable by the owner of the property sought to be segregated to such assessment. (1964)
Lot Line Adjustment (Boundary Line Adjustment)	\$950; Plus Consultant Review Fees
Mitigation Fees Impact fees listed below are information only; applicants should verify actual fee amounts listed in the Stanwood Municipal Code Chapter 17.151, Public Facilities and Chapter 17.153, School Facilities.	
School	No Fees At This Time
Parks	School Impact Fees Will Not Be Assessed For Any Project Approved After 5/31/2017; Any Impact Fees For Schools Noted In A Hearing Examiners Decision Will Still Be Collected. Single Family Residential \$1,936 \$2,218/ Unit Accessory Dwelling Unit (ADU) \$1,109 / Unit Duplexes and 2 Unit Townhomes \$1,148 \$1,316/ Unit 3 or 4 Unit Townhomes or Apartments \$1,575 \$1,805/ Unit 5+ Multifamily Buildings or Complexes \$1,293 \$1,481/ Unit Commercial and Industrial No Fee At This Time

Permit Type / Activity	Fee
Traffic	
Single Family Residential - Detached Accessory Dwelling Unit (ADU)	\$3,523.39 \$4,928/ Unit 50% of the Principal Unit
Single Family Residential – Attached (Duplexes and Townhomes)	\$2,253.20 \$2,809 / Unit
Apartments	\$2,584.56 / Unit
Multifamily	\$2,513 / Unit
Commercial and Industrial	\$368.17 / Average Daily Trip \$4,928 Per PM Peak Hour Trip Or Per Traffic Study
Fire	No Fees at This Time
Single Family Residential	\$200 / Unit
Duplexes and Townhomes	\$150 / Unit
Apartments	\$150 / Unit
Commercial and Industrial	\$0.25 / Square Foot Of Building Area
Deferred Impact Fee Application	\$50
Public Notice / Publications	\$60 Per Required Publication; Plus Actual Costs if Greater
Rezone / Amendment	\$1,000
Right-of-Way (ROW)	
Underground Utilities Boring	\$150 Initial 100 LF \$150 Each Additional 1,000 LF
Street Cuts	\$150; First 50 - 100 LF of Trenching \$40; Per Additional 100 – up to 1,000 LF; Plus \$18 Per 100 LF or Portion Thereafter
Utilities Poles	\$75 First 6 Poles; Plus \$10 Per Each Additional Pole
Residential Driveway	\$100
Commercial Driveway	\$150
Other	\$100

Permit Type / Activity	Fee
Right to Farm (Under 10 Acres)	\$50
Right to Farm (10 Acres or Over)	\$100
SEPA (State Environmental Policy Act)	
Environmental Checklist – Non-Project Action	\$275
Environmental Checklist – Development Permit	\$450
Environmental Addendum	\$75
Environmental Exemption	Free
Environmental Impact Statement	Direct Costs, Including: Consultant and Attorney Fees and Staff Time at Hourly Rate
Shoreline Permits	
Shoreline Substantial Development	Based on Valuation: \$500: Under \$100,000 Val. \$1,000: \$100K - \$250 Val. \$2,000: Greater than \$250 Val.
Shoreline Conditional Use	\$950; Plus Cost of Hearing
Shoreline Variance	\$950; Plus Cost of Hearing
Sign Permit Plan Review	
Monument*	\$100
Freestanding*	\$100
Gable*	\$100
Wall and Projecting*	\$100
Marquee, Awnings and Canopies*	\$100
A Board and Other Portable Signs	\$10
Temporary Promotional Display	\$25
Sign Permit Modification	\$10
Sign Permit Variance	\$65
Feather Banner	\$10
State Surcharge on All Permits	\$6.50
	0
*Building Permit Fees Are Also Required	
Street Vacation	\$350 Plus Engineering and Consulting Fees
Subdivisions (2-9 Lots – Short Subdivision)	\$3,600; Plus Engineering and Consulting Fees
Subdivision (10+ Lots – Formal Subdivision)	
Long Subdivision	\$7,000; Plus Cost of Hearing, Engineering and Consulting Fees
PRD / PUD Subdivision	

Permit Type / Activity	Fee
	\$5,500; Plus \$250 Per Lot and Cost of Hearing, Engineering and Consulting Fees
Subdivision – Final Plat (Short & Long Subdivisions)	\$700; Plus \$125 Per Lot
Subdivision – Plat Amendment (Short & Long Subdivisions)	Staff Time Per Hourly Rate Plus Cost of Hearing
Temporary Structures / Use	1 Hour of Staff Time Per Section 2: Hourly Rates
Transportation Concurrency Concurrency Evaluation	\$400; Plus Engineering and Consulting Fees
Concurrency Reconsideration	\$200; Plus Engineering and Consulting Fees
Unclassified Use Determination	\$1,000; Plus Cost of Hearing
Variances Administrative	\$600
Hearing Examiner Public Hearing	\$1,200; Plus Cost of Hearing
Water and Sewer Availability Site Specific Water and Sewer Availability Evaluation (Determination of Flow and Infrastructure Needs)	Actual Consultant Costs
Water Availability Letter Only	\$500
Sewer Availability Letter Only	\$500
Wireless Communication Facility (WCF) WCF and / or Small Cell Facility	\$2,000
Satellite Receiving Permit	\$25
Zoning Text Amendment (After Final Docket Approval)	\$800

Section 4: Building Permit Fees

Building Permit Type / Activity	Fee
Building Permit	Building Valuation Shall Be Based on the Building Valuation Data Sheet Released Bi-Annually in the May February and August Issues of the Building Safety Journal Magazine Published by the International Code Council (ICC). , Including the Regional Cost Modifier for Washington State. After Determining the Building Valuation, Building Permit Fees Shall Be Determined Using the Following Chart:
Building Valuation	Fee
\$1.00 - \$500	\$25
\$501 - \$2000	\$25.00 for the first \$500; plus \$3.05 for each additional \$100.00 or fraction thereof up to and including \$2000.00
\$2,001 - \$25,000	\$69.25 \$70.75 for the first \$2,000; plus \$14.00 for each additional \$1,000.00 or fraction thereof up to and including \$25,000.00
\$25,001 - \$50,000	\$391.75 \$392.75 for the first \$25,000; plus \$10.10 for each additional \$1,000.00 or fraction thereof up to and including \$50,000.00
\$50,001 - \$100,000	\$643.75 \$644.25 for the first \$50,000; plus \$7.00 for each additional \$1,000.00 or fraction thereof up to and including \$100,000.00
\$100,001 - \$500,000	\$993.75 for the first \$100,000; plus \$5.60 for each additional \$1,000.00 or fraction thereof up to and including \$500,000.00
\$500,001 – 1,000,000	\$3,233.75 \$3,793.75 for the first \$500,000; plus \$4.75 for each additional \$1,000.00 or fraction thereof up to and including \$1,000,000.00
\$1,00,001 and up	\$5,608.75 for the first \$1,000,000; plus \$3.65 for each additional \$1,000.00 or fraction thereof

Building Permit Type / Activity		Fee	
Plan Check Fee		Plan Review Fees Shall Be Paid at the Time of Submitting Plans and Equal to 65% of the Building Permit Fee (Additional Fee – Not A Portion of the Building Permit Fee)	
Commercial Mechanical & Plumbing		Fee is Based on Valuation of Plumbing and/or Mechanical Work; The Valuation Used for Building Permits (Shown Above) Shall Also Be Used For Determining the Fees for Commercial Mechanical & Plumbing Permits	
Residential Mechanical & Plumbing		Base Fee of \$25; Plus Charges Identified in the Following:	
Type of Fixture		Type of Equipment	
Water Closet (Toilet)	\$15	Air Conditioner Unit	\$25
Bathtub	\$15	Boilers	\$20/\$30/\$40
Lavatory (Wash Basin)/Sink	\$15	Forced Air System / Furnace	\$25
Shower	\$15	Wall Heaters	\$16
Kitchen Sink & Disposal	\$15	Unit Heaters	\$16
Dishwasher	\$15	Evaporative Coolers	\$15
Laundry Tray	\$15	Ventilation Fans	\$15
Clothes Washer	\$15	Refrigeration Unit	\$25
Water Heater	\$15	Range Hood	\$20
Urinal	\$15	Air Handling Unit / Split Units	\$25
Drinking Fountain	\$15	Stove	\$40
Floor Drain	\$15	Fireplace and Chimney	\$25
Backflow Prevention	\$20	Gas Piping (1-5 Outlets)	\$15
Roof Drains (Rail Leaders)	\$15	Gas Piping (>5 Outlets)	\$2.00 Each
Vacuum Breaker	\$15	Above Ground Tank	\$100
Water Service Line	\$15	Underground Tank	\$75
Hose Bib	\$15		
State Building Code Council Fee		Fee	
Residential Building Permits		\$6.50 Per Permit, Plus an Additional Surcharge of \$2.00 for Each Residential Unit After the First Unit	
Commercial Building Permits		\$25 Per Permit, Plus an Additional Surcharge of \$2.00 for Each Residential Unit After the First Unit	

Building Permit Type / Activity	Fee
Miscellaneous Permits	Fee
Certificate Of Occupancy or Change of Occupancy	\$25; Fee May be Applied to Building Permit If Required
Consultant Review – Plan Check and /or Inspections by Outside Consultants	Actual Costs
Deck, Carports, Ramps, Unheated Sunrooms, covered Porches, and Stairs	\$15 per square foot per submittal Based on Valuation
Demolition Permits	\$50 Shed \$150 Per Single Family Residential Unit \$250 Per Multifamily Building \$250 Per Commercial / Industrial Building \$60 Other Not Listed
Inspection - For Which No Fee is Specifically Indicated	\$50 per hour Building Official Hourly Rate; Minimum of ½ hour charge
Mobile Home – Base Fee Single Wide Double Wide	\$200 \$300
Re-Inspection - When Access is Not Provided or Work Not Complete	Building Official Hourly Rate; Minimum of ½ Hour
Revision Fees – For Additional Plan Review or Inspections When the Work is Authorized by Permit Changes	Building Official Hourly Rate; Minimum of ½ Hour
Unfinished Basements – no heat, insulation and or sheetrock	\$20 a square foot Based on Valuation
Re-Roof Commercial Residential	\$100 Plan Review Permit Fee Based on Valuation \$250
Solar Panels	\$250

Section 5: Animal Fees and Charges

Activity	Fee
Animal Shelters, Kennels, Pet Shops, Grooming Service License	\$175
Commercial Kennel License	\$175
Dog License – Altered Annual Fee	\$10
Dog License – Dangerous Annual Fee	\$200
Dog License – Potentially Dangerous Annual Fee	\$100
Dog License – Replacement Tag/License	\$10
Dog License – Unaltered Annual Fee	\$50
Impoundment Fees	Fee
Impoundment – Livestock (SMC 8.02.080)	\$500 (to include all city costs per animal – including room and board) and double for each impoundment of the same animal during any one-year period.
Impoundment – Small Animals (Dogs and Cats) (SMC 8.02.170)	\$235 Monday – Friday during regular business hours and \$412 for after-hours (plus license fee to include all city costs per animal) and double for each impoundment of the same animal during any one-year period.
Violations & Infractions	Fine
Animal Control Civil Infraction Fine (SMC 8.02.490(2))	\$100 for first violation in 365 day period; \$200 for second violation in 365 day period.
Animal Control – 3 or More Violations in a 365 Day Period	Third or subsequent offenses of SMC 8.02 within a 365-day period shall be: A misdemeanor subject to jail term of not more than 90 days, a fine of not more than \$1,000 or both such fine and imprisonment.

Section 6: Code Violations - Penalties

Class A Violations	Fine
Violation of City Ordinances (Unless Otherwise Specified in Municipal Code)	
Class A Code Violation — First Offense (SMC 13.01.045 & 8.02.490(1) re: 8.02.440-.480)	\$250
Class 1	\$250
Class A Code Violation — Second Offense (SMC 13.01.045 & 8.02.490(1) re: 8.02.440-.480)	\$500, Within First Year of Violation
Class 2	\$125
Class A Code Violation — Third Offense (SMC 13.01.045 & 8.02.490(1) re: 8.02.440-.480)	\$1,000, Within First Year of Violation
Class 3	\$50
Class 4	25
Class B Violations	Fine
Civil Enforcement (Unless Otherwise Specified in Municipal Code)	
Class B Code Violation — First Offense (SMC 13.01.045 & 8.02.490(1))	\$50
Civil Penalties	\$100 / Day
Class B Code Violation — Second Offense (SMC 13.01.045 & 8.02.490(1))	\$250, within First Year of Violation
Critical Area Violations	Up to \$25,000
Class B Code Violation — Third Offense (SMC 13.01.045 & 8.02.490(1))	\$500, Within First Year of Violation
Misdemeanors	Fine
Violation Misdemeanor	A jail term of not more than 90 days, a fine of not more than \$1,000, or both such fine and improvement plus costs
Gross Misdemeanor	A jail term of not more than 364 days, a fine of not more than \$5,000 or both such fine and imprisonment plus costs
Parking	Fine
Civil Infraction Fine (SMC 10.46.135)	\$35
If Paid Within 10 Days	\$10
Handicapped Violation (SMC 10.46.115)	\$350
If Paid Within 10 Days	\$175

Section 7: Utility Billing Fees & Charges

Fees for Properties With Existing Services	
Water Disconnection	Fee
Disconnection Fee – After Hours	\$150; Shut Off After 4:00 pm on Weekdays, Weekends, and Holidays
Disconnection Fee – Frequent	\$40; Shut Off More Than Once in a 12-Month Period
Disconnection – Regular	\$27.50 \$30.00
Meter Removal	\$150
Water Re-Connection (After Disconnection)	Fee
Connection Fee – After Hours	\$150; Turn on After 4:00 pm on Weekdays, Weekends, and Holidays
Connection Fee – Frequent	\$40; Turn on More Than Once in a 12-Month Period
Connection Fee – Regular	\$27.50
Meter Reinstallation	\$150
Other	Fee
Irregular Check Fee; Post Dated, Unsigned or Otherwise Not Acceptable for Bank Deposit	\$25 \$30
Lien Recording or Release	Actual Cost of Recording
Meter Read Outside Normal Cycle Requested by Customer	\$15 25
Returned for Non-Sufficient Funds Check Fee	\$25 \$30.00
Water Meter - Acts of Vandalism	Reimburse City for Actual Cost of Repairs
Meter Fee	
Permit Fee	\$50
Deposit Applied to Final Bill for Usage	\$300
	Plus - signed letter to repair/ replace the meter at cost if it is damaged or stolen.

Section 8: Sewer Fees & Charges

All sewer fees and charges shall be per Ordinance 1461. The fees listed below are provided for ease of use only. Refer to Stanwood Municipal Code Chapter 12.04 for all terms and conditions related to the rates.

Monthly Sewer System Rates – Year 2019 – 2021

	January 1, 2019		January 1, 2020		January 1, 2021	
Classification	Base Rate	Incremental Rate	Base Rate	Incremental Rate	Base Rate	Incremental Rate
Residential						
Individually Metered	\$44.12	\$6.16	\$47.43	\$6.62	\$50.99	\$7.12
Master Metered	\$44.12 X No. Units	\$6.16	\$47.43 X No. Units	\$6.62	\$50.99 X No. Units	\$7.12
Commercial						
Light Commercial	\$44.12	\$6.16	\$47.43	\$6.62	\$50.99	\$7.12
Heavy Commercial	\$50.15	\$7.17	\$53.91	\$7.71	\$57.95	\$8.29
General Industrial	\$56.19	\$8.17	\$60.40	\$8.78	\$64.93	\$9.44

Monthly Sewer System Rates – Year 2022 - 2024

	January 1, 2022		January 1, 2023		January 1, 2024	
Classification	Base Rate	Incremental Rate	Base Rate	Incremental Rate	Base Rate	Incremental Rate
Residential:						
Individually Metered	\$54.30	\$7.58	\$57.83	\$8.07	\$58.70	\$8.20
Master Metered	\$54.30 X No. Units	\$7.65	\$57.83 X No. Units	\$8.15	\$58.70 X No. Units	\$8.27
Commercial:						
Light Commercial	\$54.30	\$7.58	\$57.83	\$8.07	\$58.70	\$8.20
Heavy Commercial	\$61.72	\$8.82	\$65.73	\$9.40	\$66.72	\$9.54
General Industrial	\$69.16	\$10.06	\$73.65	\$10.71	\$74.76	\$10.87

Sewer System Plant Investment Charge

Service Connection Size	Equivalent Connection	Charge
Up to $\frac{3}{4}$ Inch	1	\$7,719
1 Inch	1.67	\$12,891
1 – $\frac{1}{2}$ Inch	3.33	\$25,704
2 Inch	5.33	\$41,142
3 Inch	10	\$77,190
4 Inch	16.67	\$128,676
6 Inch	33.33	\$257,274
8 Inch	53.33	\$411,654

Note: Prior to January 1, 2019 and for all projects for which a complete application has been submitted or a letter of completeness has been issued for any development permit prior to January 1, 2019, the plant investment charge shall be \$6,476 for each equivalent connection.

Sewer Service Connection Charge (New Connection Where No Service Has Been Previously Provided)

Activity	Fee
Base Connection Fee	\$50
Service Connection Charge	
Single Family Residence (Including Mobile Homes)	\$500
Duplex (2- Dwelling Units)	\$750
Triplex (3 – Dwelling Units)	\$1,000
Multifamily (4 + Units)	\$1,000; Plus \$250 Per Unit
Commercial (6 Inch Service Connection)	\$1,000
Connections Other Than 6 Inches	Determine by Public Works Director

Users of High Strength Waste

The City shall have the right to charge an additional monthly sewer service charge for a high strength waste, which is defined as one with pollutant concentrations in excess of typical domestic wastewater. A surcharge is appropriate for waste strength conditions including, but not limited to, a total five-day biochemical oxygen demand and/or suspended solids concentration in excess of 300 milligrams per liter. The Public Works Director will recommend to the City Council an appropriate monthly surcharge.

Low Income Senior and Low Income Disabled Rate

Contact the City regarding eligibility discounts.

Section 9: Water Billing Fees & Charges

All water fees and charges shall be per Ordinance 1461. The fees listed below are provided for ease of use only. Refer to Stanwood Municipal Code Chapter 12.16 for all terms and conditions related to the rates.

Monthly Water System Rates

		Jan 1, 2019	Jan 1, 2020	Jan 1, 2021	Jan 1, 2022	Jan 1, 2023	Jan 1, 2024
Meter Size (Inches)	Quantity Allowed (Hundreds of Cubic Feet Per Mo.)	Base Monthly Rate	Base Monthly Rate	Base Monthly Rate	Base Monthly Rate	Base Monthly Rate	Base Monthly Rate
¾ Inch	6	\$28.21	\$29.06	\$29.93	\$30.83	\$31.75	\$32.23
1 Inch	10	\$47.09	\$48.50	\$49.96	\$51.46	\$53.00	\$53.80
1 – ½ Inch	20	\$93.91	\$96.73	\$99.63	\$102.62	\$105.70	\$107.28
2 Inch	40	\$150.31	\$154.82	\$159.46	\$164.25	\$169.18	\$171.71
3 Inch	80	\$286.99	\$290.45	\$299.16	\$308.14	\$317.38	\$322.14
4 Inch	150	\$470.07	\$484.17	\$498.70	\$513.66	\$529.07	\$537.00

Water Charges for Consumption in Excess of Quantity Allowed

All amounts in excess of quantity allowed, unless included in the monthly minimum base charge shall be charged at the following rate per each 100 cubic feet over the base quantity allowed:

	Jan 1, 2019	Jan 1, 2020	Jan 1, 2021	Jan 1, 2022	Jan 1, 2023	Jan 1, 2024
Incremental Rate	\$3.69	\$3.80	\$3.91	\$4.03	\$4.15	\$4.22

Water Service Outside City Limits

Rates for services outside the City of Stanwood shall be city rates as adopted, plus 45 percent.

Water System Plant Investment Charge

Service Connection Size	Equivalent Connection	Charge
Up to ¾ Inch	1	\$6,912
1 Inch	1.67	\$11,543
1 – ½ Inch	3.33	\$23,017
2 Inch	5.33	\$36,841
3 Inch	10	\$69,120
4 Inch	16.67	\$115,223
6 Inch	33.33	\$230,377
8 Inch	53.33	\$368,617

Note 1: Prior to January 1, 2019 and for all projects for which a complete application has been submitted or a letter of completeness has been issued for any development permit prior to January 1, 2019, the plant investment charge shall be \$5,280 for each equivalent connection.

Water System Plant Investment Charge – Additional Charge For Cedarhome Benefit Area

Service Connection Size	Equivalent Connection	Charge
Up to ¾ Inch	1	\$2,570
1 Inch	1.67	\$4,292
1 – ½ Inch	3.33	\$8,558
2 Inch	5.33	\$13,698
3 Inch	10	\$25,700
4 Inch	16.67	\$42,842
6 Inch	33.33	\$85,658
8 Inch	53.33	\$137,058

Note: This fee is an additional charge to the Cedarhome Benefit District and is additive to the regular Water System Plan Investment Charge noted above.

Other Water Service Fees:

Public Works Hydrant Use Fee:

Persons may request to draw water from the public works yard hydrant on a daily pay per use basis. Such use shall require a use fee of \$50.00 per day and allow up to 5,000 gallons or 668.4 cubic feet of water withdrawal. Water withdrawal over 5,000 gallons or 668.4 cubic feet per day shall be charged an added \$5.34 per each additional 100 cubic feet or any portion thereof.

Irrigation Only Meter Fee:

Persons may request an additional water meter for the purposes of irrigation. New irrigation meters shall pay the water base connection fee and the service connection charge. New irrigation meters that are in conjunction with a domestic water meter on same property/parcel number are not subject to additional plant investment fees.

Water Service Connection Charge (New Connection Where No Service Has Been Previously Provided)

Activity	Fee
Base Connection Fee	\$50
Service Connection Charge	
¾ Inch or Smaller (SFR)	\$600
1 Inch (MF & Com)	\$700
1 – ½ Inch (MF & Com)	\$2,000
2 Inch (MF & Com)	\$2,500
Greater Than 2 Inch	Determined by Public Works Director

Large Seasonal Users

Large seasonal users shall pay a demand and / or consumption charge, which shall be determined by the Public Works Director at such time as a potential large seasonal user applies for water service.

Low Income Senior and Low Income Disabled Rate

Contact the City regarding eligibility discounts.

Section 10: Drainage Fees & Charges

All drainage fees and charges shall be per Ordinance 1461. The fees listed below are provided for ease of use only. Refer to Stanwood Municipal Code Chapter 12.12 for all terms and conditions related to the rates.

Bi - Monthly Drainage System Rates

Classification	Effective Jan 1, 2019	Effective Jan 1, 2020	Effective Jan 1, 2021	Effective Jan 1, 2022	Effective Jan 1, 2023	Effective Jan 1, 2024
Single Family Residence	\$28.39	\$34.78	\$42.60	\$46.54	\$50.85	\$54.03
Multi-Family Residential Per ERU (3,500 sf)	\$28.39	\$34.78	\$42.60	\$46.54	\$50.85	\$54.03
Non-Residential Per ERU (3,500 sf)	\$28.39	\$34.78	\$42.60	\$46.54	\$50.85	\$54.03

Drainage Plant Investment Charge

Prior to January 1, 2019, and for all projects for which a complete application has been submitted or a letter of completeness has been issued for any development permit prior to January 1, 2019:	
Capital Cost Per ERU	\$802.00
After January 1, 2019:	
Capital Cost Per ERU	\$1,414.00

Drainage Service Connection Charge (New Connection Where No Service Has Been Previously Provided)

Activity	Fee
Base Administration Fee	\$50
Base Connection Fee – All Permit Types	\$200

Drainage Fees and Charges for Property Outside City Limits

When property outside of the city is served by storm sewers, drainage ditches, drainage channels, or pumping facilities, charge for such drainage services, filing of liens or other fees or charges covered in this chapter shall be payable at the rate of 150 percent of the applicable charge or rate of service within the City.

Low Income Senior and Low Income Disabled Rate

Contact the City regarding eligibility discounts.

Section 11: Special Events, Banner Hanging Fee & Other Events

Activity	Fee
Application Fee	\$50
Banner Hanging Fee (See Policy Below)	\$180
Off Duty Police When Need Is Determine by Police Chief (See Policy Below)	\$50 an Hour Per Officer \$80 Per Hour for Security \$60 \$100 Per Hour For Traffic Control
Overtime For Police When Need Is Determined By Police Chief (See Policy Below)	\$56 \$92 an Hour For On-Duty Officer
City Policy: 1. The event sponsor shall pay the cost of off duty police and overtime for police as determined by the Stanwood Police Chief. 2. The City will cover the cost of Public Works and Community Development employees work created by the special event if during normal work schedule, over time will be billed to the applicant. 3. For special events which request City contribution, the City will sponsor 75% of the cost of the Banner Hanging Fee when the event: 1) is held in the City and 2) attracts the general public to the commercial areas.	

Section 12: Business Licenses, Temporary Merchants & Fireworks

General Business License	Fee
Business License	\$50; City of Stanwood Business Licenses Are Administrated By the Washington State Department of Revenue (DOR) Business Licensing Services. See http://bls.dor.wa.gov/ to Obtain a License. DOR Information Line: 1-800-451-7985
Taxicabs	Fee
Taxicab Operator License	\$50 Plus Cost of Background Check
Per Vehicle Fee	\$25
Per Driver Fee	\$25
Temporary Merchants Licensees	
Charitable Solicitations	\$45
Mobile Unit Vending	\$45
Peddlers & Solicitors (Per Person)	\$20
Temporary Merchant	\$35

Section 13:Public Records Act – Related Fees (Copying, Faxing & Transmission)

Activity or Item	Fee
Electronic files	Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service or other means of electronic delivery.
Photocopies or Printed Copies	Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment of photocopy public records.
Scanning	Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records.
Storage Devices	The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.
Transmission of Electronic Files	The cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations.
Customized Electronic Access or Data Fee	A customized service charge to recover actual costs for requests that require information technology expertise to prepare data or provide customized electronic access.
Body Worn Camera Records Requests	\$50.40 \$55.00 per hour redaction fee in accordance with RCW 42.56.240(14). The hourly rate may be prorated in 15-one-minute intervals. Plus, any additional costs permitted and identified in this fee schedule, including the cost of video copying. Charges will not be levied if the request comes from: • A person directly involved in a recorded incident and their attorney; • A person or his or her attorney who request a body worn camera recording relevant to a criminal case involving that person;

	• Executive Directors from the Washington State Commission on African American Affairs, Asian-Pacific Affairs or Hispanic Affairs; • Attorneys who represent a person in a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution or a violation of a United States Department of Justice settlement agreement and explain the relevancy of the requested video.
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Section 14:Miscellaneous Fees

Activity or Item	Fee
Postage	Actual Costs
Copies	Fifteen Cents per Page (8.5 x 11 or 11x17) Six Cents Per Square Foot for Plotter Paper

Section 15: Athletic Field Rental Fees and Charges

Fees and charges are assessed for the use of City Athletic Fields to help partially offset maintenance and operational costs.

Church Creek Park resident = Stanwood Camano School District Boundaries

Heritage Park resident = Snohomish County Residents including Camano Island

FIELD USE RATE: REGULAR SEASON – GAMES and PRACTICES		
ATHLETIC FIELD	YOUTH	YOUTH SELECT, ADULT, NON-RESIDENT
Baseball/Softball Fields*	\$5.00 8.00 per hour	\$15.00 18.00 per hour
Soccer Field*	\$5.00 8.00 per hour	\$15.00 18.00 per hour
Lacrosse Field*	\$5.00 8.00 per hour	\$15.00 18.00 per hour
Pickleball Court	No Charge	No Charge

*2 teams on 1 field max for hourly rate; if scheduling 3 or more teams on 1 field add either ~~\$5~~ **\$8** or ~~\$15~~ **\$18** per additional team.

FIELD USE RATE: TOURNAMENT, CAMPS, and COMMERCIAL		
	YOUTH	YOUTH SELECT, ADULT, NON-RESIDENT
Reservations	\$300.00 per day \$200 Refundable Damage Deposit	\$450.00 per day \$200 Refundable Damage Deposit
Cancellation Refund	\$100.00 of the Field Use Fee \$200 Damage Deposit Refund only if requested within 30 days of the event.	\$250.00 of the Field Use Fee \$200 Damage Deposit Refund only if requested within 30 days of the event.

OTHER FEES		
Energy Rate	\$5.00 per hour	
PW Crew (i.e. open park early, clean up and repairs)	\$50.00 \$75.00 per hour with 2 hour minimum	
Litter – Garbage Control	\$50.00 \$75.00 per hour Users will be held responsible for excessive litter and garbage left after games and practices by participants and spectators.	
Church Creek Park Covered Picnic Area	Resident \$30.00 ½ day 9:00am - 2:00pm or 3:00pm - Close	Non-Resident \$50.00 ½ day 9:00am - 2:00pm or 3:00pm - Close
* To reserve the picnic shelter visit the city's website at http://www.ci.stanwood.wa.us/reservations		

* Fees subject to change

* City sponsored events may have all or partial fees waived

Priority for Youth Recreational Sports during the “Traditional Season” applies.

Baseball/Softball	Mid Feb – June w/post season tournament in July
Lacrosse	Mid Feb – May w/post season tournaments in June
Soccer	Mid Aug – Mid November
Football	Mid Aug – Mid November

CANCELLATION FEES

Regular Season:

- ~~20~~ **30** days or more Full Refund
- ~~19~~ **29** days or less No Refund

Tournament, Camps, and Commercial:

- See above for refund amount for tournaments, camps and commercial reservations

Section 16: Police Department Fees and Charges

PERMIT, LICENSE OR SERVICES	FEES
Concealed Pistol License - New	\$49.25
Concealed Pistol License - Renewal	\$32
Concealed Pistol License – Late Renewal	\$42
Parking Permits	\$20
Fingerprints	\$17.00 / Two Cards

Appendix A: Park Impact Fee Methodology Report

Appendix B: Transportation Impact Fee Methodology Report



Park Impact Fee Methodology January 2024

Introduction

The Growth Management Act requires cities to plan and provide parks and recreation facilities that are adequate to accommodate growth. The adopted Parks, Recreation and Open Space (PROS) Plan includes future priorities for park development. The application of Park Impact Fees (PIF) is one financial tool available to cities to help facilitate the implementation of the PROS plan.

RCW 82.02.050 authorizes cities to impose an impact fee on new residential developments as part of the financing of park facilities. Park impact fees are one-time payments imposed on new development to cover a portion of their impact on Stanwood's park system.

The purpose of the Park Impact Fee is for new development to share in the development and acquisition costs of facilities that new residents will be using.

What are Impact Fees?

Impact fees are one-time charges assessed by a local government against a new development project to help pay for new or expanded public facilities that will directly address the increased demand for services created by that development.

MRSC

Fees are charged at the time of building permit issuance and are used to pay for new or redevelopment park and recreational facilities in the City of Stanwood. Fees can only be used on system improvements included in the City's adopted in the Capital Improvement Plan (CIP) as listed in the Comprehensive Plan.

The purpose of this report is to document the process that the City used to calculate its Park Impact Fee.

Methodology

The City's adopted PIF formula provides the methodology to develop and update its fee based on needed park related capital improvements. Using this formula, this report outlines how the park impact fee was calculated.

Park Impact Fee Formula:

$$PIF = \frac{C \times S \times U \times A}{P}$$

Where:

"C" means the average cost per acre for land appraisal and acquisition plus an average development cost.

"S" means the adopted level of service for parks and trails per 1,000 residents for parks.

"P" means 1,000 people.

“A” means the adjustment rate of 60% applied to account for other anticipated tax revenues resulting from new development.

2024 Park Impact Fee Calculation

Step 1: 2018 – 2029 Park Capital Improvement Plan (CIP)

Project Title	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	Total
Johnson Farm Park	\$ 200,000		\$ 250,000				\$ 450,000
Church Creek Park Forest Mitigation Plan	\$ 15,000		\$ 150,000	\$ 200,000	\$ 200,000		\$ 565,000
Church Creek Tree Management	\$ 75,000	\$ 35,000					\$ 110,000
Church Creek Loop Trail	\$ 90,000	\$ 300,000					\$ 390,000
Church Creek Dugout Improvements	\$ 40,000						\$ 40,000
Downtown Park	\$ 100,000	\$ 500,000					\$ 600,000
Heritage Park Master Plan Update	\$ 8,000						\$ 8,000
Heritage Park Parking and Ballfield Design	\$ 200,000	\$ 2,000,000	\$ 225,000	\$ 75,000	\$ 325,000	\$ 75,000	\$ 2,900,000
Heritage Park Dugouts	\$ 175,000						\$ 175,000
Heritage Park Loop Trail		\$ 385,000					\$ 385,000
Heritage Park Dog Park	\$ 115,000						\$ 115,000
Heritage Park Bathroom Upgrade	\$ 105,000						\$ 105,000
Port Susan Trail Phase 2 (WWTP)	\$ 1,638,000						\$ 1,638,000
Port Susan Trail Phase 3 (Church Creek/TCF)		\$ 1,200,000					\$ 1,200,000
Port Susan Trail Phase 4 (Florence RD)		\$ 100,000	\$ 200,000				\$ 300,000
Cedarhome Area Park	\$ 70,000						\$ 70,000
Raplee Property (271st / 270th Triangle)	\$ 140,000	\$ 550,000					\$ 690,000
Ovenell Park			\$ 70,000				\$ 70,000
Total Parks Capital	\$ 2,971,000	\$ 5,070,000	\$ 895,000	\$ 275,000	\$ 525,000	\$ 75,000	\$ 9,811,000
Previously Eligible Incurred Park CIP Improvements w/in Last 6 Years							
RCW 92.02.060(9)							
Project Title	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Total
Ovenell	\$ 55,000						\$ 55,000
Hamilton Park Design & Construction (Non Grant Costs)	\$ 50,000				\$ 90,000	\$ 500,000	\$ 640,000
Heritage Park	\$ 50,000			\$ 450,000	\$ 450,000		\$ 950,000
Port Susan Trail (Preliminary Design)				\$ 200,000			\$ 200,000
Church Creek Park		\$ 110,000	\$ 150,000		\$ 227,500	\$ 227,500	\$ 715,000
Downtown Park Design						\$ 60,000	\$ 60,000
Total:	\$ 155,000	\$ 110,000	\$ 150,000	\$ 650,000	\$ 767,500	\$ 787,500	\$ 2,620,000
Total Park Capital Improvement Costs:							\$12,431,000

Step 2: Remove Non-Park Impact Eligible Projects From the Adopted CIP List

In reviewing the project list, there are several projects that contain non-eligible project elements or grant funding that should be removed from the calculation of eligible costs. As such the CIP list has been adjusted as follows:

Project Title	Impact Fee Deductions (Non-Eligible Costs)						Total
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Johnson Farm Park							
Floodplains by Design Grant	\$ 200,000						\$ 200,000
Church Creek Park Forest Mitigation Plan	\$ 15,000						\$ 15,000
Church Creek Tree Management							\$ -
Site Maintenance	\$ 75,000	\$ 35,000					\$ 110,000
Heritage Park Master Plan Update							\$ -
Heritage Park Parking and Ballfield Design							\$ -
RCO Grant		\$ 1,000,000					\$ 1,000,000
Port Susan Trail Phase 2 (WWTP)							\$ -
RCO Grant / Commerce Grant	\$ 1,000,000						\$ 1,000,000
Port Susan Trail Phase 3 (Church Creek/TCF)							\$ -
RCO Grant or State Appropriation		\$ 600,000					\$ 600,000
Port Susan Trail Phase 4 (Florence RD)							\$ -
RCO Grant / or State Appropriation			\$ 100,000				\$ 100,000
Raplee Property (271st / 270th Triangle)							\$ -
Department of Ecology Clean Up Grant	\$ 140,000	\$ 550,000					\$ 690,000
Total Parks Capital	\$ 1,430,000	\$ 2,185,000	\$ 100,000	\$ -	\$ -	\$ -	\$ 3,715,000

Once the deducts are determined, those costs are then subtracted from CIP cost by project to determine eligible CIP costs.

$$\text{PIF Eligible Costs} = \text{CIP} - \text{Grants}$$

2018-2029 CIP Eligible Costs:		Costs
Johnson Farm Park		\$ 250,000
Church Creek Park		\$ 1,695,000
Downtown Park		\$ 660,000
Heritage Park Master Plan Update		\$ 3,638,000
Port Susan Trail Phase 2 (WWTP)		\$ 1,638,000
Cedarhome Area Park		\$ 70,000
Raplee Property (271st / 270th Triangle)		\$ -
Ovenell Park		\$ 125,000
Hamilton Park		\$ 640,000
Total Eligible Park Costs		\$ 8,716,000

Step 3 A: Calculate Construction and Acquisition Costs - "C" Factor in Formula

Using the revised project list and project costs, the next step is to determine the development and acquisition costs per acre as provided below.

Park	Eligible PIF Costs	Acres or Fixed	Development Cost / Acre
Johnson Park	\$ 250,000	5 Acres	\$ 50,000
Church Creek Park	\$ 1,695,000	15.39 Acres	\$ 110,136
Downtown Park	\$ 660,000	0.11 Acres	\$ 72,600
Heritage Park	\$ 3,638,000	59 Acres	\$ 61,661
Port Susan Trail	\$ 1,638,000	9 Acres	\$ 182,000
Cedarhome Area Park	\$ 70,000	10 Acres	\$ 7,000
Raplee Park	\$ -	0.5 Acres	\$ -
Ovenell Park	\$ 125,000	17.65 Acres	\$ 7,082
Hamilton Park	\$ 640,000	2.84 Acres	\$ 225,352
	\$ 8,716,000		\$ 715,832

Step 3 B: Apply the Proportionate Share Factor to the Construction Cost Figure

To address the nexus issue between parks needed for new growth versus the needs of the existing population, a multiplier has been applied to the construction cost formula that reflects the expected percent of projected growth. Per the 20424 Growth Targets, the City & Urban Growth Area are expected to grow from 8,585 people to 11,395. This is a difference of 2,810 people or 25% of the 2044 expected population. Applying the growth factor of 25% to the CIP construction costs results in the following “C” factor in the formula.

Proportionate New Growth Share	Development Cost/Acre
Total PI Eligible Construction Costs / Acre:	\$ 715,832
Growth Factor (2044 Growth Target - Existing Population)	25%
Construction cost Attributed to New Growth:	\$ 178,957.93

Step 4: Update the “U” Factor in Formula

The Office of Financial Management (OFM) 2023 data on the number of persons per household (PPH) is used to calculate the “U” factor in the formula and is referred to as “average occupancy rate”.

Update "U" Factor Based on 2023 Census Data	Persons Per Household
Single Family Residence	2.95
2 Unit Duplex / Townhome	1.75
3 & 4 Unit Townhomes	2.4
5+ Multifamily Complexes	1.97

Step 5: Adopted Level of Service

The City of Stanwood’s current adopted Level of Service for Parks is as follows:

Park Type	Level of Service
Neighborhood Park	2.5 Acres / 1,000 Population
Community Park	2.5 Acres / 1,000 Population
Trails	2.0 Acres / 1,000 Population
Regional Parks	0.002 – 0.003 Acres / 1,000 Population
Total:	7.003 Acres / 1,000 Population

Step 6: Apply the Formal to Determine Park Impact Fee

The final step in the process is to insert the data into the formula to calculate the park impact fee.

Apply Park Impact Fee Formula	SFR	2 Unit/Duples	3/4 Unit Townhouse	5+ Multifamily
Average Cost of Construction Per Acre:	\$ 178,957.93	\$ 178,957.93	\$ 178,957.93	\$ 178,957.93
Adopted Level of Service (7.003 Acres / 1000):	7.003	7.003	7.003	7.003
Occupancy by Unit Type	2.95	1.75	2.4	1.97
Adjustment Factor	0.6	0.6	0.6	0.6
Subtotal:	\$ 2,218,239.07	\$ 1,315,904.53	\$ 1,804,669.07	\$ 1,481,332.53
Divided by 1,000	1000	1000	1000	1000
Park Impact Fee:	\$ 2,218.24	\$ 1,315.90	\$ 1,804.67	\$ 1,481.33

Impact Summary Results

A comparison of the 2024 park impact fee against the 2022 shows a slight increase for all residential housing types: single family residential, duplex, townhouse and multifamily residential building permits.

2024 Park Impact Fee:		2024 PIF		2022 Park Impact Fee		Difference
Single Family Residence	\$	2,218.24		\$1,935.79		\$ 282.45
2 Unit Duplex / Townhome	\$	1,315.90		\$1,148.35		\$ 167.55
3 & 4 Unit Townhomes	\$	1,804.67		\$1,574.88		\$ 229.79
5+ Multifamily Complexes	\$	1,481.33		\$1,292.71		\$ 188.62

Exhibit C



Traffic Impact Fee Methodology January 2024

Introduction

Under the Washington State Growth Management Act (GMA), cities and counties are required to make appropriate provisions for transportation needs and impacts during the review of development proposals. The GMA grants local governments the authority to impose transportation impact fees (TIF) for the purpose of supporting the funding of roadway and sidewalk improvements to ensure that adequate facilities are available to serve new growth and development.

Transportation impact fees are assessed by local governments against new development projects to recover a portion of the costs incurred by government in providing the public facilities required to serve the new development. Transportation impact fees are only used to fund road system improvements that are directly associated with new development.

What are Impact Fees?

Impact fees are **one-time charges** assessed by a local government against a new development project to **help pay** for **new or expanded public facilities** that will directly address the increased demand for services **created by that development**.

MRSC

In addition, impact fees cannot be used to correct existing deficiencies in public facilities. Impact fees are authorized for those jurisdictions planning under the Growth Management Act (RCW 82.02.050 to 82.02.100).

Fees are charged at the time of building permit issuance and are used to pay for the proportionate share of the cost of public facilities that benefit the new development. Fees can only be used on system improvements included in the City's adopted Capital Improvement Plan (CIP).

The purpose of this report is to document the process that the City used to calculate its Traffic Impact Fee.

Methodology

The City's adopted TIF formula provides the methodology to develop and update its fee based on needed transportation related capital improvements. Using this formula, this report outlines how the traffic impact fee was calculated.

Traffic Impact Fee Formula:

$$TIF = \frac{(Total\ Cost\ of\ Growth - Related\ System\ Improvements)}{Total\ New\ Growth\ Trips} \times 0.666\ (Adjustment\ Factor)$$

Where:

"TIF" means:	The transportation component of the total development impact fee.
"Total cost of growth-related system	The total projected cost to construct growth-related transportation projects contained in the adopted capital improvement program as presented in the

improvements" means:

capital facilities element of the city's Comprehensive Plan, and may include system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements and to the extent not already funded, but may not include the costs to make up for any existing system deficiencies.

"Total new growth trips" means:

The total number of projected trips generated by new development as anticipated in the adopted future land use map for an adopted capital improvement program period.

"Adjustment factor" means:

An adjustment of rate portion of anticipated tax revenues resulting from a development that is proportional to system improvements contained in the capital plan facilities. The adjustment for traffic impacts is determined to be 33 percent, so that "A" equals approximately 67 percent.

2024 Traffic Impact Fee Calculation

The following provides a step-by-step process used by the City of Stanwood to prepare the Transportation Impact Fee.

Step 1: 2018 – 2029 Transportation Capital Improvement Plan (CIP)

Each year the City Council updates the Capital Improvement Plan as part of the budget adoption process; this CIP includes a list of transportation projects and estimated costs. Below is the 2018-2029 Transportation CIP.

City of Stanwood 2018-2029 Capital Improvement Plan													
Traffic Impact Fee Calculation													
2018-2029 Streets and Sidewalks CIP List	Past Investments Actual						Future Investments - CIP						
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	Total
City Beautification Project					\$ 30,000	\$ 30,000	\$ 35,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 245,000
Sidewalks (New and Improved - Infill)		\$ 70,000	\$ 70,000	\$ 250,000	\$ 175,000								\$ 565,000
80th Avenue Sidewalk (New)					\$ 20,000	\$ 635,000							\$ 655,000
Street Overlays	\$ 200,000	\$ 200,000	\$ 270,000	\$ 344,500	\$ 439,500	\$ 588,500							\$ 2,042,500
Viking Way - 90th Avenue Phase 1	\$ 1,122,000	\$ 1,122,000	\$ 2,000,000										\$ 4,244,000
Sidewalk Repairs	\$ 50,000	\$ 50,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000							\$ 180,000
102nd Overlay		\$ 301,500											\$ 301,500
276th Street Overlay		\$ 530,700											\$ 530,700
102nd Avenue Sidewalk			\$ 106,500										\$ 106,500
92nd Avenue Sidewalk		\$ 150,000											\$ 150,000
273rd Sidewalk			\$ 175,500										\$ 175,500
72nd Avenue Sidewalk	\$ 100,000	\$ 391,400											\$ 491,400
SR 532 Bike Path (On Top of Flood Berm)		\$ 200,000											\$ 200,000
90th Avenue Sidewalk			\$ 125,000										\$ 125,000
276th Street Sidewalk		\$ 150,000											\$ 150,000
Vestside Overlays								\$ 160,000	\$ 130,000	\$ 85,000	\$ 85,000		\$ 460,000
103rd Road Rebuild							\$ 320,000						\$ 320,000
101st Avenue Reconstruction and Overlay										\$ 2,640,000			\$ 2,640,000
80th Avenue Reconstruction Phase 2										\$ 5,000,000			\$ 5,000,000
Sidewalk Repair and Maintenance							\$ 150,000	\$ 230,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,380,000
80th & 284th Sidewalk Connection (southwest corner)							\$ 150,000						\$ 150,000
SR 532 Hamilton Entrance Intersection									\$ 3,500,000				\$ 3,500,000
Sidewalk: Cedarhome Drive N/W									\$ 714,612				\$ 714,612
Sidewalk: 272nd Street N/W								\$ 270,000					\$ 270,000
Sidewalk: 276th Street N/W	\$ 100,000												\$ 100,000
Sidewalk: 72nd Avenue N/W	\$ 100,000												\$ 100,000
Sidewalk: 284th Street S/W								\$ 185,880					\$ 185,880
Sidewalk: 98th Drive N/W								\$ 123,240					\$ 123,240
Overlay and ADA Improvements							\$ 410,000	\$ 510,000	\$ 428,000	\$ 450,000	\$ 450,000	\$ 450,000	\$ 2,638,000
284th Street N/W Improvements								\$ 5,700,000					\$ 5,700,000
64th and SR 532 Intersection							\$ 500,000	\$ 100,000	\$ 3,600,000				\$ 4,200,000
Viking Way - 90th Avenue Phase 2							\$ 2,000,000						\$ 2,000,000
Twin City Mile Downtown Renovation Project							\$ 739,000	\$ 1,600,000	\$ 371,000	\$ 371,000	\$ 1,000,000	\$ 1,000,000	\$ 5,081,000
Total:	\$ 1,472,000	\$ 3,165,600	\$ 2,767,000	\$ 614,500	\$ 684,500	\$ 1,273,500	\$ 4,504,000	\$ 8,909,120	\$ 9,273,612	\$ 1,436,000	\$ 3,705,000	\$ 1,980,000	\$ 45,784,832

Step 2: Remove Non-Eligible Projects and Calculate Total System Improvements Attributed to Growth

Screen the CIP list to delete non-eligible projects from the TIF which include:

- Improvements that focused on resolving existing deficiencies;
- Non-growth-related transportation needs;
- Safety, maintenance, preservation, and projects that primarily upgraded roadways to meet current design standards;
- Projects under another jurisdiction such as the Washington State Department of Transportation (WSDOT) or Snohomish County; and
- Grants attributed to projects are also discounted from the cost of a project.

City of Stanwood 2018-2029 Capital Improvement Plan													
Traffic Impact Fee Calculation													
2018-2029 Streets and Sidewalks CIP List	Past Investments Actual						Future Investments - CIP						
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	Total
City Beautification Project						\$ 30,000	\$ 30,000						\$ 60,000
Sidewalks (New and Improved - Infill)		\$ 70,000	\$ 70,000	\$ 250,000		\$ 175,000							\$ 465,000
80th Avenue Sidewalk (New)					\$ 20,000	\$ 635,000							\$ 655,000
Street Overlays	\$ 200,000	\$ 200,000	\$ 270,000	\$ 344,000	\$ 439,500	\$ 588,500							\$ 2,042,500
Viking Way - 90th Avenue Phase 1	\$ 1,122,000	\$ 1,122,000	\$ 2,000,000										\$ 4,244,000
Sidewalk Repairs	\$ 50,000	\$ 50,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000							\$ 180,000
102nd Overlay		\$ 301,500											\$ 301,500
278th Street Overlay		\$ 530,700											\$ 530,700
102nd Avenue Sidewalk			\$ 106,500										\$ 106,500
92nd Avenue Sidewalk		\$ 150,000											\$ 150,000
273rd Sidewalk			\$ 175,500										\$ 175,500
72nd Avenue Sidewalk	\$ 100,000	\$ 391,400											\$ 491,400
SR 532 Bike Path (On Top of Flood Berm)		\$ 200,000											\$ 200,000
90th Avenue Sidewalk			\$ 125,000										\$ 125,000
278th Street Sidewalk		\$ 150,000											\$ 150,000
Westside Overlays							\$ 160,000	\$ 130,000	\$ 85,000	\$ 85,000			\$ 460,000
103rd Road Rebuild						\$ 320,000							\$ 320,000
101st Avenue Reconstruction and Overlay									\$ 2,640,000				\$ 2,640,000
90th Avenue Reconstruction Phase 2									\$ 5,000,000				\$ 5,000,000
Sidewalk Repair and Maintenance						\$ 150,000	\$ 230,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000		\$ 2,380,000
80th & 284th Sidewalk Connection (southwest corner)						\$ 150,000							\$ 150,000
SR 532 Hamilton Entrance Intersection							\$ 3,500,000						\$ 3,500,000
Sidewalk: Cedarhome Drive N/W							\$ 744,612						\$ 744,612
Sidewalk: 272nd Street N/W						\$ 270,000							\$ 270,000
Sidewalk: 276th Street N/W						\$ 100,000							\$ 100,000
Sidewalk: 72nd Avenue N/W						\$ 100,000							\$ 100,000
Sidewalk: 284th Street S/W						\$ 185,880							\$ 185,880
Sidewalk: 38th Drive N/W						\$ 123,240							\$ 123,240
Overlay and ADA Improvements						\$ 410,000	\$ 510,000	\$ 428,000	\$ 450,000	\$ 450,000	\$ 450,000		\$ 2,638,000
284th Street N/W Improvements							\$ 5,700,000						\$ 5,700,000
64th and SR 532 Intersection						\$ 500,000	\$ 100,000	\$ 3,600,000					\$ 4,200,000
Viking Way - 90th Avenue Phase 2						\$ 2,000,000							\$ 2,000,000
Twin City Mile Downtown Renovation Project						\$ 739,000	\$ 1,600,000	\$ 371,000	\$ 1,000,000	\$ 1,000,000			\$ 5,080,000
Total:	\$ 1,472,000	\$ 3,365,600	\$ 2,767,000	\$ 614,500	\$ 684,500	\$ 1,273,500	\$ 4,504,000	\$ 8,309,120	\$ 9,273,612	\$ 1,436,000	\$ 9,705,000	\$ 1,980,000	\$ 45,794,832
Grants / Deductions:													
TIB - Sidewalks				\$ 225,000	\$ 157,500	\$ 571,500							\$ 954,000
TIB - Overlays			\$ 24,000	\$ 310,000	\$ 395,500	\$ 523,200	\$ 348,500	\$ 433,500	\$ 363,000	\$ 382,500	\$ 382,500	\$ 382,500	\$ 3,652,000
Viking Way Grants (WSDOT/ITCC/IDOC)	\$ 485,858	\$ 485,858	\$ 1,937,000										\$ 3,773,716
TIB Viking Way		\$ 720,000											\$ 720,000
State Budget Appropriation		\$ 500,000											\$ 500,000
Total:	\$ 485,858	\$ 1,705,858	\$ 1,961,000	\$ 535,050	\$ 553,050	\$ 1,100,700	\$ 1,213,500	\$ 433,500	\$ 363,000	\$ 382,500	\$ 382,500	\$ 382,500	\$ 4,459,816
Grants/Deductions %													9%
TIF % of CIP													56%
Grants/Deductions %													79%

Where:

“Total” means: The total cost of the 12-year CIP project list.

“CIP w/ Deductions” means: Grants account for approximately 21% of the total CIP. Each CIP project has been reduced by 21% to account for potential grants. The “CIP with Reductions” column equals the “Total” line items multiplied by 79% to reach the total CIP cost. (100% - 21% = 79%)

“TIF Eligible” means: Projects that are not eligible for impact fees such as maintenance or projects that don’t serve future growth. This is a Yes / No response. Those projects that don’t qualify for traffic impact fees show no associated TIF Cost.

“TIF %” means:

Industry standard practice representing the typical percent of a project that is applied to new growth:

Transportation Facility	Improvement Criteria	New Growth Capacity
Intersection / Operations	Creates future capacity by adding travel lanes, signals or roundabouts.	80%
Widening / Reconstruction	Road reconstruction to meet City road standards and can include lane widening and/or adding bicycle and/or pedestrian improvements.	20%
Active Transportation	Addition of trails, bicycle and pedestrian facilities to the current cross-section and may include multi-use pathways adjacent to the roadway.	80%
Citywide Programs	Not Eligible for traffic impact fees.	0%
Other Agency Projects	Not Eligible for traffic impact fees in most cases.	0%

“TIF Cost” Means Total CIP project costs attributed to growth after applying non-eligible deductions and the percent of project costs applicable added capacity.

Step 3: Determine the Total New Growth Trips

The City of Stanwood’s TIF program is based on weekday PM peak hour traffic conditions which typically has the highest volume of traffic and the time period when most drivers experience the greatest travel delays. PM peak hour trip rates also represent net-new trips, which are made for the specific purpose of visiting the development. Therefore, these trips are more closely tied to the actual impact on the transportation network of trips to/from the development. Weekday PM peak hour traffic forecasts were prepared by applying the City’s land use designations to the travel demand model for the Transportation Element of the Comprehensive Plan.

The travel demand model segments forecasted traffic into four components. On one axis the model divides travel forecasts into existing traffic versus growth traffic. The other axis divides the forecast traffic into those trips that have an origin and/or destination within the City or its Urban Growth Area. The City will only charge the TIF for growth trips with at least an origin or destination (or both) within the City or its UGA.

The number of new PM peak hour growth trips within the City/UGA service area is based on the City of Stanwood travel demand model which generated the projected traffic volumes based on the projected 2044 growth forecasts.

	Origin or Destination Within the City or its UGA	No Origin or Destination Within the City or its UGA
Existing traffic	Not charged	Not charged
Growth traffic	Impact Fee 2,767 Total Trips	Not charged

Step 4: Apply the Formula to Determine Traffic Impact Fee

The final step in the process is to insert the data into the formula to calculate the traffic impact fee. The cost share of the impact fee projects for the City and UGA service area was divided by the number of PM peak hour growth trips resulting in a cost per new weekday PM peak hour trip generated. This rate was then multiplied by the adjustment factor to create an impact fee.

Component	Amount	Description
Total Capital Cost	\$36,285,016	Total cost in 2018-2029 CIP (minus grants/deductions). Represents about 79% of total CIP cost.
TIF Eligible Costs	\$20,473,197	TIF Eligible Costs. Represents about 56% of total capital costs.
Citywide Trip Ends	2,767	Represents the total amount of citywide trip ends generated by new growth.
Preliminary Cost per New PM Peak Hour Trip	\$7,399	TIF eligible costs divided by total growth trip ends.
Final Cost per New PM Peak Hour Trip	\$4,928	With 0.666 factor applied.

Step 5: Multiply the PM Peak Hour Trip by ITE Trip Generation to Obtain the TIF by Use

The Institute of Transportation Engineers (ITE) Manual is the national standard used to predict the number of trips generated by land use type. The number of PM peak hour trips by type is multiplied by the impact fee generated from eligible projects on City's CIP list.

Land Use Type	Cost Per PM Peak Hour Trip	ITE Manual PM Peak Hour Trip Rate	Transportation Impact Fee Per Trip
Single Family Residential	\$4,928	1 (ITE Code 210)	\$4,928
Single Family Attached (Duplex / Townhouse)	\$4,928	0.57 (ITE Code 215)	\$2,809
Multifamily	\$4,928	0.51 (ITE Code 220)	\$2,513

Commercial / Industrial	\$4,928	Based on ITE Code by Use	\$4,928 Per PM Peak Hour Trip
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Impact Summary Results

A comparison of the 2024 traffic impact fee against the 2022 shows an increase in single family residential fees, but a decrease in the multifamily residential per trip fee.

Land Use Type	2022 Transportation Impact Fee*	2024 Transportation Impact Fee	Difference
Single Family Residential	\$3,523.39	\$4,928	\$1,401.61
Single Family Attached (Duplex / Townhouse)	\$2,253.20	\$2,809	\$555.80
Multifamily	\$2,584.56	\$2,513	-\$71.56
Commercial / Industrial	\$368.17 / Average Daily Trip or Per Traffic Study**	\$4,928 Per PM Peak Hour Trip	See Comparison Below

Notes: *= Transportation Impact Fee has not been updated since 2013 (10-years); **= Impact fee has to be converted from PM Peak Hour Trips to Average Daily Trips

In 2013 the Council adopted a PM Peak Hour trip rate for residential uses (single family and multifamily) but applied the Average Daily Trip (ADT) Standard to commercial and industrial uses. This creates confusion and some difficulty for staff to convert between the two methodologies. Staff relies on consultant support to make the conversion. Staff is proposing to apply the same methodology to all projects: PM Peak Hour Trips. To understand the difference the following project was used as an example for comparison purposes.

Project: Inland Steel PM Peak Hour Trip Methodology:

Use Type	Square Footage	Rate Per Square Footage	PM Peak Hour Trips
Small Office (ITE Code 712)	2,000	2.16 / 1,000 sf	4.32
Warehousing (ITE Code 150)	12,401	0.18 / 1,000 sf	2.23
Total PM Peak Hour Trips			6.55

Impact Fee	Cost
2024 Traffic Impact Fee (6.55 X \$4,928):	\$32,278.40
2022 Traffic Impact Fee (87 X \$368.17 ADT)	\$32,030.79
Difference:	\$247.61



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11b

DATE: December 14, 2023

SUBJECT: Resolution 2023-18 Emergency Powers and Confirm Mayor Roberts' Emergency Proclamation of December 6, 2023

CONTACT PERSON: Shawn Smith, City Administrator

ATTACHMENTS: A – Resolution 2023-18 Emergency Powers
B – Emergency Proclamation December 6, 2023

ISSUE

The issue before the City Council is consideration and ratification of Mayor Roberts' December 6, 2023 emergency proclamation by adopting Resolution 2023-18 ratifying and authorizing emergency procurement procedures.

DISCUSSION

During the days including and preceding December 6, 2023, the City of Stanwood and all of Snohomish County received unprecedented rainfall, which resulted in widespread flooding of the Stanwood area; and on December 6, 2023, the Mayor, in exercise of his powers, declared an emergency and staff proceeded to hire a contractor and purchase sand and other materials. To ensure the health, safety, and welfare of City residents, businesses, visitors, and staff is of utmost importance to the City to authorize emergency procurement procedures and additional future measures may be needed to protect the community.

CITY COUNCIL OPTIONS

- a. Confirm the Emergency Proclamation and adopt Resolution 2023-18.
- b. Not confirm the Emergency Proclamation or adopt Resolution 2023-18 and direct staff to address areas of concern.

RECOMMENDED ACTIONS

“I MOVE TO ADOPT RESOLUTION 2023-18 CONFIRMING MAYOR ROBERTS' EMERGENCY PROCLAMATION OF DECEMBER 6, 2023 AUTHORIZING THE USE OF EMERGENCY PROCUREMENT PROCEDURES CONSISTENT WITH STATE LAW”.

RESOLUTION NO 2023-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANWOOD
RATIFYING AND AFFIRMING A DECLARATION OF EMERGENCY BY THE
MAYOR OF THE CITY RELATING TO THE FLOODING EVENT OF
DECEMBER 2023 AND WAIVING COMPETITIVE BIDDING
REQUIREMENTS**

WHEREAS, the Revised Code of Washington (RCW) Chapter 38.52 authorizes the Mayor to exercise emergency powers; and

WHEREAS, during the days including and preceding December 6, 2023, the City of Stanwood and all of Snohomish County received unprecedented rainfall, which resulted in widespread flooding of the Stanwood area; and

WHEREAS, on December 6, 2023, the Mayor, in exercise of his powers, declared an emergency and staff proceeded to hire a contractor and purchase sand and other materials; and

WHEREAS, the health, safety, and welfare of City residents, businesses, visitors, and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON AS FOLLOWS:

SECTION 1

In order to promptly address emergency repairs and purchase of necessary flood related items, pursuant to RCW 36.40.180, RCW 38.52.070(2), and RCW 39.04.280(3), and the Mayor's Declaration of December 6, 2023, which is hereby ratified and confirmed, an emergency exists, and the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to repairs or purchases required to address the flood event. Each designated department is hereby authorized to exercise the powers vested in the Declaration and prior actions of staff are hereby ratified and affirmed.

APPROVED AND ADOPTED this 14th day of December 2023.

APPROVED:

Sid Roberts, Mayor

APPROVED AS TO FORM:

ATTEST:

Nikki Thompson, City Attorney

Lisa Sokolik, City Clerk

OFFICE OF THE MAYOR OF STANWOOD, WASHINGTON
EMERGENCY DECLARATION

WHEREAS, the Revised Code of Washington (RCW) Chapter 38.52 authorizes the Mayor to exercise emergency powers; and

WHEREAS, during the days including and preceding December 6, 2023, the City of Stanwood and all of Snohomish County received unprecedented rainfall; and

WHEREAS, widespread flooding has occurred within the City of Stanwood; and

WHEREAS, emergency procurements must be made in order to ensure continuation of services; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff is of utmost importance to the City; and

WHEREAS these conditions warrant the declaration of an emergency, as defined by Revised Code of Washington (RCW) Section 38.52.010; and

WHEREAS, RCW 36.40.180, RCW 38.52.070(2), and RCW 39.04.280(3), authorize the waiver of the requirements of competitive bidding and public notice with reference to any contract relating to the City's lease or purchase of supplies, equipment, personal services, or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts in emergency situations; and

WHEREAS, there is an emergency present which necessitates the utilization of emergency powers granted pursuant to chapter 38.52 RCW, and other relevant provisions of state and federal law; and

NOW THEREFORE, BE IT DECLARED BY MAYOR SID ROBERTS FOR THE CITY OF STANWOOD:

SECTION 1

It is hereby declared under RCW 38.52.020(1)(b) that a State of Emergency has arisen concerning widespread flooding, which affects the life and health of our residents, and the economy of the City of Stanwood.

SECTION 2

I hereby direct designated City departments under this proclamation to take actions deemed necessary to otherwise mitigate and prevent impacts and potential impacts upon private property and publicly owned infrastructure related to the flooding, including any necessary actions needed to obtain emergency permitting and funding through municipal, county, state or federal agencies.

SECTION 3

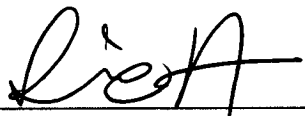
In order to prepare for, prevent, and continue to respond to this emergency, pursuant to RCW 36.40.180, RCW 38.52.070(2), and RCW 39.04.280(3), the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to the City's necessary responses to the flooding event and purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts related to flood event. Each designated department is hereby authorized to exercise the powers vested in this declaration in light of the flooding and the emergency created.

SECTION 4

A copy of this declaration, to the extent practicable, shall be posted at the City's regular locations for official notices and shall be made available to members of the local news media and the general public.

DATED this 6th day of December, 2023.

MAYOR OF THE CITY OF STANWOOD



Mayor Sid Roberts



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11c
DATE: December 14, 2023
SUBJECT: Final Acceptance of Johnson Farm Demo project.
CONTACT PERSON: Kevin Hushagen, Public Works Director
ATTACHMENTS: A – Final Pay Request

PURPOSE

The purpose of this item is for Council to authorize final acceptance of the Johnson Farm Demo project completed by Swofford Excavating LLC.

BACKGROUND

At the October 12, 2023 meeting, Council approved a contract with Swofford to demolish the existing structures, remove concrete pavement, and cleanup debris at the Johnson Farm. That project is now complete, and staff is seeking final acceptance.

ANALYSIS

The original contract amount was \$116,719.28 including tax. The total project cost came in at the original bid amount. We did not issue any change orders or change any scope during the project.

FIANCIAL IMPACT

Total fiscal impact was \$116,719.28. This cost will be reimbursed by the Stillaguamish Tribe as part of the DD7 Levee improvements.

PROPOSED MOTION

“I MOVE TO AUTHORIZE THE FINAL ACCEPTANCE OF THE JOHNSON FARM DEMO PROJECT WITH SWOFFORD EXCAVATING LLC”.

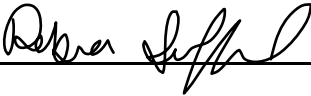
STATE OF WASHINGTON
00650 SCHEDULE OF VALUES

CERTIFICATE FOR PAYMENT. For period from: 10/1/2023 to 11/1/2023
Contract for: Johnson Farm Demo Date: 11/08/23
Location: Stanwood Wa Certificate No.:
Contractor: Swofford Excavating LLC Contract No.: Johnson Farm Demo

Original Contract Amount: \$106,788.00
Net change in Contract Amount to Date: \$0.00
Adjusted Contract amount \$106,788.00

ITEM NO.	SCHEDULE OF VALUES DETAIL	ESTIMATED VALUE	AMOUNT EARNED	%	PREVIOUSLY CLAIMED	THIS INVOICE
1	Removal of Concrete	\$39,000.00	\$39,000.00	100%	\$0.00	\$39,000.00
2	Removal of structures	\$48,900.00	\$48,900.00	100%	\$0.00	\$48,900.00
3	Removal of debris	\$18,888.00	\$18,888.00	100%	\$0.00	\$18,888.00
4		\$0.00	\$0.00	0%	\$0.00	\$0.00
5		\$0.00	\$0.00	0%	\$0.00	\$0.00
6		\$0.00	\$0.00	0%	\$0.00	\$0.00
7		\$0.00	\$0.00	0%	\$0.00	\$0.00
8		\$0.00	\$0.00	0%	\$0.00	\$0.00
9		\$0.00	\$0.00	0%	\$0.00	\$0.00
C1	Change Orders:					
C2	1.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C3	2.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C4	3.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C5	4.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C6	5.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C7	6.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C8	7.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C9	8.	\$0.00	\$0.00	#####	\$0.00	\$0.00
C10	9.	\$0.00	\$0.00	#####	\$0.00	\$0.00
SUBTOTAL		\$106,788.00	\$106,788.00	100%	\$0.00	\$106,788.00
SALES TAX 9.30%		\$9,931.28	\$9,931.28		\$0.00	\$9,931.28
TOTAL		\$116,719.28	\$116,719.28		\$0.00	\$116,719.28
Less Retainage.. 5%			\$5,339.40		\$0.00	\$5,339.40
NET			\$111,379.88		\$0.00	\$111,379.88
Less Previous Payments.....			\$0.00			
Additional Tax 0.00%		\$0.00			\$0.00	
AMOUNT DUE THIS ESTIMATE			\$111,379.88			\$111,379.88

This is to certify that the contractor, having complied with the terms and conditions of the above mentioned contract, is due and payable from the State of Washington, the amount set after "AMOUNT DUE THIS ESTIMATE."

Swofford Excavating LLC (Contracting Firm)
By 
(Architect or Engineer)
By _____



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11d

DATE: Thursday, December 14, 2023

SUBJECT: Authorize the Mayor to Sign a Task Order with Atwell, LLC for the 103rd Dr NW Improvements

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Scope and Fee

PURPOSE

The purpose of this agenda item is to authorize the Mayor to sign a task order with Atwell, LLC for the 103rd Dr NW Improvements project.

BACKGROUND

The City identified 103rd Dr NW Improvements in the CIP in both the Streets and Water Capital projects. Atwell, LLC has provided a scope and fee for civil engineer design services generally consisting of roadway and water improvements from SR 532 to 273rd along the alignment of 103rd Dr NW. This section of water main has required ongoing maintenance to repair the existing failing water line. The current water main is a mix of PVC and steel of various sizes, we propose to replace the main with approximately 1,500 feet of 8" C900 pipe. We also plan to overlay the road with 2" of asphalt. Atwell, LLC proposed 742 hours of staff time totaling \$198,320 in design costs for the project. This work will be done as a task order under a current on-call agreement with Atwell, LLC.

ANALYSIS

The CIP includes \$320,000 in street funds and \$400,000 in water funds for construction and design in 2024.

Fiscal Impact			
Fund(s):	Fund 422 \$320,000 and Fund 103 \$400,000		
Amount:	\$198,320	Project Estimate:	\$720,000
Budget Authorized	[x] Yes [] No	Amendment Required	[] Yes [x] No [] Monitor

RECOMMENDATIONS

Staff Recommendation:

Staff recommends awarding the design scope to Atwell, LLC for a cost of \$198,320.

Committee/Board Recommendation:

The Public Works Committee has not reviewed this proposal prior to the December 14, 2023 City Council Meeting.

CITY COUNCIL OPTIONS

1. Approve the Mayor to sign a contract with Atwell, LLC for the 103rd Dr NW improvements for \$198,320.
2. Send back to Public Works Committee for additional discussion.
3. Reject all bids and delay the project.

PROPOSED MOTION

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN A TASK ORDER WITH ATWELL, LLC FOR THE 103RD DR NW IMPROVMENTS NOT TO EXCEED \$198,320”.

103RD DR NW IMPROVEMENTS

SCOPE OF WORK

Based upon our understanding of the project requirements and discussions with you we have developed the following scope of services:

PROJECT UNDERSTANDING

Atwell, LLC ("Atwell") will provide civil engineering design services for the City of Stanwood's 103rd Drive NW Project ("Project") generally consisting of roadway and water improvements along with associated work at the locations described below in the City of Stanwood.

- Roadway improvements - approximately 1,300 LF along 103rd Dr NW from 273rd PI NW to just north of SR 532 intersection.
- Water main replacement - approximately 1,500 LF along 103rd Dr NW from 273rd PI NW to just north of SR 532 intersection and along 270th St NW from 103rd Dr NW to 102nd Dr NW.

The project will be phased in design and construction as follows:

Phase I – 103rd Dr NW from 273rd PI NW to 271st St NW – Construction in 2024

Phase II – 103rd Dr NW from 271st St NW to SR 532 and 270th St NW from 103rd Dr NW to 102nd Dr NW (water only) – Construction in 2025

TASK 001: PROJECT MANAGEMENT:

This task is for general coordination and meetings on the project, including coordination with the City, internal plan review/discussion meetings, and in-house quality assurance. Atwell will prepare monthly invoices for work performed during the previous month. Included with the invoices will be pertinent backup materials and progress reports of the project to date.

Deliverables: *Monthly Invoices, Progress Reports*

TASK 002: SURVEY SERVICES:

Surveying and Mapping (SAM) will prepare base mapping for the overlay areas specified in the Project Description above and shown in the map below. AutoCAD drawings will be prepared at a scale of 1"=20'. Services will include the following:

- Control survey in NAD 83/11 Horizontal Datum, with all elevations derived from and checked to NAVD '88 Vertical Datum.
- Retrieve, interpret, and include existing as-builts as available from local agencies and purveyors.
- Establish right-of-ways and roadway centerlines within above-described area as available from recorded plats and public records further compared to the Snohomish County Parcel GIS lines.
- Interpret and delineate existing easements within unopened right-of-way section described above.
- Set additional benchmarks at least 1 per 500' of route mapping.

- Coordinate and hire as a subcontractor Applied Professional Services (APS) to provide utility locate services for underground utilities including: power, gas, cable, fiber optics and telecommunications. The cost of which (\$3,500) is included herein.
- Depict hard and soft surfaces on individual layers per accepted APWA standards.
- Show and dimension located topographic features and contours at 1' intervals along subject area.
- Show and label all control points with elevations and point numbers.
- Show known utilities by surface evidence, utility pre-painting, or as-built location.

Deliverables: AutoCAD 2022 drawing file with point database and dtm files

Assumptions: The City will provide all necessary right of entry into private property and notice to landowners along the route of mapping activity.

TASK 003: PRELIMINARY DESIGN

Using the survey prepared in Task 002, Atwell will prepare a Preliminary Design for the project. The services under this task will include:

- Attending an Initial Kick-off meeting with the city.
- Analyzing the right-of-way and existing improvements to provide proposed roadway improvements for City review. This will include evaluating intersections, sidewalk/path and curb ramp layout, drainage improvements (limited), and the approximate project limits.
- Preparing initial water main replacement design (plan view only)
- Approximate project timeline for construction services.
- Engineers Estimate for the completion of work broken down into 2 phases.

Deliverables: Overall Preliminary Design Report.

TASK 004: Phase I Design

Atwell will provide the City with three stages of Design PS&E for Phase I of the project including:

- Plans prepared as follows:
 - Proposed improvements shown in plan and profile per City standards.
 - Temporary erosion and sedimentation control plan, notes, and details as necessary.
 - City standard details cross-referenced where applicable and specialized details developed as necessary.
 - 22"x34" sheets with roughly an 18"x28" drawing area.
 - 1"=20' horizontal scale and 1"=5' vertical scale.
- Technical specifications, including Proposal, Contract Forms, General Conditions, and Measurement and Payment in WSDOT format, using City-provided standard specifications when available.
- Engineer's Estimate of probable construction costs.
- 60%, 90%, and Final Design stage submittals.
- A project walk-through with the City after the 60% design submittal.

- Review of comments with City staff at each stage of design and incorporation of City comments into the subsequent submittal.

Deliverables: 60% PS&E (Hard copies or electronic copies, as specified by the City).

Design memo accompanying the submittal that outlines assumptions, questions, and recommendations (Hard copy or electronic copy, as specified by the City).

90% PS&E (Hard copies or electronic copies, as specified by the City).

Final PS&E (Hard copies or electronic copies, as specified by the City).

TASK 005: Phase II Design

Atwell will provide the City with three stages of Design PS&E for Phase II of the project including:

- Plans prepared as follows:
 - Proposed improvements shown in plan and profile per City standards.
 - Temporary erosion and sedimentation control plan, notes, and details as necessary.
 - City standard details cross-referenced where applicable and specialized details developed as necessary.
 - 22"x34" sheets with roughly an 18"x28" drawing area.
 - 1"=20' horizontal scale and 1"=5' vertical scale.
- Technical specifications, including Proposal, Contract Forms, General Conditions, and Measurement and Payment in WSDOT format, using City-provided standard specifications when available.
- Engineer's Estimate of probable construction costs.
- 60%, 90%, and Final Design stage submittals.
- A project walk-through with the City after the 60% design submittal.
- Review of comments with City staff at each stage of design and incorporation of City comments into the subsequent submittal.

Deliverables: 60% PS&E (Hard copies or electronic copies, as specified by the City).

Design memo accompanying the submittal that outlines assumptions, questions, and recommendations (Hard copy or electronic copy, as specified by the City).

90% PS&E (Hard copies or electronic copies, as specified by the City).

Final PS&E (Hard copies or electronic copies, as specified by the City).

TASK 006: UNASSIGNED SERVICES RESERVE

This task provides for unanticipated design services deemed to be necessary during the course of the Project that are not specifically identified in the scope of work tasks defined above. Any additional work or funds under this item are not to be used unless explicitly authorized by the City.

CLARIFICATIONS

PROJECT UNDERSTANDINGS AND ASSUMPTIONS:

In preparing the proposal, we have assumed the following:

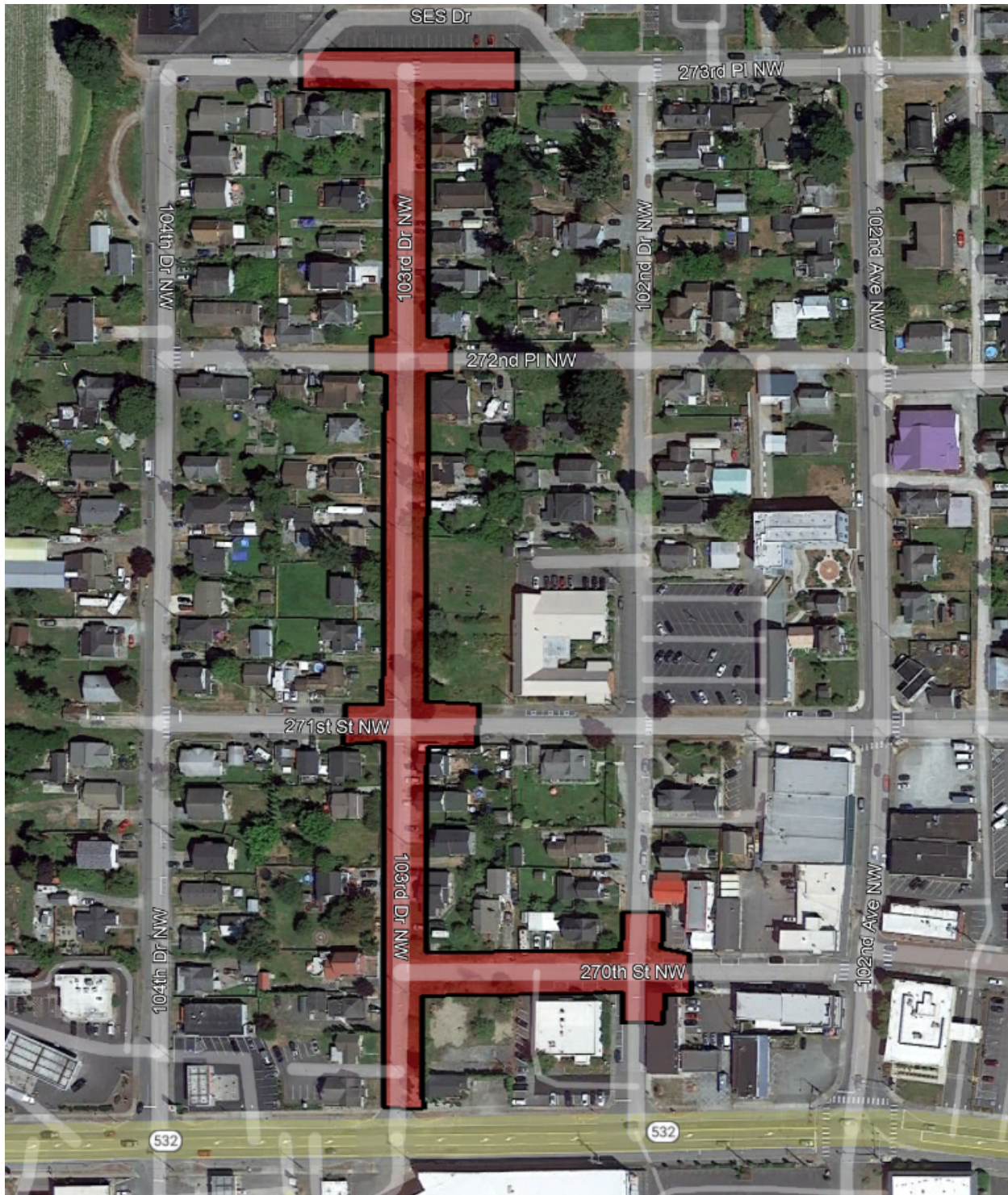
1. Scope and fees outlined above are based on the Project Understanding included with this proposal as well as the following information (any changes to these documents may result in changes to the fees):
 - a. Correspondence prior to the effective date of this Agreement.
2. The following items are not anticipated to be necessary and are not included in this proposal:
 - a. Structural, Environmental, or Transportation Engineering Services.
 - b. Sanitary Sewer design.
 - c. Dewatering analysis or system design.
 - d. Gas main relocation coordination.
 - e. Power relocation coordination.
 - f. Other dry utility relocation coordination.
 - g. Wall or rockery design above 4ft.
 - h. Traffic control plan design (Contractor to provide).
 - i. Potholing during design.
 - j. Flow control design.
 - k. Capacity analysis of existing stormwater conveyance system.
 - l. Environmental documentation/permits beyond what is included in the scope above.
 - m. Construction Administration, Staking, or Inspection Services (a separate fee proposal can be provided upon request).
 - n. Permitting.
3. Water meter and side sewer sizing, if required, to be performed by others.
4. Standard Client review times will be 2-weeks, unless shown otherwise in a project schedule submitted to the Client.
5. Atwell will not pay any Agency fees on behalf of the Client. This includes any fees associated with permits and easements.
6. This scope of work anticipates a single construction package. If the project becomes split into separate packages, an additional fee estimate can be provided for those packages after the first complete construction documents.
7. The fees stated above do not include reimbursable expenses such as large format copies (larger than legal size), mileage, and plots. These will appear under a separate task called **EXPENSES**.
8. Time and expense items are based on Atwell's current hourly rates.
9. These fees stated above are valid if accepted within 30 days of the date of the proposal.
10. Atwell reserves the right to adjust fees per current market conditions for tasks not started within a year of contract execution.
11. Atwell reserves the right to move funds between approved Tasks 001 – 005 as necessary based on approved scope of work provided the overall budget of Tasks 001 – 005 is not exceeded. Client Project Manager will be notified if funds are shifted.
12. Project stops/starts and significant changes to the Project Schedule may result in changes to the fees provided above and a separate fee proposal will be provided.
13. Client revisions requested after the work is completed will be billed at an hourly rate under a new task called Client Requested Revisions. A fee estimate can be provided to the Client prior to proceeding with the revisions.
14. If the Client requests Atwell's assistance in complying with any public records request, including without limitation providing copies of documents and communications, Client will pay Atwell's hourly fees and costs incurred in providing such assistance at then-current rates. Such fees and costs will be billed as a separate task and will be in addition to the maximum or total fees and costs stated in the agreement to which this scope of work is attached.

INFORMATION TO BE PROVIDED BY THE CLIENT:

In preparing the proposal, it is understood the following be provided by the Client:

1. Obtaining any offsite easements or right-of-entry including permanent easements (if required) will be the responsibility of the Client.

Project Overview Map





City of Stanwood 103rd Dr NW Improvements

Job Number: 23006268 Prepared By: Brett Justinen, PE
Date: 11/21/2023 Checked By: Rob Dahn, PE

Task #	Base Tasks	Senior Project Manager	Senior Project Engineer	Engineer	Designer	Total Hours	Total Fee	Fee Type
		\$250/hr Hours	\$220/hr Hours	\$195/hr Hours	\$195/hr Hours			
001	Project Management	26	74	0	0	100	\$22,780	Not to Exceed
002	Survey Services						\$33,005	Fixed Fee
003	Preliminary Design	10	44	50	50	154	\$31,680	Not to Exceed
004	Phase I Design	14	72	96	94	276	\$56,390	Not to Exceed
005	Phase II Design	14	54	68	76	212	\$43,460	Not to Exceed
006	Management Reserve						\$10,000	Not to Exceed
	Expenses						\$1,000	Not to Exceed
	Total Hours	64	244	214	220	742		
	Atwell Personnel	\$16,000	\$53,680	\$41,730	\$42,900		\$198,320	

001 Project Management		Senior Project Manager	Senior Project Engineer	Engineer	Designer	Total Hours	
Item #	Description	\$250/hr	\$220/hr	\$195/hr	\$195/hr		
		Hours	Hours	Hours	Hours		
1	Meetings	6	12			18	
2	Monthly Invoices/Progress Reports	6	16			22	
3	QA/QC	8	30			38	
4	General Project Coordination	6	16			22	
Total Hours		26	74	0	0	100	
Total Fee		\$6,500	\$16,280	\$0	\$0		\$22,780

002 Survey Services		Senior Project Manager	Senior Project Engineer	Total Cost (SAM)	Atwell Markup	Total Hours	Total
Item #	Description	\$250/hr	\$220/hr		15%		
		Hours	Hours				
1	Survey & Base Mapping	-	-	\$26,300	\$3,945		
2	Subconsultant Coordination	4	8	-	-	12	
Total Hours		4	8	-	-	12	
Total Fee		\$1,000	\$1,760	\$26,300	\$3,945		\$33,005

003 Preliminary Design		Senior Project Manager	Senior Project Engineer	Engineer	Designer	Total Hours	
Item #	Description	\$250/hr	\$220/hr	\$195/hr	\$195/hr		
		Hours	Hours	Hours	Hours		
1	Kick-Off Meeting, Initial Site Visit, and Information Gathering	2	10	8		20	
2	Preliminary Roadway Layout and Analysis	2	12	12	24	50	
3	Preliminary Water Main Design	2	12	12	24	50	
4	Preliminary Engineer's Estimate	2	8	16	2	28	
5	Preliminary Design Memo	2	2	2		6	
Total Hours		10	44	50	50	154	
Total Fee		\$2,500	\$9,680	\$9,750	\$9,750		\$31,680

004 Phase I Design		Senior Project Manager	Senior Project Engineer	Engineer	Designer	Total Hours
Item #	Description	\$250/hr	\$220/hr	\$195/hr	\$195/hr	
		Hours	Hours	Hours	Hours	
1	Design Meetings and Site Walkthrough	4	8	6		18
2	60% PS&E	2	28	38	38	106
3	90% PS&E	2	18	26	34	80
4	Final PS&E	4	14	18	22	58
5	Design Memos	2	4	8		14
Total Hours		14	72	96	94	276
Total Fee		\$3,500	\$15,840	\$18,720	\$18,330	\$56,390

005 Phase II Design		Senior Project Manager	Senior Project Engineer	Engineer	Designer	Total Hours
Item #	Description	\$250/hr	\$220/hr	\$195/hr	\$195/hr	
		Hours	Hours	Hours	Hours	
1	Design Meetings and Site Walkthrough	4	8	6		18
2	60% PS&E	2	20	28	32	82
3	90% PS&E	2	12	16	28	58
4	Final PS&E	4	10	12	16	42
5	Design Memos	2	4	6		12
Total Hours		14	54	68	76	212
Total Fee		\$3,500	\$11,880	\$13,260	\$14,820	\$43,460

006 Management Reserve					Total Cost	Total
Item #	Description					
1	Unassigned Services Reserve				\$10,000	
Total Fee					\$10,000	\$10,000



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11e

DATE: December 14, 2023

SUBJECT: Washington State Transportation Board (TIB) Overlay Grant

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Award Letter
B – Segment Listing
C – Grant Agreement

PURPOSE

The purpose of this agenda item is for Council consideration of allowing the mayor to sign an agreement with the TIB for grant funding of the 284th and 72nd Avenue overlay projects.

BACKGROUND

The city was successful in obtaining grant funding from the TIB for paving 72nd Avenue from 265th to Pioneer Highway, and 284th Avenue from 68th to Copper Station. These grants are for 85% of the eligible costs, requiring a 15% match by the city. The total grant funding is \$632,123, and the 15% match will be \$94,818. The matching funds will come from the Transportation Benefit Sales Tax. These projects are in the City's 2024 budget and Capital Improvement Plan. Along with the paving, ADA ramps will be brought up to current standards. These projects will be designed and managed in house.

ANALYSIS

These projects are in the TIP and the CIP. The current budget shows \$410,000 for Overlay and ADA improvements in 2024

Fiscal Impact			
Grant funds - \$632,123 City's Match - \$94,818			
Fund(s):	Street Improvements – 595 30 63 32		
Amount:	\$ 94,818	Project Estimate:	\$ 632,123 -
Budget Authorized	☒ Yes ☐ No	Amendment Required	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

Authorize the mayor to execute the grant agreement with TIB for the 284th and 72nd Avenue overlay projects.

Committee/Board Recommendation:

Public Works Committee has been informed of the grant funds.

CITY COUNCIL OPTIONS

1. Authorize the mayor to execute the grant agreement with the TIB for the 284th and 72nd Avenue overlay projects.
2. Do not authorize the mayor to execute the grant agreement with the TIB for the 284th and 72nd Avenue overlay projects.
3. Send this to committee for further discussion.

PROPOSED MOTION

“I MOVE TO AUTHORIZE THE MAYOR TO EXECUTE THE GRANT AGREEMENT WITH THE TRANSPORTATION IMPROVEMENT BOARD FOR THE 284TH AND 72ND AVENUE OVERLAY PROJECTS”.



Washington State Transportation Improvement Board

TIB Members

Chair
Mayor Glenn Johnson
City of Pullman

Vice Chair
Councilmember Sam Low
Snohomish County

Amy Asher
Mason Transit Authority

Aaron Butters, PE
HW Lochner Inc.

Susan Carter
Hopelink

Kent Cash, PE
Port of Vancouver

Barbara Chamberlain
WSDOT

Elizabeth Chamberlain
City of Walla Walla

Dongho Chang, PE
WSDOT

Scott Chesney
Spokane County

Vicky Clarke
Cascade Bicycle Club/Washington Bikes

Mike Dahlem, PE
City of Sumner

Commissioner Al French
Spokane County

Councilmember Hilda González
City of Granger

Commissioner Scott Hutsell
Lincoln County

Les Reardanz
Whatcom Transportation Authority

Peter Rogalsky, PE
City of Richland

Mayor Kim Roscoe
City of Fife

Maria Thomas
Office of Financial Management

Jennifer Walker
Thurston County

Jane Wall
County Road Administration Board

December 1, 2023

Mr. Kevin Hushagen
Public Works Director
City of Stanwood
10220 270th Street NW
Stanwood, WA 98292-8022

Dear Mr. Hushagen:

Congratulations! We are pleased to announce the selection of your project, 2024 Overlay, Multiple Locations, TIB project number 3-P-823(009)-1.

TIB is awarding 84.9999% of approved eligible project costs with a maximum grant of \$632,123.

Before any work is permitted on this project, you must complete and email the following items to your TIB engineer:

- Verify the information on the attached Project Funding Status Form and, revise if necessary. Sign and email a copy.
- Sign and email one copy of the Fuel Tax Grant Distribution Agreement.

You may only incur reimbursable expenses after you receive approval from TIB.

In accordance with RCW 47.26.084, you must certify full funding by December 2, 2024 or the grant may be terminated. Grants may also be rescinded due to unreasonable project delay as described in WAC 479-05-211.

If you have questions, please contact Greg Armstrong, TIB Project Engineer, at GregA@TIB.wa.gov.

Sincerely,

Ashley Probart
Executive Director

Enclosures

Ashley Probart
Executive Director

P.O. Box 40901
Olympia, WA 98504-0901
Phone: 360-586-1140
Fax: 360-586-1165
www.tib.wa.gov

ATTACHMENT B
STANWOOD

Arterial Preservation Program (APP)
Approved Segment Listing
FY 2025 Overlay Program

Street	Termini	Pavement Length	Pavement Width
284th Street NW	68th Ave NW to Copper Station Development	2,540 feet	28 feet
72nd Avenue NW	265th St NW to Pioneer Hwy	1,650 feet	36 feet



City of Stanwood
3-P-823(009)-1
2024 Overlay
Multiple Locations

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Stanwood
AGREEMENT

THIS GRANT AGREEMENT (hereinafter "Agreement") for the 2024 Overlay, Multiple Locations (hereinafter "Project") is entered into by the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD (hereinafter "TIB") and City of Stanwood, a political subdivision of the State of Washington (hereinafter "RECIPIENT").

1.0 PURPOSE

For the project specified above, TIB shall pay 84.9999 percent of approved eligible project costs up to the amount of \$632,123, pursuant to terms contained in the RECIPIENT'S Grant Application, supporting documentation, chapter 47.26 RCW, title 479 WAC, and the terms and conditions listed below.

2.0 SCOPE AND BUDGET

The Project Scope and Budget are initially described in RECIPIENT's Grant Application and incorporated by reference into this Agreement. Scope and Budget will be further developed and refined, but not substantially altered during the Design, Bid Authorization and Construction Phases. Any material alterations to the original Project Scope or Budget as initially described in the Grant Application must be authorized by TIB in advance by written amendment.

3.0 PROJECT DOCUMENTATION

TIB requires RECIPIENT to make reasonable progress and submit timely Project documentation as applicable throughout the Project. Upon RECIPIENT's submission of each Project document to TIB, the terms contained in the document will be incorporated by reference into the Agreement. Required documents include, but are not limited to the following:

- a) Project Funding Status Form
- b) Bid Authorization Form with plans and engineers estimate
- c) Award Updated Cost Estimate
- d) Bid Tabulations
- e) Contract Completion Updated Cost Estimate with final summary of quantities
- f) Project Accounting History

4.0 BILLING AND PAYMENT

The local agency shall submit progress billings as project costs are incurred to enable TIB to maintain accurate budgeting and fund management. Payment requests may be submitted as



often as the RECIPIENT deems necessary, but shall be submitted at least quarterly if billable amounts are greater than \$50,000. If progress billings are not submitted, large payments may be delayed or scheduled in a payment plan.

5.0 TERM OF AGREEMENT

This Agreement shall be effective upon execution by TIB and shall continue through closeout of the grant or until terminated as provided herein, but shall not exceed 10 years unless amended by the Parties.

6.0 AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

7.0 ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights under this Agreement.

8.0 GOVERNANCE & VENUE

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9.0 DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) In response to the notice, RECIPIENT shall provide a written response within 10 business days of receipt of TIB's notice of non-compliance, which should include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details.
- c) TIB will provide 30 days for RECIPIENT to make reasonable progress toward compliance pursuant to its plan to correct or implement its amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold further payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that:



- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project payments until the requested corrections have been made or the Agreement has been terminated.

9.3 TERMINATION

- a) In the event of default by the RECIPIENT as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which shall be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such action as may be directed by TIB.
- b) In the event of default and/or termination by either PARTY, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in the AGREEMENT are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for performance rendered or costs incurred prior to the effective date of termination.

10.0 USE OF TIB GRANT FUNDS

TIB grant funds come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than highway or roadway system improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9. If Right of Way is purchased using TIB funds, and some or all of the Right of Way is subsequently sold, proceeds from the sale must be deposited into the RECIPIENT's motor vehicle fund and used for a motor vehicle purpose.

11.0 INCREASE OR DECREASE IN TIB GRANT FUNDS

At Bid Award and Contract Completion, RECIPIENT may request an increase in the maximum payable TIB funds for the specific project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. All increase requests must be made pursuant to WAC 479-05-202 and/or WAC 479-01-060. If an increase is denied, the recipient shall be liable for all costs incurred in excess of the maximum amount payable by TIB. In the event that final costs related to the specific project are less than the initial grant award, TIB funds will be decreased and/or refunded to TIB in a manner that maintains the intended ratio between TIB funds and total project costs, as described in Section 1.0 of this Agreement.



12.0 INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

13.0 INDEMNIFICATION AND HOLD HARMLESS

The PARTIES agree to the following:

Each of the PARTIES, shall protect, defend, indemnify, and save harmless the other PARTY, its officers, officials, employees, and agents, while acting within the scope of their employment as such, from any and all costs, claims, judgment, and/or awards of damages, arising out of, or in any way resulting from, that PARTY's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No PARTY will be required to indemnify, defend, or save harmless the other PARTY if the claim, suit, or action for injuries, death, or damages is caused by the sole negligence of the other PARTY. Where such claims, suits, or actions result from the concurrent negligence of the PARTIES, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a PARTY's own negligence. Each of the PARTIES agrees that its obligations under this subparagraph extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents. For this purpose, each of the PARTIES, by mutual negotiation, hereby waives, with respect to the other PARTY only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW. In any action to enforce the provisions of the Section, the prevailing PARTY shall be entitled to recover its reasonable attorney's fees and costs incurred from the other PARTY. The obligations of this Section shall survive termination of this Agreement.

14.0 DISPUTE RESOLUTION

- a) The PARTIES shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this AGREEMENT. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this AGREEMENT.
- b) Informal Resolution. The PARTIES shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the PARTIES are unable to resolve the dispute, the PARTIES shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The PARTIES shall share equally in the cost of the mediator.
- d) Each PARTY agrees to compromise to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The PARTIES agree that they shall have no right to seek relief in a court of law until and unless the Dispute Resolution process has been exhausted.



15.0 ENTIRE AGREEMENT

This Agreement, together with the RECIPIENT'S Grant Application, the provisions of chapter 47.26 Revised Code of Washington, the provisions of title 479 Washington Administrative Code, and TIB Policies, constitutes the entire agreement between the PARTIES and supersedes all previous written or oral agreements between the PARTIES.

16.0 RECORDS MAINTENANCE

The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Agreement shall be subject at all reasonable times to inspection, review or audit by TIB personnel duly authorized by TIB, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

Approved as to Form
Attorney General

By:

Signature on file

Guy Bowman
Assistant Attorney General

Lead Agency

Transportation Improvement Board

Chief Executive Officer

Date

Executive Director

Date

Print Name

Print Name

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