

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Monday, November 23, 2020



AGENDA CITY COUNCIL REGULAR MEETING

Monday, November 23, 2020 – 7:00 p.m.

This meeting will be conducted by telephone and online,
connection information will be posted on City Website—
<https://www.stanwoodwa.org>

Stanwood City Hall
10220 270th St. NW, Stanwood, WA 98292

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA**
- 4. CITIZEN COMMENTS**
Anyone wishing to provide written or oral public comment, must pre-register by 9:00 a.m. the day of the meeting, by calling 360-454-5213, or by clicking on this link: <https://stanwoodwa.org/FormCenter/City-Clerk-5/City-Council-Meeting-Remote-Public-Comme-61>
- 5. COMMITTEE REPORTS**
 - a. Community Development Committee Meeting Minutes – October 15, 2020 **5-1**
- 6. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks **6-1**
 - b. Approve November 12, 2020 Regular Meeting Minutes **6-6**
 - c. Authorize the Mayor to accept Viking Way Project-Phase 2 PRSC Grant Funds **6-13**
- 7. PUBLIC HEARING**
Anyone wishing to provide written or oral public comment, must pre-register by 9:00 a.m. the day of the meeting by, by calling 360-454-5213, or by clicking on this link: <https://stanwoodwa.org/FormCenter/City-Clerk-5/Council-Meeting-Public-Hearing-Public-Co-69>
 - a. 2021-2022 Biennial Budget **7-1**
 - i. Receive public comment on the proposed Ordinance
 - ii. Second Reading and Final Option of Ordinance 1489 with Exhibit A 2021-2022 Biennial Budget
- 8. NEW BUSINESS**
 - a. Snohomish County Public Utility District (PUD) Easement Request **8-1**
- 9. CITIZEN CLOSING COMMENTS – REMOVED VIA MOTION AT THE 3-26-20 MEETING**
- 10. REPORTS OF OFFICERS AND COMMITTEES**
 - a. Mayor's Report
 - b. City Administrator's Report
 - c. Councilmember Reports/Questions
- 11. ADJOURN**

Upcoming Meetings:

December 10, 2020

December 24, 2020 Cancelled



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 5a
DATE: November 23, 2020
SUBJECT: Community Development Committee Meeting Minutes
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A – October 15, 2020 Meeting Minutes

SUMMARY STATEMENT:

Minutes from the October 15, 2020 Community Development Committee Meeting are attached to this staff report for approval as presented



Community Development Committee Meeting Minutes October 15, 2020

Call to Order 6:01pm

Present: Judy Williams, Sid Roberts, Darren Robb, Patricia Love, Jennifer Ferguson, Amy Bergemeier

New Business:

- Expanded Role of Council Committee Chair
- PUD Easement Request
- Johnson Farm Docket Request
- Schenk Annexation Update
- 2020 Comprehensive Plan Update – Code Amendments

Expanded Role of Council Committee Chair:

Council committees play an intricate role in the review of issues that come before the City as part of our due diligence process. Committees take a deeper dive into details and provide important feedback to staff, the full City Council and community. As we work to enhance our public engagement initiatives and provide more substance on issues to the Community during Council meetings, Council Committee Chairs and ad hoc Advisory Board Chairs are asked to provide brief statements, about the Committee/Commission/Board discussion during staff presentations on these issues

- City Administrator, Jennifer Ferguson went over this with the Committee Members.
- Sid Roberts really likes the idea of the expanded role of Committee Chairs.

PUD Easement Request:

Snohomish County PUD has requested a non-exclusive 45' x 20' easement from the City on the SW corner of the Fox Hill Estates detention pond to install (2) Feeder vaults, conduit and UG cable to feed the existing and new overhead lines that will be fed from the new Twin City Substation. The vaults will be fed via underground lines entering and exiting the easement in the public right of way. An appraisal has been prepared indicating an easement value of \$1,000.00 which PUD will pay if Council approves the easement.

Prior to making a recommendation to the City Council or Mayor to grant an easement, the easement request is reviewed against the following criteria.

1. The easement provides a benefit to the residents of Stanwood;
2. The easement request does not conflict or interfere with future city projects;
3. The easement is not in conflict with any other public overlay easement or restrictive covenant;
4. The easement does not limit access or public use of the property by the City or city residents; and
5. The easement does not limit or interfere with the any existing public works maintenance operations.



Community Development Committee Meeting Minutes October 15, 2020

City staff is reviewing the request and expect to take the request to Council in November.

- Committee Member Robb wanted confirmation of the location and type of item that is requesting to be put in and that it will be underground.
- Committee Member Roberts wanted to confirm the location of the substation and that the easement would be of very little impact.
- Director Love, is having the City Attorney to revise the language of the current easement request by PUD to make sure the easement's language is maintaining the City's land use rights. If for some reason an agreement isn't decided upon by both sides, Patricia will update this committee.
- Committee agrees to send easement request to Council for approval if language is agreed upon by both attorneys.

Johnson Farm Docket Request:

The City of Stanwood purchased the Johnson Farm in 2018 with conservation futures funds from Snohomish County. This property is outside the City limits in unincorporated Snohomish County. Because the property is in Snohomish County, the City must obtain permits from Snohomish County Planning and Development Services for any site or building improvements needed. We experienced this first hand when we needed to replace a hot water tank in the "big" house on the Johnson Farm.

Staff is proposing that the City submit a Docket request to Snohomish County to expand the Stanwood Urban Growth Area around the Johnson Farm so that the property can be formally annexed into the City and be under our control which will be beneficial to the City when we begin our park planning activities for the site. Because the boundaries of the Johnson Farm is irregular, staff is proposing to add a portion of the adjacent farm land in the UGA expansion area. We are anticipating that the addition of the farm land in the UGA would not be met with opposition as it has a conservation futures easement over the entirety of the land which restricts any future development and requires the property to be maintained in agricultural use.

The Snohomish County Docket window is now open for individuals or agencies to request changes to the Snohomish County Comprehensive Plan or development regulations. Similarly to the City's Docket process, Snohomish County staff will review all of the Docket submittals and the County Council will hold a public hearing on the final Docket list. The final Docket items will then be reviewed with the County's 2024 Comprehensive Plan Amendment process. The next opportunity to request a change to the Urban Growth Boundary may be in another four years. Applications for the Docket are due by the end of the month and there is an initial application fee of \$1,555 and a final review fee of \$2,275 if the request is put on the final



Community Development Committee Meeting Minutes October 15, 2020

Docket list. There is an environmental review fee, but that amount is not listed. Staff is seeking direction from the Committee on whether to submit the Docket application or wait till the next round.

- Councilmember Williams inquired if by putting the proposed area into the UGA does that mean it is automatically annexed? Director Love explained it isn't automatic, but the City would move towards annexation if this area gets approved in the UGA expansion.
- Councilmember Robb asks if the City plans to do both, Request the UGA expansion and the Annexation, at the same time. Director Love explains that the first step is to get approval on the UGA Expansion and this process can take up to several years, then if it gets approval, the City would apply for Annexation of that land.
- Councilmember Williams asked what the benefit of doing the request at this time is. Director Love explained it aligns with the timeline of the Counties Comprehensive Plan updating process.
- Councilmember Roberts asks about the Boundary Review Board regarding annexations. Director Love explained that the Boundary Review Board doesn't have the authority to allow annexations that are not in the UGA. They only have the authority to address the boundaries within the UGA.
- Councilmember Robb's feels the important first step is to get the UGA approved, and possibly look into having less land in this UGA request to perhaps keep it congruent with the "Johnson Family Farm" as it exists now.
- The Committee is in favor of proceeding with this Docket Application.

Schenk Annexation Update:

On September 24th the City Council considered an annexation request by Schenk Packing for the purpose of connecting to the City's sewer system. The Council had three main questions regarding the proposal:

1. How would the City's sewer capacity be affected by the request?
2. Would there be traffic impacts on City roads due to the addition of a second shift at the facility?
3. Would there be additional odors coming from the facility and how would odor be managed?

In response to these questions staff has contacted our on-call consultants to start evaluating the proposal: RH2 will be preparing a sewer capacity study, TranspoGroup will be preparing a traffic analysis, and Maul Foster and Alongi is working on the odor question. These are all reimbursable costs to be paid by the applicant. Staff will prepare a report to Council when all of the information has been gathered and evaluated.

- Committee is supportive of this.



Community Development Committee Meeting Minutes October 15, 2020

2020 Comprehensive Plan Update – Code Amendments:

At the last Community Development Committee meeting, the 2020 Comprehensive Plan amendments and rezones were discussed. Overall the Committee was supportive of the rezone requests. The second half of the 2020 update includes amendments to the Stanwood Municipal Code to implement the rezones. The proposed implementing zoning code changes fall into four general categories:

1. *Adoption of new General Commercial – Mixed Use Overlay Zoning Regulations.* The purpose of creating this new zoning category is to expand existing overlay over the commercial area in the Uptown Center Area, but not have the overlay apply to the other General Commercial zones in the city. It also eliminates the need to amend the Comprehensive Plan or require a rezone for any future proposed mixed use developments in the Uptown Center. The permitted use matrix and development standards were updated to create this new zone.
2. *Adoption of new Parks and Open Space Zoning Regulations.* Creation of a new Parks and Open Space land use and zoning designation requires the adoption of associated permitted uses and development standards.
3. *Amendments to the Building Height for Mixed Use and Multifamily Developments.* Building heights were slightly increased to allow for the construction of pitched roofed structures. Over time, building standards have changed from standard 8-9 foot ceilings to 12 foot ceiling heights. In addition, building in the flood plain requires that the living area of the structure be one foot above base flood elevation. Building heights have not been evaluated or adjusted to coincide with these changes. The proposed changes in the building height does not increase density or allow for additional floors, but instead allows the construction of pitched roofs consistent with northwest craftsman designs versus building flat roofed buildings.
4. *Minor Code “Scrub” Amendments.* Minor changes are being proposed to the permitted use matrix to eliminate inconsistency with other development code sections. The allowance of self-storage units was eliminated from the Mixed Use Overlay zone to ensure the commercial floor is occupied with uses consistent with the vision of pedestrian friendly retail / commercial developments.

The two new code sections implement the comprehensive plan land use designations consistent with the requirements of the Growth Management Act to have consistency between the Comprehensive Plan and development regulations. The amendments to the permitted use matrix, bulk standards, mixed-use overlay regulations provide additional standards to ensure that future projects are developed according to the City’s vision of creating mixed-use pedestrian friendly neighborhoods.

- The committee is supportive of these changes/amendments.



Community Development Committee
Meeting Minutes
October 15, 2020

The Planning Commission is taking the month of October to review the full 2020 Comprehensive Plan Amendment packet with the intent of scheduling a public hearing on the amendments in November. Due to adoption of the budget and upcoming holidays, the packet will be scheduled with the full Council in January.

Adjourn: 6:50 pm



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 6a

DATE: November 23, 2020

SUBJECT: Approval of Voucher and Payroll Checks

CONTACT PERSON: Reina Barber, Accounting Specialist

ATTACHMENTS: A - Voucher Check Detail

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank electronic funds transfers and Washington Federal Bank voucher checks 33303 through 33356 in the amount of \$369,491.48. Approve issuance of Washington Federal Bank electronic payroll funds transfers and Washington Federal Bank Payroll checks 1777 through 1785 in the amount of \$257,837.65.

RECOMMENDED MOTION

I MOVE TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK ELECTRONIC FUNDS TRANSFER AND WASHINGTON FEDERAL BANK VOUCHER CHECKS 33303 THROUGH 33356 IN THE AMOUNT OF \$369,491.48. APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK ELECTRONIC PAYROLL FUNDS TRANSFERS AND WASHINGTON FEDERAL BANK PAYROLL CHECKS 1777 THROUGH 1785 IN THE AMOUNT OF \$257,837.65.

CHECK REGISTER

City Of Stanwood
MCAG #: 0695

11/05/2020 To: 11/18/2020

Time: 16:59:39 Date: 11/18/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5458	11/05/2020	Claims	3	EFT	Xpress/Bill Pay	562.55	10290 Monthly Maintenance Fee Oct
5471	11/12/2020	Claims	3	33303	5 Star service Inc.	14,565.00	City Of Stanwood; City Of Stanwood; City Of Stanwood; City Of Stanwood
5472	11/12/2020	Claims	3	33304	Archive Social, Inc.	2,388.00	City Of Stanwood
5473	11/12/2020	Claims	3	33305	The Blueline Group	6,015.00	City Of Stanwood
5474	11/12/2020	Claims	3	33306	Gaylynn Brien	60.00	City Of Stanwood
5475	11/12/2020	Claims	3	33307	Cascade Natural Gas Corp	192.23	022 201 7579 4; 127 540 0000 3; 498 440 0000 7; 931 607 9072 6; 839 440 0000 5; 953 540 0000 2
5476	11/12/2020	Claims	3	33308	KPG	21,753.07	City Of Stanwood
5477	11/12/2020	Claims	3	33309	Lady Fit, LLC	3,500.00	City Of Stanwood
5478	11/12/2020	Claims	3	33310	Lenz Enterprises Inc	327.46	City Of Stanwood
5479	11/12/2020	Claims	3	33311	PUD Of Snohomish County *	13,621.06	200794063; 200128742; 200208858; 202982351; 220923312; 222277832; 202423729; 200592889; 221854284
5480	11/12/2020	Claims	3	33312	Pitney Bowes Inc- Purchase Power *	23.61	8000-9090-0519-5677
5481	11/12/2020	Claims	3	33313	Process Solutions	7,971.60	City Of Stanwood
5482	11/12/2020	Claims	3	33314	Puget Tech LLC	5,568.00	City Of Stanwood; City Of Stanwood
5483	11/12/2020	Claims	3	33315	Reece Construction Company, Inc	12,862.69	City Of Stanwood
5484	11/12/2020	Claims	3	33316	Ricoh USA, Inc.	427.88	1316669-3659652
5485	11/12/2020	Claims	3	33317	Shred-it US JV LLC	41.91	14668765
5486	11/12/2020	Claims	3	33318	David Smith	150.00	City Of Stanwood
5487	11/12/2020	Claims	3	33319	Sno Co Planning & Development Svcs	1,601.65	City Of Stanwood
5488	11/12/2020	Claims	3	33320	Everett Daily Herald/ Sound Publishing	168.00	14104597
5489	11/12/2020	Claims	3	33321	Stanwood Auto Parts	172.11	56100
5490	11/12/2020	Claims	3	33322	Strategies 360 Inc	1,500.00	City Of Stanwood
5491	11/12/2020	Claims	3	33323	UPS Store #4798	42.16	City Of Stanwood
5492	11/12/2020	Claims	3	33324	Utilities Underground Loc	141.90	134200
5493	11/12/2020	Claims	3	33325	Ziply Fiber	1,372.89	360-629-4907-072497-5; 206-188-0411-053105-5
5546	11/18/2020	Claims	3	33326	APP- Associated Petroleum Products	2,014.76	04-0100494
5547	11/18/2020	Claims	3	33327	Absolute Auto Repair Services	1,869.35	City Of Stanwood
5548	11/18/2020	Claims	3	33328	American Water Works Association (AWWA)	377.00	00037728
5549	11/18/2020	Claims	3	33329	Edge Analytical Inc	260.00	STA01; STA01
5550	11/18/2020	Claims	3	33330	Fastenal	753.57	WAARN1604
5551	11/18/2020	Claims	3	33331	Grainger Inc	170.37	848089215; 848089215
5552	11/18/2020	Claims	3	33332	HB Jaeger	118.24	CITSTA
5553	11/18/2020	Claims	3	33333	Hushagen Kevin	92.00	City Of Stanwood
5554	11/18/2020	Claims	3	33334	ICI Construction Inc.	151,756.46	City Of Stanwood
5555	11/18/2020	Claims	3	33335	J.A. Brennan Associates, PLLC	3,942.75	City Of Stanwood
5556	11/18/2020	Claims	3	33336	Jessica McCready	1,833.34	City Of Stanwood
5557	11/18/2020	Claims	3	33337	KCDA Purchasing Cooperative	148.60	101453
5558	11/18/2020	Claims	3	33338	Lou's Gloves	1,404.00	STA629
5559	11/18/2020	Claims	3	33339	Maul Foster Alongi, Inc.	8,862.25	City Of Stanwood; City Of Stanwood
5560	11/18/2020	Claims	3	33340	Office Depot	143.03	36274097; 36274097
5561	11/18/2020	Claims	3	33341	PUD Of Snohomish County *	34.36	200633634; 221041510
5562	11/18/2020	Claims	3	33342	Pape' Machinery	114.25	6109854
5563	11/18/2020	Claims	3	33343	Perteet Inc.	2,709.38	City Of Stanwood
5564	11/18/2020	Claims	3	33344	RH2 Engineering Inc	46,060.99	City Of Stanwood; City Of Stanwood; City Of Stanwood
5565	11/18/2020	Claims	3	33345	Sno Co Information Services *	34,072.13	DIS1107

CHECK REGISTER

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11/05/2020 To: 11/18/2020

Time: 16:59:39 Date: 11/18/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5566	11/18/2020	Claims	3	33346	Stanwood Camano News	311.02	261981; 261981; 261981; 261981; 261981
5567	11/18/2020	Claims	3	33347	Stanwood Chamber Of Commerce	2,928.00	City Of Stanwood; City Of Stanwood
5568	11/18/2020	Claims	3	33348	Transpogroup Inc	1,142.50	City Of Stanwood
5569	11/18/2020	Claims	3	33349	US Bank Na Custody/ Treas Div-Money Ctr	40.00	777221717
5570	11/18/2020	Claims	3	33350	USA Bluebook	3,600.94	478228; 478228
5571	11/18/2020	Claims	3	33351	Verizon Wireless	901.18	372541731-00001
5572	11/18/2020	Claims	3	33352	WA St Dept of Licensing *	924.00	City Of Stanwood
5573	11/18/2020	Claims	3	33353	WA St Dept of Transportation *	1,225.82	SW001523802; SW001523800
5574	11/18/2020	Claims	3	33354	Washington State Patrol *	8.00	STA301
5575	11/18/2020	Claims	3	33355	Weed, Graafstra & Associates, Inc., P.S	5,217.30	3868-0000M
5576	11/18/2020	Claims	3	33356	West Coast Code Consultants, Inc.	1,427.12	City Of Stanwood
						50,898.30	
						4,018.46	
						38,330.14	
						12,805.00	
						36.52	
						292.50	
						10,329.34	
						22,488.88	
						42,921.04	
						4,886.30	
						158,925.53	
						19,627.02	
						3,000.45	
						932.00	
							Claims: 369,491.48
						369,491.48	

* Transaction Has Mixed Revenue And Expense Accounts

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.

Nov 19, 2020

() Finance Director () Auditing Officer Wendy Dowhower Date: _____
() Deputy Finance Director

CHECK REGISTER

City Of Stanwood
MCAG #: 0695

11/05/2020 To: 11/18/2020

Time: 17:00:19 Date: 11/18/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5325	11/06/2020	Payroll	3	EFT		3,932.66	Oct 2020 Payroll
5326	11/06/2020	Payroll	3	EFT		3,790.28	Oct 2020 Payroll
5327	11/06/2020	Payroll	3	EFT		2,389.70	Oct 2020 Payroll
5328	11/06/2020	Payroll	3	EFT		2,150.91	Oct 2020 Payroll
5329	11/06/2020	Payroll	3	EFT		1,298.91	Oct 2020 Payroll
5330	11/06/2020	Payroll	3	EFT		3,985.55	Oct 2020 Payroll
5331	11/06/2020	Payroll	3	EFT		5,978.77	Oct 2020 Payroll
5332	11/06/2020	Payroll	3	EFT		3,615.40	Oct 2020 Payroll
5333	11/06/2020	Payroll	3	EFT		2,048.26	Oct 2020 Payroll
5334	11/06/2020	Payroll	3	EFT		8,244.00	Oct 2020 Payroll
5335	11/06/2020	Payroll	3	EFT		3,320.05	Oct 2020 Payroll
5336	11/06/2020	Payroll	3	EFT		3,129.28	Oct 2020 Payroll
5337	11/06/2020	Payroll	3	EFT		3,930.10	Oct 2020 Payroll
5338	11/06/2020	Payroll	3	EFT		5,775.84	Oct 2020 Payroll
5339	11/06/2020	Payroll	3	EFT		390.82	Oct 2020 Payroll
5340	11/06/2020	Payroll	3	EFT		4,213.89	Oct 2020 Payroll
5341	11/06/2020	Payroll	3	EFT		5,583.62	Oct 2020 Payroll
5342	11/06/2020	Payroll	3	EFT		4,233.77	Oct 2020 Payroll
5343	11/06/2020	Payroll	3	EFT		3,774.96	Oct 2020 Payroll
5344	11/06/2020	Payroll	3	EFT		390.82	Oct 2020 Payroll
5345	11/06/2020	Payroll	3	EFT		2,935.24	Oct 2020 Payroll
5346	11/06/2020	Payroll	3	EFT		2,293.19	Oct 2020 Payroll
5347	11/06/2020	Payroll	3	EFT		340.82	Oct 2020 Payroll
5348	11/06/2020	Payroll	3	EFT		390.82	Oct 2020 Payroll
5349	11/06/2020	Payroll	3	EFT		3,443.53	Oct 2020 Payroll
5350	11/06/2020	Payroll	3	EFT		1,314.27	Oct 2020 Payroll
5351	11/06/2020	Payroll	3	EFT		5,227.80	Oct 2020 Payroll
5352	11/06/2020	Payroll	3	EFT		2,306.86	Oct 2020 Payroll
5353	11/06/2020	Payroll	3	EFT		3,707.48	Oct 2020 Payroll
5354	11/06/2020	Payroll	3	EFT		390.82	Oct 2020 Payroll
5355	11/06/2020	Payroll	3	EFT		1,451.06	Oct 2020 Payroll
5356	11/06/2020	Payroll	3	EFT		3,718.24	Oct 2020 Payroll
5357	11/06/2020	Payroll	3	EFT		2,733.76	Oct 2020 Payroll
5358	11/06/2020	Payroll	3	EFT		2,581.01	Oct 2020 Payroll
5359	11/06/2020	Payroll	3	EFT		2,939.24	Oct 2020 Payroll
5360	11/06/2020	Payroll	3	EFT		390.82	Oct 2020 Payroll
5361	11/06/2020	Payroll	3	EFT		390.82	Oct 2020 Payroll
5398	11/06/2020	Payroll	3	EFT	HSA Bank	1,458.00	Pay Cycle(s) 11/06/2020 To 11/06/2020 - HSA Contributions ER; Pay Cycle(s) 11/06/2020 To 11/06/2020 - HSA Contr EE Over 55
5399	11/06/2020	Payroll	3	EFT	Internal Revenue Service (941)	50,063.19	941 Deposit for Pay Cycle(s) 11/06/2020 - 11/06/2020
5400	11/06/2020	Payroll	3	EFT	WA St Department Of Retirement Systems	43,165.51	Pay Cycle(s) 11/06/2020 To 11/06/2020 - PERS2; Pay Cycle(s) 11/06/2020 To 11/06/2020 - PERS 3; Pay Cycle(s) 11/06/2020 To 11/06/2020 - 457 - DRS (DCP)
5401	11/06/2020	Payroll	3	1777	AFLAC	444.79	Pay Cycle(s) 11/06/2020 To 11/06/2020 - AFLAC, Pre-Tax; Pay Cycle(s) 11/06/2020 To 11/06/2020 - AFLAC, Post-Tax
5402	11/06/2020	Payroll	3	1778	AWC Employee Benefit Trust	17,111.98	Pay Cycle(s) 11/06/2020 To 11/06/2020 - AWC - Health First 250; Pay Cycle(s) 11/06/2020 To 11/06/2020 - AWC- Dental J; Pay Cycle(s) 11/06/2020 To 11/06/2020 - AWC - Vision; Pay Cycle(s) 11/06/2020 To;

CHECK REGISTER

City Of Stanwood

MCAG #: 0695

Time: 17:00:19 Date: 11/18/2020

11/05/2020 To: 11/18/2020

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5403	11/06/2020	Payroll	3	1779	Colonial Life Insurance	66.75	Pay Cycle(s) 11/06/2020 To 11/06/2020 - Colonial Life Ins
5404	11/06/2020	Payroll	3	1780	Hartford Retirement Plan Services	2,941.40	Pay Cycle(s) 11/06/2020 To 11/06/2020 - 457 - MassMutual (Hartford); Pay Cycle(s) 11/06/2020 To 11/06/2020 - Roth 457(b)(MassMutual)
5405	11/06/2020	Payroll	3	1781	ICMA Retirement Trust	2,523.11	Pay Cycle(s) 11/06/2020 To 11/06/2020 - 457 - ICMA
5406	11/06/2020	Payroll	3	1782	Navia Benefits	66.67	Pay Cycle(s) 11/06/2020 To 11/06/2020 - Medical FSA-S125; Pay Cycle(s) 11/06/2020 To 11/06/2020 - Navia Limited FSA
5407	11/06/2020	Payroll	3	1783	Western Conference of Teamsters Pension Trust	1,759.88	Pay Cycle(s) 11/06/2020 To 11/06/2020 - Teamsters Pension
5408	11/06/2020	Payroll	3	1784	Teamsters Union Local 231	1,270.00	Pay Cycle(s) 11/06/2020 To 11/06/2020 - Teamsters Dues
5409	11/06/2020	Payroll	3	1785	Washington Teamsters Welfare Trust	28,233.00	Pay Cycle(s) 11/06/2020 To 11/06/2020 - Teamsters Dental; Pay Cycle(s) 11/06/2020 To 11/06/2020 - Teamsters Medical
						113,896.46	001 General Fund
						21,514.53	101 Street Fund
						1,306.17	108 Transportation Sales Tax Fund
						41,903.84	401 Sewer Fund
						22,653.86	410 Drainage Fund
						56,562.79	421 Water Fund
						257,837.65	Payroll:

257,837.65

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Stanwood, and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer Wendy Dowhower

Date: Nov 19, 2020

() Deputy Finance Director

Signature: *Wendy Dowhower*

Email: wendy.dowhower@ci.stanwood.wa.us



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 6b

DATE: November 23, 2020

SUBJECT: City Council November 12, 2020 Regular Meeting Minutes

CONTACT PERSON: Jennifer Ferguson, City Administrator/City Clerk

ATTACHMENTS: A – Council Regular Meeting Minutes

SUMMARY STATEMENT

Minutes of the November 12, 2020 Regular City Council Meeting are attached.

RECOMMENDED MOTION

I MOVE TO APPROVE THE MINUTES OF THE NOVEMBER 12, 2020 REGULAR COUNCIL MEETING AS PRESENTED.

CITY OF STANWOOD
Regular Meeting of the City Council
Thursday, November 12, 2020 – 7:00 p.m.
Zoom Online Meeting & Telephone
MINUTES

1. Call to Order

Mayor Elizabeth Callaghan called the meeting to order at 7:00 p.m.

2. Roll Call

Deputy Clerk Sara Robinson called the roll with the following Councilmembers present: Rob Johnson, Diane White, Darren Robb, Timothy Pearce, Steve Shepro, Sid Roberts and Judy Williams. The meeting was quorate.

Also present: Community Development Director Patricia Love, Public Works Director Kevin Hushagen, Interim Finance Director, Wendy Dowhower, Attorney Brett Vinson, Fire Chief John Cermak, Police Chief Rob Martin, City Administrator Jennifer Ferguson and Deputy Clerk Sara Robinson.

3. Approval of the Agenda

Motion by Councilmember White, second by Councilmember Roberts to approve the agenda. Motion carried unanimously.

4. Citizen Comments

The City received 1 person who would like to verbally address the Mayor and City Council. Citizens who wished to speak verbally, were required registered on the City Website by 9:00 am today, must be visible on camera and identify them-self with name and address. The Deputy Clerk will call the name, then will unmute and enable their video. Please state your name and address and provide your 3 minute comment.

Tim Schmitt, 27308 101st Ave NW, Stanwood, WA 98292

Mr. Schmitt would like to recommend the City Mayor's job position be made full time with a full time salary. This is not meant to be a criticism. The idea goes hand in hand with the new City Hall because of growth. A full time mayor increases access to better serve the people. Therefore, I advocate switching the mayor's office, to full time.

5. Staff Reports

- a. Police Compstat Report – September, 2020

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6. Committee Reports

- a. Planning Commission Meeting Minutes – October 12, 2020
- b. Planning Commission Meeting Minutes – October 26, 2020

7. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve October 22, 2020 Regular Meeting Minutes
- c. Approve October 22, 2020 Special Workshop Meeting Minutes
- d. Approve October 15, 2020 Special Meeting Minutes
- e. Authorize the Mayor to sign the Commerce Grant for the Stanwood Port Susan Trail

Motion by Councilmember Pearce, Second by Councilmember Williams, to approve the Consent Agenda items a thru e. Motion carried unanimously.

8. Old Business

- a. Heritage Park Ballfield Renovation

Community Development Director, Patricia Love presented the agenda item for Council consideration of reconstructing the Heritage Park parking lot in lieu of putting sod on the fields. On September 15th staff met with the TayEx project management representative and discussed construction timing, approach and the sod versus seeded outfield preference. Staff relayed that the project start time was unexpectedly delayed by the State due to archeological concerns. TayEx was concerned that due to the delay the fields would not be ready for finishing (seed or sod) likely until January. Given that timing it was unknown whether sod should/could be installed and ready for spring play. TayEx sought the expertise of the landscaper on the project and their determination was that in fact it was not advisable to lay sod at that time and that even if it were installed it would not be ready for play in spring.

Also at that time, TayEx raised the issue of the failing parking lot at Heritage Park. The project manager had assessed the condition of the pavement and concluded that with the equipment impact necessary to complete the field renovation project it was likely that the parking lot would be significantly degraded to the point of necessitating paving immediately following the project.

The staff recommendation is to maintain the contract as approved by Council action on September 10, 2020 which was to authorize the Mayor to sign a contract with Taylor's Excavators Inc. to complete the Heritage Park Improvements baseball field renovation project with base bid terms including seeded outfields on Fields 1 and 2 and include an additional change order item to pave the parking lot upon completion of the field renovation.

Public Works Committee recommends seeding the fields and using those funds to reconstruct the parking lot.

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Council had a discussion regarding the options.

Motion by Councilmember Johnson, second by Councilmember Pearce to approve the seeded outfield option and approve a change order with TayEx for the Heritage Park parking lot reconstruction not to exceed \$306,696.00.

Councilmember Williams – Yes, Councilmember Johnson – Yes, Councilmember White – Yes, Councilmember Robb – Yes, Councilmember Pearce – Yes, Councilmember Shepro – Yes, Councilmember Roberts – Yes
Motion carried unanimously.

9. Public Hearing

The public was invited to submit written public comments or by registering to speak via the city website.

The City did not receive any Public Comment submissions or registrations to speak.

- a. 2019-2020 Budget Amendment No. 4
 - i. Receive public comment on the proposed Ordinance
 - ii. Adopt Ordinance 1490 with Exhibit A Amending the 2019-2020 Budget

City Administrator, Jennifer Ferguson explained that the purpose of this agenda item is for City Council consideration of Ordinance 1490 which will provide final amendments of the 2019-2020 Budget.

The City Council adopted the 2019-2020 Biennial budget and from time to time amended the budget for unforeseen expenditures and updates to forecasted revenue sources. Budget allocations for overall fund expenditures, by state law, are not to exceed the amount authorized by the City Council. The final budget amendments are proposed. Jennifer reviewed all of the amendments.

The Mayor opened the Public Hearing at 7:24pm.

With there being no requests for public comment the Mayor Closed the Public Hearing at 7:25 pm.

Council discussed the proposed Amendment.

Motion by Councilmember Roberts, second by Councilmember Johnson to approve the first and second readings and adoption of Ordinance 1490 with exhibit A amending the 2019-2020 budget as presented.

Councilmember Williams – Yes, Councilmember Johnson – Yes, Councilmember White – Yes, Councilmember Robb – Yes, Councilmember Pearce – Yes, Councilmember Shepro – Yes, Councilmember Roberts – Yes,
Motion carried unanimously.

- b. 2021-2022 Biennial Budget
 - i. Receive public comment on the proposed Ordinance

Stanwood City Council Meeting Minutes – November 12, 2020

ii. First Reading of Ordinance 1489 with Exhibit A 2021-2022 Biennial Budget

City Administrator, Jennifer Ferguson explained to council that the purpose of this agenda item is for the first reading of Ordinance 1489 and to conduct a public hearing on the proposed 2021-2022 Biennial Budget, which is required by State Law, Ch, 35A.34 RCW. The City Council will consider the first reading of Ordinance 1489; as well as, consider Resolution 2020-12 which sets the 2021 salary schedule for non-represented city employees. The proposed 2021-2022 Biennial Budget was presented to the City Council during its special meeting budget workshop on October 8, 2020 and published online on the city website which is referenced above. Budget workshops included the August 13th Council priorities setting discussion, the October 8th budget workshop and the October 22nd budget workshop. Also on October 22, 2020, the City Council set the 2021 Property Tax Levy. Ferguson reviewed the details of the proposed budget and the City Council priorities. On an annual basis, the City Council sets the salary schedule for FLSA exempt and non-represented city employees. Through contractual approvals on a multi-year basis, the City Council sets the salary schedules for represented employees. Represented salaries were set for a three year period covering January 1, 2021 through December 31, 2023 so no new salary schedule is proposed for this group of employees. Represented employees will receive a 3.25% cost of living adjustment per contract.

The Mayor opened the Public Hearing at 7:42 pm.

With there being no requests for public comment the Mayor Closed the Public Hearing at 7:43 pm.

Council discussed the proposed Ordinance and Resolution.

Motion by Councilmember Johnson, second by Councilmember White to approve the first readings and adoption of Ordinance 1489 with exhibit A for adoption of the 2021-2022 biennial budget and to schedule the second reading and final adoption hearing for November 23, 2020.

*Councilmember Williams – Yes, Councilmember Johnson –Yes, Councilmember White – Yes, Councilmember Robb – Yes, Councilmember Pearce – Yes, Councilmember Shepro –Yes, Councilmember Roberts – Yes,
Motion carried unanimously.*

Motion by Councilmember Johnson, second by Councilmember Roberts to approve Resolution 2020-12 setting the 2021 salary and benefits for all FLSA exempt and non-represented city employee which includes a cost of living adjustment of 3.0%.

*Councilmember Williams – Yes, Councilmember Johnson –Yes, Councilmember White – Yes, Councilmember Robb – Yes, Councilmember Pearce – Yes, Councilmember Shepro –Yes, Councilmember Roberts – Yes,
Motion carried unanimously.*

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10. Citizen Closing Comments – Removed via motion at the 3-26-2020 Meeting

11. Reports of Officers and Committees

a. Mayor's Report –

Mayor Callaghan thanked City staff for the zoom meeting tonight. The new format worked really well. Halloween in downtown was great. The businesses did a great job of handing out candy and keeping contact minimal and safe. Mayor wanted to remind everyone that the next Council meeting is on Monday November 23. Also, as we approach the Holidays please consider shopping locally. If you are concerned, you may utilize curbside pickup or direct shipment to your home.

b. City Administrator's Report-

City Administrator, Jennifer Ferguson wanted to let Council know that we are moving forward with getting the 2021 Council meeting schedule set. Please let Jennifer know what your thoughts are for council special workshop meeting dates. Currently there are 4 proposed quarterly dates. We know that there are a lot of meetings so it is hard to add another one into the schedule. We will also be sending out the council committee packets soon. Please submit your interest in committee assignments for next year. It is our goal to get this done before the end of this year.

Fire Chief Cermak reported that there has been an increase in COVID cases over the last 3 days. Across Snohomish County the case count has doubled over the last 7 days. It is hopeful that a vaccine will be available by the end of January.

Police Chief Martin announced that Jason Toner will be leaving in February. Carl Gilby will be transferring on Monday to take his position.

Patricia Love, Community Development Director noted that the City has received an integrated planning grant for the Hamilton brochure. The information will be on the website, an Environmental Study of the soils and the structure of the smoke stack.

Kevin Hushagen, Public Works Director said that two new employees were hired for Public Works. One of the new hires is certified to run the plant. It will be great to have additional staff since someone has to be on call 24 hours. The shop is being remodeled to accommodate the new staff. There have been some water leaks in the lines downtown. Faber is back out and working on the berm. We are waiting for the lights to be connected at Viking Way.

c. Councilmember Reports and Questions-

Councilmember Johnson wanted to thank staff and applaud the conservative nature of the budget. He is concerned about the long term effects of the pandemic. It will definitely have an effect on everyone's budget.

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Councilmember Shepro said thank you to everyone from the public that attended the meeting tonight.

12. Adjourn

Mayor Callaghan adjourned the meeting at 8:05 pm.

CITY OF STANWOOD

ATTEST:

Elizabeth Callaghan, Mayor

Jennifer Ferguson, City Clerk



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 6c

DATE: November 23, 2020

SUBJECT: Viking Way Phase 2 Grant Acceptance

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Local Agency Agreement
B – Project Prospectus

PURPOSE

The purpose of this agenda item is for Council to consider authorizing the Mayor to accept federal grant funds for design and right of way of Viking Way Phase 2.

BACKGROUND

Staff applied for grant funds through the Puget Sound Regional Council (PSRC) in 2018 for design and right of way funds for the Viking Way Phase 2 project. This project will extend Viking Way from its terminus near Petco to 92nd Avenue. This will require right of way purchase from the PUD property and will result in Viking Way lining up with the entrance to the QFC parking lot. It will then allow staff to close the existing entrance to Petco/Grocery Outlet, making 92nd Avenue a much safer street by reducing the amount of competing/conflicting left turns.

ANALYSIS

The grant program requires a 13.5% minimum match. The estimated design budget is \$200,000 and the estimated right of way budget is \$300,000. The city received grants for both design and right of way. The City's match is \$27,000 for design and \$40,500 for right of way. The design funds became available in 2020, the right of way funds become available in 2021.

Fiscal Impact			
The design project requires a match of city funds which is covered by TBD sources transferred into the Street Improvement Fund where project costs are tracked. The project is included in the budget.			
Fund(s):	Street Improvement Fund		
Amount:	\$ 67,500	Project Estimate:	\$500,000
Budget Authorized	☒ Yes ☐ No	Amendment Required	☐ Yes ☒ No ☐ Monitor

RECOMMENDATIONS

Staff Recommendation:

Staff recommend accepting the grants for design and right of way for the Viking Way Phase 2 projects.

Committee/Board Recommendation:

This issue has not been to committee as the project has previously been approved by the City Council and grant source approval should be for full council discussion.

CITY COUNCIL OPTIONS

1. Accept the grant funds for Viking Way Phase 2.
2. Reject the grant funds for Viking Way Phase 2.

PROPOSED MOTION

I MOVE TO AUTHORIZE THE MAYOR TO ACCEPT THE PSRC GRANT FUNDS FOR THE VIKING WAY PHASE 2 PROJECT IN THE AMOUNT OF \$433,500.


**Washington State
Department of Transportation**

Agency

Address

Local Agency Agreement
CFDA No. 20.205

(Catalog or Federal Domestic Assistance)

Project No.**Agreement No.**

For OSC WSDOT Use Only

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) 2 CFR Part 200, (4) 2 CFR Part 180 – certifying that the local agency is not excluded from receiving Federal funds by a Federal suspension or debarment, (5) the policies and procedures promulgated by the Washington State Department of Transportation, and (6) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

Project Description

Name

Length

Termini

Description of Work

Project Agreement End Date

Proposed Advertisement Date

Claiming Indirect Cost Rate

Yes

No

Type of Work		Estimate of Funding		
		(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
PE	a. Agency			
%	b. Other			
Federal Aid	c. Other			
Participation	d. State			
Ratio for PE	e. Total PE Cost Estimate (a+b+c+d)			
Right of Way	f. Agency			
%	g. Other			
Federal Aid	h. Other			
Participation	i. State			
Ratio for RW	j. Total R/W Cost Estimate (f+g+h+i)			
Construction	k. Contract			
%	l. Other			
Federal Aid	m. Other			
Participation	n. Other			
Ratio for CN	o. Agency			
	p. State			
	q. Total CN Cost Estimate (k+l+m+n+o+p)			
	r. Total Project Cost Estimate (e+j+q)			

Agency Official

By

Title

Washington State Department of Transportation

By

Director, Local Programs

Date Executed

Construction Method of Financing (Check Method Selected)

State Ad and Award

Method A - Advance Payment - Agency Share of total construction cost (based on contract award)

Method B - Withhold from gas tax the Agency's share of total construction coast (line 5, column 2) in the amount of

\$ _____ at \$ _____ per month for _____ months.

Local Force or Local Ad and Award

Method C - Agency cost incurred with partial reimbursement

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the federal funds obligated, it accepts and will comply with the applicable provisions set forth below. Adopted by official action on _____, Resolution/Ordinance No. _____.

Provisions

I. Scope of Work

The Agency shall provide all the work, labor, materials, and services necessary to perform the project which is described and set forth in detail in the "Project Description" and "Type of Work."

When the State acts for and on behalf of the Agency, the State shall be deemed an agent of the Agency and shall perform the services described and indicated in "Type of Work" on the face of this agreement, in accordance with plans and specifications as proposed by the Agency and approved by the State and the Federal Highway Administration.

When the State acts for the Agency but is not subject to the right of control by the Agency, the State shall have the right to perform the work subject to the ordinary procedures of the State and Federal Highway Administration.

II. Delegation of Authority

The State is willing to fulfill the responsibilities to the Federal Government by the administration of this project. The Agency agrees that the State shall have the full authority to carry out this administration. The State shall review, process, and approve documents required for federal aid reimbursement in accordance with federal requirements. If the State advertises and awards the contract, the State will further act for the Agency in all matters concerning the project as requested by the Agency. If the Local Agency advertises and awards the project, the State shall review the work to ensure conformity with the approved plans and specifications.

III. Project Administration

Certain types of work and services shall be provided by the State on this project as requested by the Agency and described in the Type of Work above. In addition, the State will furnish qualified personnel for the supervision and inspection of the work in progress. On Local Agency advertised and awarded projects, the supervision and inspection shall be limited to ensuring all work is in conformance with approved plans, specifications, and federal aid requirements. The salary of such engineer or other supervisor and all other salaries and costs incurred by State forces upon the project will be considered a cost thereof. All costs related to this project incurred by employees of the State in the customary manner on highway payrolls and vouchers shall be charged as costs of the project.

IV. Availability of Records

All project records in support of all costs incurred and actual expenditures kept by the Agency are to be maintained in accordance with local government accounting procedures prescribed by the Washington State Auditor's Office, the U.S. Department of Transportation, and the Washington State Department of Transportation. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any federal aid funds to the Agency. Copies of said records shall be furnished to the State and/or Federal Government upon request.

V. Compliance with Provisions

The Agency shall not incur any federal aid participation costs on any classification of work on this project until authorized in writing by the State for each classification. The classifications of work for projects are:

1. Preliminary engineering.
2. Right of way acquisition.
3. Project construction.

Once written authorization is given, the Agency agrees to show continuous progress through monthly billings. Failure to show continuous progress may result the Agency's project becoming inactive, as described in 23 CFR 630, and subject to de-obligation of federal aid funds and/or agreement closure.

If right of way acquisition, or actual construction of the road for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which preliminary engineering phase was authorized, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

If actual construction of the road for which right of way has been purchased is not started by the close of the tenth fiscal year following the fiscal year in which the right of way phase was authorized, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

The Agency agrees that all stages of construction necessary to provide the initially planned complete facility within the limits of this project will conform to at least the minimum values set by approved statewide design standards applicable to this class of highways, even though such additional work is financed without federal aid participation.

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

1. Project Construction Costs

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

Method A – The Agency will place with the State, within (20) days after the execution of the construction contract, an advance in the amount of the Agency's share of the total construction cost based on the contract award. The State will notify the Agency of the exact amount to be deposited with the State. The State will pay all costs incurred under the contract upon presentation of progress billings from the contractor. Following such payments, the State will submit a billing to the Federal Government for the federal aid participation share of the cost. When the project is substantially completed and final actual costs of the project can be determined, the State will present the Agency with a final billing showing the amount due the State or the amount due the Agency. This billing will be cleared by either a payment from the Agency to the State or by a refund from the State to the Agency.

Method B – The Agency's share of the total construction cost as shown on the face of this agreement shall be withheld from its monthly fuel tax allotments. The face of this agreement establishes the months in which the withholding shall take place and the exact amount to be withheld each month. The extent of withholding will be confirmed by letter from the State at the time of contract award. Upon receipt of progress billings from the contractor, the State will submit such billings to the Federal Government for payment of its participating portion of such billings.

Method C – The Agency may submit vouchers to the State in the format prescribed by the State, in duplicate, not more than once per month for those costs eligible for Federal participation to the extent that such costs are directly attributable and properly allocable to this project. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for Federal participation unless claimed under a previously approved indirect cost plan.

The State shall reimburse the Agency for the Federal share of eligible project costs up to the amount shown on the face of this agreement. At the time of audit, the Agency will provide documentation of all costs incurred on the project. The State shall bill the Agency for all costs incurred by the State relative to the project. The State shall also bill the Agency for the federal funds paid by the State to the Agency for project costs which are subsequently determined to be ineligible for federal participation (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation (see Section IX).

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 60 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

X. Traffic Control, Signing, Marking, and Roadway Maintenance

The Agency will not permit any changes to be made in the provisions for parking regulations and traffic control on this project without prior approval of the State and Federal Highway Administration. The Agency will not install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and MUTCD. The Agency will, at its own expense, maintain the improvement covered by this agreement.

XI. Indemnity

The Agency shall hold the Federal Government and the State harmless from and shall process and defend at its own expense all claims, demands, or suits, whether at law or equity brought against the Agency, State, or Federal Government, arising from the Agency's execution, performance, or failure to perform any of the provisions of this agreement, or of any other agreement or contract connected with this agreement, or arising by reason of the participation of the State or Federal Government in the project, PROVIDED, nothing herein shall require the Agency to reimburse the State or the Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the State.

XII. Nondiscrimination Provision

No liability shall attach to the State or Federal Government except as expressly provided herein.

The Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract and/or agreement or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts and agreements. The WSDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Agency of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

The Agency hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor in 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee or understanding pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the required contract provisions for Federal-Aid Contracts (FHWA 1273), located in Chapter 44 of the Local Agency Guidelines.

The Agency further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or Local Government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Agency also agrees:

- (1) To assist and cooperate actively with the State in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary of Labor.
- (2) To furnish the State such information as it may require for the supervision of such compliance and that it will otherwise assist the State in the discharge of its primary responsibility for securing compliance.
- (3) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order.
- (4) To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the State, Federal Highway Administration, or the Secretary of Labor pursuant to Part II, subpart D of the Executive Order.

In addition, the Agency agrees that if it fails or refuses to comply with these undertakings, the State may take any or all of the following actions:

- (a) Cancel, terminate, or suspend this agreement in whole or in part;
- (b) Refrain from extending any further assistance to the Agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency; and
- (c) Refer the case to the Department of Justice for appropriate legal proceedings.

XIII. Liquidated Damages

The Agency hereby agrees that the liquidated damages provisions of 23 CFR Part 635, Subpart 127, as supplemented, relative to the amount of Federal participation in the project cost, shall be applicable in the event the contractor fails to complete the contract within the contract time. Failure to include liquidated damages provision will not relieve the Agency from reduction of federal participation in accordance with this paragraph.

XIV. Termination for Public Convenience

The Secretary of the Washington State Department of Transportation may terminate the contract in whole, or from time to time in part, whenever:

- (1) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.
- (2) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.
- (3) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.
- (4) The Secretary is notified by the Federal Highway Administration that the project is inactive.
- (5) The Secretary determines that such termination is in the best interests of the State.

XV. Venue for Claims and/or Causes of Action

For the convenience of the parties to this contract, it is agreed that any claims and/or causes of action which the Local Agency has against the State of Washington, growing out of this contract or the project with which it is concerned, shall be brought only in the Superior Court for Thurston County.

XVI. Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying

The approving authority certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification as a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

XVII. Assurances

Local agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities, and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).

Additional Provisions

Instructions

1. **Agency Name and Billing Address** – Enter the Agency of primary interest which will become a party to the agreement.
2. **Project Number** – Leave blank. This number will be assigned by WSDOT.
3. **Agreement Number** – Leave blank. This number will be assigned by WSDOT.
- 4.

- a. **Project Description** – Enter the project name, total length of the project (in miles), and a brief description of the termini. Data entered here must be consistent with the name, length, and termini noted in the STIP and Project Prospectus

Example: (Name) “Regal Road”, (Length) “1.2 miles”, (Termini) “Smith Road to Main Street”

- b. **Description of Work** – Enter a concise statement of the major items of work to be performed. Statement must be consistent with the description of work noted in the STIP and Project Prospectus.

Example: “Overlay Regal Road; install curb, gutter, and sidewalk; illumination; and traffic signal at the intersection of Regal Road and Dakota Avenue.”

- c. **Project Agreement End Date** – Enter your Project Agreement End Date. This date is based on your projects Period of Performance (2 CFR 200.309).

For Planning Only projects – WSDOT recommends agencies estimate the end of the project’s period of performance and add three years to determine the “Project Agreement End Date”.

For PE and RW – WSDOT recommends agencies estimate when the phase will be completed and add three years to determine the “Project Agreement End Date”.

For Construction – WSDOT recommends agencies estimate when construction will be completed and add three years to determine the “Project Agreement End Date”.

- d. **Proposed Advertisement Date** – At construction authorization only, enter the proposed project advertisement date.
- e. **Claiming Indirect Cost Rate** – Check the Yes box if the agency will be claiming indirect costs on the project. For those projects claiming indirect costs, supporting documentation that clearly shows the indirect cost rate being utilized must be provided with the local agency agreement. Indirect cost rate approval by your cognizant agency or through your agency’s self-certification and supporting documentation is required to be available for review by FHWA, WSDOT and /or State Auditor. Check the No box if the agency will not be claiming indirect costs on the project. See section 23.5 for additional guidance.

5. Type of Work and Funding (Round all dollar amounts to the nearest whole dollar)

- a. **PE** – Lines a through d show Preliminary Engineering costs for the project by type of work (e.g., consultant, agency, state services, etc.).

*Federal aid participation ratio for PE – enter ratio for PE lines with amounts in column 3.

- **Line a** – Enter the estimated amount of agency work in columns 1 through 3.
- **Line b & c** – Identify user, consultant, etc., and enter the estimated amounts in columns 1 through 3.
- **Line d** – State Services. Every project must have funding for state services. Enter the estimated amounts in columns 1 through 3.
- **Line e** – Total of lines a + b + c + d.

- b. **Right of Way** – If a Right of Way phase is authorized on the project, the appropriate costs are shown in lines f through i.

*Federal aid participation ratio for RW – enter ratio for RW lines with amounts in column 3.

- **Line f** – Enter the estimated amount of agency work in columns 1 through 3.
- **Line g & h** – Identify user, consultant, etc., and enter the estimated amounts in columns 1 through 3.
- **Line i** – State Services. Every project must have funding for state services. Enter the estimated amounts in columns 1 through 3.
- **Line j** – Total of lines f + g + h + i.

- c. **Construction** – Lines k through p show construction costs for the project by type of work (e.g., contract, consultant, agency, state services, etc.).

*Federal aid participation ratio for CN – enter ratio for CN lines with amounts in column 3.

- **Line k** – Enter the estimated cost of the contract.
- **Lines l, m, & n** – Enter other estimated costs such as utility and construction contracts or non-federally matched contract costs.
- **Line o** – Enter estimated costs of all construction related agency work.
- **Line p** – State Services. Every project must have funding for state services. Enter the estimated amounts in columns 1 through 3.
- **Line q** – Total Construction Cost Estimate. Total of lines k + l + m + n + o + p.

- d. **Total Project Cost Estimate**

- **Line r** – Total Cost Estimate of the Project. Total of lines e + j + q.

*Please remember, if the federal aid participation rate entered is not the maximum rate allowed by FHWA, then the participation rate entered becomes the maximum rate allowed.

6. **Signatures** – An authorized official of the local agency signs the agreement, and writes in their title. **Note:** Do **NOT** enter a date on the Date Executed line.

7. **Method of Construction Financing** – Choose the method of financing for the construction portion of the project.
 - a. **Method “A”** is used when the state administers the contract for the agency.
 - b. **Method “B”** is also used when the state administers the contract for the agency.
 - c. **Method “C”** is used with projects administered by the local agency. The agency will submit billings monthly through the state to FHWA for all eligible costs. The billings must document the payment requests from the contractor. If state-force work, such as audit and construction engineering, is to receive federal participation, it will be billed to the agency and FHWA simultaneously at the indicated ratio. To show continuous progress agencies should bill monthly until agreement is closed.
8. **Resolutions/Ordinances** – When someone other than the County Executive/Chairman, County Commissioners/Mayor is authorized to sign the agreement, the agency must submit to WSDOT with the agreement a copy of the Resolution/Ordinance designating that individual.
9. **Parties to the Agreement** – Submit one originally signed agreement form to the Region Local Programs Engineer. It is the responsibility of the local agency to submit an additional, originally signed agreement form if they need an executed agreement for their files. The agreement is first executed by the agency official(s) authorized to enter into the agreement. It is then transmitted to the state for execution by Local Programs. The agreement is dated at the time of final execution by Local Programs.


**Washington State
Department of Transportation**
**Local Agency Federal Aid
Project Prospectus**

		Prefix		Route		()		Date	
Federal Aid Project Number								DUNS Number	
Local Agency Project Number				(WSDOT Use Only)		Federal Employer Tax ID Number			
Agency			CA Agency Yes No		Federal Program Title 20.205 Other				
Project Title				Start Latitude N			Start Longitude W		
				End Latitude N			End Longitude W		
Project Termini From-To				Nearest City Name				Project Zip Code (+4)	
Begin Mile Post	End Mile Post	Length of Project			Award Type Local Local Forces State Railroad				
Route ID	Begin Mile Point	End Mile Point	City Number	County Number	County Name				
WSDOT Region		Legislative District(s)			Congressional District(s)			Urban Area Number	

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date	
				Month	Year
P.E.					
R/W					
Const.					
Total					

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width	Number of Lanes

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)

Local Agency Contact Person		Title		Phone	
Mailing Address			City	State	Zip Code

Project Prospectus	By _____		
	Approving Authority		
	Title		Date

Agency	Project Title	Date
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Type of Proposed Work				
Project Type (Check all that Apply)			Roadway Width	Number of Lanes
New Construction	Path / Trail	3-R		
Reconstruction	Pedestrian / Facilities	2-R		
Railroad	Parking	Other		
Bridge				

Geometric Design Data						
Description	Through Route			Crossroad		
Federal Functional Classification	Urban	Principal Arterial		Urban	Principal Arterial	
		Minor Arterial			Minor Arterial	
	Rural	Collector		Rural	Collector	
		Major Collector			Major Collector	
	NHS	Minor Collector		NHS	Minor Collector	
		Local Access			Local Access	
Terrain	Flat	Roll	Mountain	Flat	Roll	Mountain
Posted Speed						
Design Speed						
Existing ADT						
Design Year ADT						
Design Year						
Design Hourly Volume (DHV)						

Performance of Work		
Preliminary Engineering Will Be Performed By	Others %	Agency %
Construction Will Be Performed By	Contract %	Agency %

Environmental Classification	
Class I - Environmental Impact Statement (EIS) Project Involves NEPA/SEPA Section 404 Interagency Agreement Class III - Environmental Assessment (EA) Project Involves NEPA/SEPA Section 404 Interagency Agreements	Class II - Categorically Excluded (CE) Projects Requiring Documentation (Documented CE)

Environmental Considerations

Agency	Project Title	Date
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Right of Way

No Right of Way Needed * All construction required by the contract can be accomplished within the exiting right of way.	Right of Way Needed	
	No Relocation	Relocation Required

Utilities

Railroad

No utility work required All utility work will be completed prior to the start of the construction contract All utility work will be completed in coordination with the construction contract	No railroad work required All railroad work will be completed prior to the start of the construction contract All the railroad work will be completed in coordination with the construction contract
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Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

Remarks

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency

Date

By

Mayor/Chairperson



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7a

DATE: November 23, 2020

SUBJECT: Second Reading and Final Adoption of Ordinance 1489
2021-2022 Biennial Budget

CONTACT PERSON: Jennifer Ferguson, City Administrator

ATTACHMENTS: A – Ordinance 1489 2021-2022 Biennial Budget

Reference: <https://stanwoodwa.org/DocumentCenter/View/4535/PROPOSED-BUDGET-BOOK-2021-2022>

PURPOSE

The purpose of this agenda item is for the second reading and final adoption of Ordinance 1489 and to conduct a public hearing on the proposed 2021-2022 Biennial Budget, which is required by State Law, Ch, 35A.34 RCW. The City Council will consider the second reading and adoption of Ordinance 1489.

BACKGROUND

The proposed 2021-2022 Biennial Budget was presented to the City Council during its special meeting budget workshop on October 8, 2020 and published online on the city website which is referenced above. Budget workshops included the August 13th Council priorities setting discussion, the October 8th budget workshop and the October 22nd budget workshop. Also on October 22, 2020, the City Council set the 2021 Property Tax Levy. The first reading of Ordinance 1489 was conducted on November 12, 2020 and a public hearing was held with no citizens requesting to provide testimony.

ANALYSIS

The 2021-2022 Biennial Budget is comprised of 30 funds with a total budgeted revenue forecast of \$53.2 million matched to budgeted expenditure allocations of \$48.3 million. The city is projected to begin the 2021- 2022 biennium with a beginning fund balance of \$20.6 million for all funds and the impact of revenues forecasted to be over expenditures, estimates the biennium ending fund balance at \$25.6 million. Ordinance 1489 sets forth the

Summary Revenues, Expenditures and Fund Balances for all funds and is also shown on page 10 of the 2021-2022 Budget.

City Council Priorities

On August 13th the Stanwood City Council met to discuss budget priorities that will guide staff in the preparation of the biennial budget by requesting allocations of funds for staffing resources, operating costs and capital investments. Those priorities are:

- ***Support a Sustainable Local Economy***
 - *Focus economic development efforts on continually building a sustainable local economy by supporting existing businesses, recruiting new business and promote our tourism industry.*
- ***Enhance Parks and Recreation***
 - *Improve our existing parks and trails, especially along the waterfront and develop recreational opportunities for the community and visitors*
- ***Build Safe Streets***
 - *Develop multi-modal, safe and aesthetically pleasing city streets and support our WSDOT partnership to improve SR532 intersections*
- ***Improve Public Engagement Opportunity***
 - *Continually enhance connectivity and public engagement tools for residents, business and visitors through diverse communication channels that include alternative meeting formats*

Major Initiatives in the 2021-2022 Budget

The 2021-2022 Budget works to achieve Council and community priorities by:

- Adding staffing resources to continue to enhance our service delivery in Public Works and Economic Development
- Adopting a formal 5-year Strategic Plan
- Continuous customer service improvements through automation of city services both internal organization strategic intents and external for customers and visitors
- Preparing for the Comprehensive Plan Update
- Conducting a Park and Recreation Programming Feasibility Study

- Implementing the City Beautification Action Program which includes Main Street revitalization
- Conducting a Hotel Feasibility Study
- Reboot our Discover Stanwood Camano tourism and Marketing initiative
- Recruit new businesses and implement our Business Retention Program for existing business
- Assessing the 80th Avenue corridor including intersections to determine what capital investments need to be made in the short and long term future
- Construct the new Hamilton Park and Boat Launch project
- Finish Design and Construct phase 2 of the Port Susan Trail
- Continue the Irvine Slough drainage improvement project
- Continue master planning for Ovenell Park and the Johnson Farm properties
- Continue work with WSDOT on SR532 Intersection Improvements
- Improve 101st St NW, connected intersections and improve drainage
- Continue work to finish the Viking Way connection, west to 92nd Ave
- Construct Sewer Main Lift Station improvements
- Start design of Bioprocessing project at the Waste Water Treatment Plan
- Continue pursuing long-term water source options
- Annual street overlay, sidewalk maintenance and drainage maintenance projects

General Fund Overview

The general fund is the main operating fund of the City and includes revenue and expenditure allocations for general government activities that include legislative, public safety, community planning and development, economic development, street maintenance, park maintenance, facility maintenance; along with general administration divisions of finance, human resources, information technology and communications. Overall general fund revenues are projected at \$12.5 million for 2021-2022, an increase of 10.2% from 2019-2020 sources. General fund expenditures are projected at \$12.4 million, a decrease of -9.7% from the prior budget. The table on page 12 of

the Budget shows a summary of revenues and expenditures for the two year period.

General fund ending balance is anticipated to increase \$50,000 as revenues are anticipated to be more than expenditures, thus continuing the city council policy on saving reserves for economic downturns and future investment in capital assets. A stable fund balance, at 34% of operating expenditures, is predicted and shown in the budget on page 13.

Street Operating Fund Overview

The street operating fund is a sub-fund of the General Fund and used to track street maintenance operations. Street operating costs are increasing due to the added staffing resources necessary to support enhanced service delivery. This fund is supported by the General Fund and new for this biennial budget includes funding support from the transportation benefit district. Summary revenues and expenditures for this fund is found on page 23 of the Budget.

Special Revenue Funds Overview

Special Revenue Funds are established to account for a specific revenue source mandated by the City Council, State of Washington or other Regulatory authority. These sources then support special programs and capital projects by transferring out funds to other funds. In the case of special revenue funds that primarily support capital investments, longer term cash flow analysis is prepared to not only support the biennial budget allocations for a two year period but to assess the longer term impacts on important sources. Special Revenue Fund sources and uses are included by fund in the Budget starting on page 24-26. Longer-term cash-flow analysis is found on page A31 in the appendix section.

Capital Project Funds Overview

As part of the biennial budget, the Capital Improvement Plan (CIP) is updated and the budget includes sources and uses in the two-year budget for capital investments that are key to achieving community priorities. Capital project allocations are major expenditures and the 2021-2022 budget includes almost \$20 million in capital investments. See the table, on page 28 of the budget book.

While some capital projects have clearly defined sources of revenue to cover project costs, debt proceeds may be a necessary source to fill an unfunded portion of the project or may be required to cover the entire cost of project or group of projects. In 2022, the budget proposes that \$4.5 million in a park

and trails bond will be needed to fully fund park and trail projects included in the CIP. Other sources of revenue for these projects include grants and impact fees. Staff is committed to finding the greatest amount of grant opportunities for our capital projects which would offset the amount of debt required to bring projects to fruition. Capital Project Fund details are found on page 29-30 of the Budget. As well as, a debt analysis for the unfunded portion of these projects, found on page 31 of the Budget. Individual Capital Projects are found in the Appendix section of the Budget starting on page A3.

Utility Funds Overview

The City of Stanwood operates three utilities of wastewater, water and storm water. The total overall utility operating fund forecasted revenues for 2021-2022 is \$11.2 million a 15.8% increase from 2019-2020 operating revenues. Utility rates are set every five years per the Stanwood rate study. For 2021-2022, water rates will increase 3%, wastewater rate increase of 7% and storm water rate increase of 16%. Other utility revenues include plant investment fees from new development that support improvements to the utility systems.

Operating expenditures in the utility funds are expected to remain similar to the prior year. While staffing resources increase, capital investments decline depending on the schedule of capital investments planned in the CIP. This is common. Major capital projects include the Main Lift Station Upgrade, Irvine Slough, Bio solids processing and other sewer collection upgrades. Utility Fund information is found starting on page 32 of the Budget.

City Staffing Overview

City services are provided to the community through the allocation of people and tools. In 2021-2022, the budget includes the continuation of enhancing our staffing resources by adding much needed positions. The City plans to add 4.5 FTE positions which include:

- Economic Development & Marketing Manager
- Public Works Supervisor
- Parks/Streets Maintenance
- Public Works Engineering Technician
- Code Enforcement Officer (.50)

On November 12, 2020, the City Council sets the salary schedule for FLSA exempt and non-represented city employees with a cost of living adjustment of 3% from 2020 salaries. Through contractual approvals on a multi-year

basis, the City Council sets the salary schedules for represented employees. Represented salaries were set for a three year period covering January 1, 2021 through December 31, 2023 so no new salary schedule is proposed for this group of employees. Represented employees will receive a 3.25% cost of living adjustment per contract.

RECOMMENDATIONS

Staff Recommendation: Staff recommends approval of the second reading and final adoption of Ordinance 1489 and conducting the public hearing to receive public testimony.

Committee/Board Recommendation: N/A. The budget is reviewed by the full City Council

CITY COUNCIL OPTIONS

The City Council options include:

1. Approve the second reading of and adopt Ordinance 1489 with Exhibit A
2. Do not approve Ordinance 1489 and direct staff to prepare other budget analysis, make further adjustments. Note: the budget is required to be adopted by December 31, 2020.

PROPOSED MOTION

MOTION TO APPROVE THE SECOND READING AND ADOPT ORDINANCE 1489 with Exhibit A APPROVING THE 2021-2022 BIENNIAL BUDGET

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1489

AN ORDINANCE ADOPTING A BIENNIAL BUDGET FOR THE CITY OF STANWOOD, WASHINGTON, FOR THE YEARS 2021 AND 2022, AND SETTING FORTH IN SUMMARY FORM THE TOTALS OF ESTIMATED REVENUES AND APPROPRIATIONS FOR EACH SEPARATE FUND AND THE AGGREGATE TOTALS FOR ALL SUCH FUNDS COMBINED.

WHEREAS, State Law, Chapter 35A.34 RCW has provided that the legislative body of any city of the first and second classes and all towns may, by ordinance elect to have a two-year fiscal biennial budget in lieu of the annual budget which is otherwise provided for; and

WHEREAS, State Law, Chapter 35A.11.020 RCW has provided that the legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law; and

WHEREAS, pursuant to State Law, Chapter 35A.34 RCW, the City of Stanwood, as a code city, is authorized to adopt a two year biennial budget; and

WHEREAS, on July 25, 2013 the City Council adopted Ordinance 1348 establishing a two-year biennial budget for the City of Stanwood for the first two-year budget period beginning January 1, 2015.

WHEREAS, State law requires that the City adopt a biennial budget before the end of the preceding calendar year; and

WHEREAS, the Mayor proposed the 2021-2022 Biennial Budget, on October 8, 2020 to the Stanwood City Council as provided by law; and

WHEREAS, the City Council held public budget workshops on August 13, 2020, October 8, 2020, and October 22, 2020, in preparation for the budget for the years 2021 and 2022; and

WHEREAS, as required by law, on November 12, 2020 and November 23, 2020, the City Council has held public hearings and provided opportunity for public comment on the proposed 2021-2022 Biennial Budget;

NOW THEREFORE, the City Council of the City of Stanwood, Washington do ordain as follows:

Section 1. In accordance with the provisions of Chapter 35A.34 RCW the budget of the City of Stanwood for the year 2021 in the aggregate amount of \$24,230,924. is hereby adopted.

Section 2. In accordance with the provisions of Chapter 35A.34 RCW the budget of the City of Stanwood for the year 2022 in the aggregate amount of \$24,066,906. is hereby adopted.

Section 3. The totals of budgeted revenues and appropriations for each separate fund are set forth in summary form for 2021 and 2022 and attached as Exhibit A to Ordinance 1489

Section 4. Following adoption of this ordinance a copy shall be transmitted to the Office of the State Auditor, the Association of Washington Cities and the Municipal Research Services Center.

Section 5. Effective Date. This ordinance shall take effect and be in force January 1, 2021.

ADOPTED by the City Council and **APPROVED** by the Mayor this 23rd day of November, 2020.

CITY OF STANWOOD

Elizabeth Callaghan, Mayor

ATTEST:

Jennifer Ferguson, City Administrator/City Clerk

APPROVED AS TO FORM:

Brett Vinson, City Attorney

City of Stanwood
Summary Revenues, Expenditures and Fund Balance
2021-2022 Biennial Budget

Ordinance 1489 - Exhibit A

Fund Name	Beginning Fund Balance	Revenues			Expenditures			Ending Fund Balance
		2021	2022	Total	2021	2022	Total	
General Fund	\$ 4,148,972	6,168,458	6,287,999	\$ 12,456,457	5,953,139	6,452,817	\$ 12,405,957	\$ 4,199,473
Street Operating Fund	\$ 68,211	665,900	671,209	\$ 1,337,109	663,786	668,317	\$ 1,332,103	\$ 73,217
Street Impact Fee Fund	\$ 652,061	216,665	218,665	\$ 435,330	-	-	\$ -	\$ 1,087,391
Street Capital Fund	\$ 923,458	1,616,400	4,014,400	\$ 5,630,800	1,604,500	3,802,500	\$ 5,407,000	\$ 1,147,258
Park & Trail Capital Fund	\$ 361,236	1,813,900	5,518,900	\$ 7,332,800	1,715,000	1,654,000	\$ 3,369,000	\$ 4,325,036
Fire Impact Fees	\$ 41,726	-	-	\$ -	-	-	\$ -	\$ 41,726
Park Impact Fees	\$ 274,658	84,135	84,135	\$ 168,270	-	140,000	\$ 140,000	\$ 302,928
Equipment Reserve Fund	\$ 394,029	196,890	163,100	\$ 359,990	277,050	-	\$ 277,050	\$ 476,969
Transportation Benefit District Fund	\$ 477,457	475,500	475,500	\$ 951,000	359,450	361,450	\$ 720,900	\$ 707,557
Contingency Fund	\$ 389,047	55,400	55,400	\$ 110,800	-	-	\$ -	\$ 499,847
Building Improvement Fund	\$ 1,497,490	16,800	16,800	\$ 33,600	100,000	50,000	\$ 150,000	\$ 1,381,090
Tourism And Promotion: Discover Stanwood Camano	\$ 2,931	79,000	109,000	\$ 188,000	74,000	74,000	\$ 148,000	\$ 42,931
REET 1 Fund: Capital Improvements	\$ 840,519	310,300	310,300	\$ 620,600	724,000	300,000	\$ 1,024,000	\$ 437,119
REET 2 - Growth Management	\$ 1,010,420	315,500	315,500	\$ 631,000	-	480,000	\$ 480,000	\$ 1,161,420
Debt Service Fund	\$ 12,896	500	298,500	\$ 299,000	-	298,000	\$ 298,000	\$ 13,896
Sewer Utility Funds	\$ 1,607,730	2,340,900	2,421,820	\$ 4,762,720	2,350,398	2,421,629	\$ 4,772,026	\$ 1,598,424
Sewer Capital Fund	\$ 2,096,342	4,206,300	2,059,300	\$ 6,265,600	4,147,000	2,000,000	\$ 6,147,000	\$ 2,214,942
Sewer Plant Investment Fund	\$ 164,870	155,000	155,000	\$ 310,000	300,000	-	\$ 300,000	\$ 174,870
Sewer Bond Reserve	\$ 500,383	8,900	8,900	\$ 17,800	-	-	\$ -	\$ 518,183
Sewer Equipment Reserve	\$ 574,769	116,461	112,411	\$ 228,872	125,000	-	\$ 125,000	\$ 678,641
Drainage Operating Fund	\$ 524,713	1,055,300	1,092,050	\$ 2,147,350	955,540	808,590	\$ 1,764,131	\$ 907,932
Drainage Capital Fund	\$ 110,672	1,815,000	1,015,000	\$ 2,830,000	1,800,000	1,000,000	\$ 2,800,000	\$ 140,672
Drainage Plant Investment Fund	\$ 46,036	80,700	80,700	\$ 161,400	27,000	40,500	\$ 67,500	\$ 139,936
Drainage Equipment Reserve	\$ 296,173	65,064	51,641	\$ 116,705	104,950	-	\$ 104,950	\$ 307,928
Water Operating Fund	\$ 979,328	2,114,200	2,185,425	\$ 4,299,625	2,312,973	2,330,707	\$ 4,643,680	\$ 635,273
Water Capital Fund	\$ 1,436,359	44,800	44,800	\$ 89,600	200,000	750,000	\$ 950,000	\$ 575,959
Cedar Home Plant Investment Fees	\$ 114,826	12,100	12,100	\$ 24,200	10,000	10,000	\$ 20,000	\$ 119,026
Water Plant Investment Fees	\$ 402,579	205,000	205,000	\$ 410,000	-	-	\$ -	\$ 812,579
Water Bond Reserve	\$ 412,342	424,038	429,296	\$ 853,334	419,138	424,396	\$ 843,534	\$ 422,142
Water Equipment Reserve	\$ 288,718	83,160	76,216	\$ 159,376	8,000	-	\$ 8,000	\$ 440,094
Total Funds	\$ 20,650,952	24,742,271	28,489,067	\$ 53,231,338	24,230,924	24,066,906	\$ 48,297,830	\$ 25,584,460



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8a

DATE: November 23, 2020

SUBJECT: PUD Easement Request

CONTACT PERSON: Patricia Love, Community Development Director
Shawn Smith, City Engineer

ATTACHMENTS: A – Easement

PURPOSE

The purpose of this agenda item is for Council consideration and granting of an easement to Snohomish County Public Utility District (PUD) for the purpose of installing an underground feeder vault on the SW corner of the Fox Hill Estates detention pond.

BACKGROUND

PUD is in the process of building the new Twin City Substation on the south side of Pioneer Highway just west of 72nd Avenue. This new substation is part of the District's Electric System Capital Program to replace the North Stanwood Substation which is out dated and located within the 100-year floodplain. Once constructed, the new substation will increase both normal and emergency capacities, strengthen circuit ties, modernize facilities, and improve service reliability. After the Twin City Substation is energized and all customers are served by the new substation, the North Stanwood Substation will be decommissioned.

As part of the Twin City Substation project, PUD is requesting a non-exclusive 45' x 20' easement from the City on the SW corner of the Fox Hill Estates detention pond to install (2) Feeder vaults, conduit and underground cable to feed the existing and new overhead lines that will be fed from the new Twin City Substation. The vaults will be fed via underground lines entering and exiting the easement in the public right of way. An appraisal has been prepared indicating an easement value of \$1,000.00 which PUD will pay if Council approves the easement.

Easement Location

Snohomish County PUD Utility Easement Request

Details:

Size: 45' x 20'

Location: Fox Hill Estates

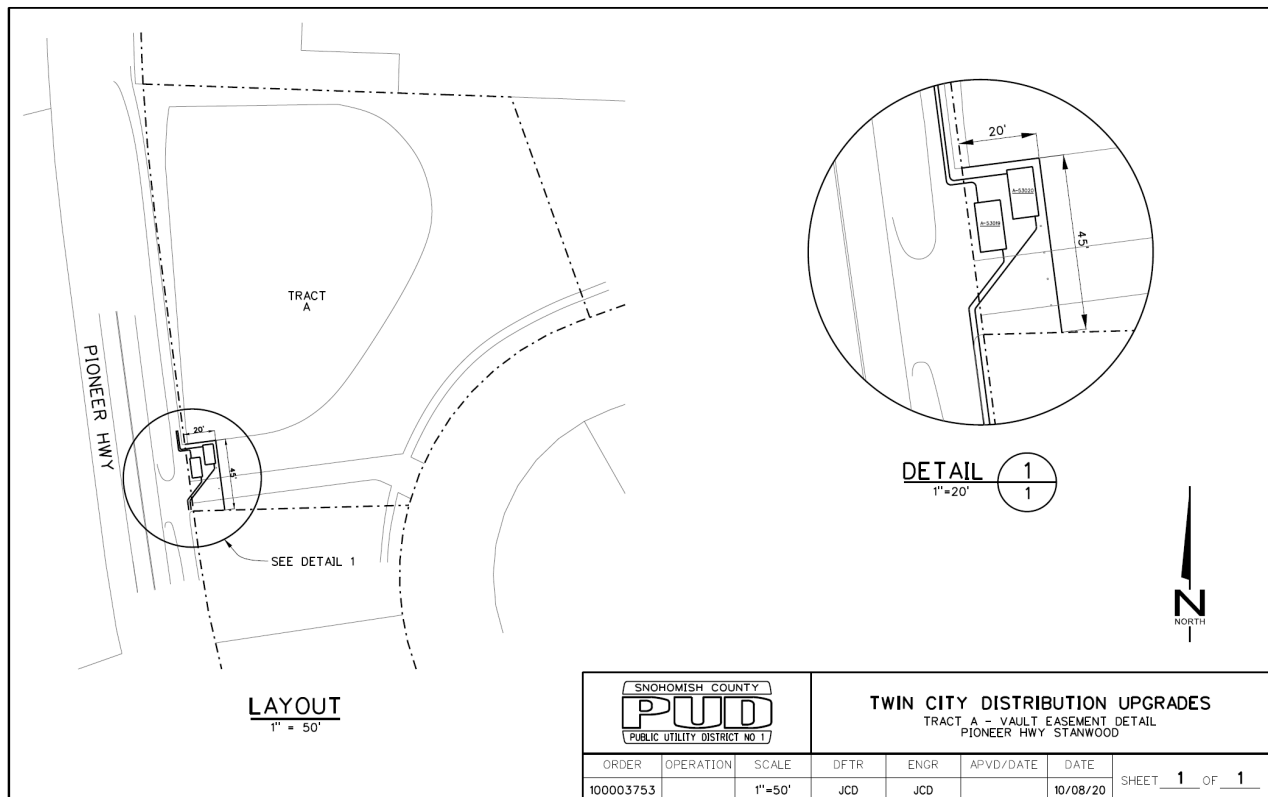
Purpose: 2 Feeder Vaults, Conduit and Cable

Appraised Value: \$1,000

Vicinity Map



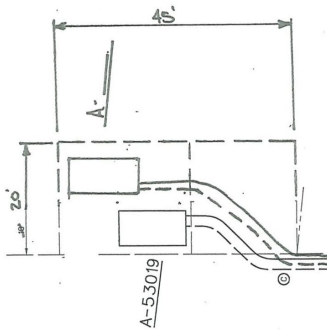
Easement Detail



View of Easement Location

PUD Easement Request

- Fox Hill Estates Detention Pond
- Drive Isle
- Pedestrian Walkway
- Underground Vault Schematic



ANALYSIS

Prior to making a recommendation to the City Council or Mayor to grant an easement, the easement request is reviewed against the below listed criteria. The request has been reviewed by both the Public Works and Community Development Departments.

Criteria #1: The easement provides a benefit to the residents of Stanwood

City Response: PUD is investing in their capital infrastructure to improve system reliability in the north county area which includes the new Twin City Substation currently under construction. The intent of the overall project is to create a redundant power grid so that if the power goes out in one area, PUD has more options to reroute and restore power more quickly. The vault is part of this larger project to provide service to Stanwood and surrounding residents.

This easement is needed for installation of the new underground distribution lines to support new and existing overhead facilities in the area. Due to existing walking paths, residential properties and access required to the new vaults; the city owned Fox Hill Estates detention pond location was determined to be the most feasible area along the route for the new vaults.

Criteria #2: The easement request does not conflict or interfere with future city projects

City Response: City staff conducted a review of the City's existing Comprehensive Plans to determine if there are any conflicts with existing or future plans: Stormwater, Sewer, Water,

and Transportation. The graphics below show the location of the proposed easement in relationship to city infrastructure.

Stormwater: No conflicts with existing infrastructure. Public Works has determined there is no need to expand the pond in the future and that the easement would not negatively impact future use of the pond.

Sewer: There is an 8 inch sewer main approximately 14 feet deep under the existing access road next to the detention pond. PUD will be installing the conduits approximately 8.5 feet above the sewer line.

Water: There is an 8 inch water main approximately 3 feet deep under the access road to the detention pond. PUD will be installing the conduits approximately 18 inches beneath the water main.

Transportation: No conflicts with existing or proposed road or sidewalk projects. The pedestrian trail will need to be preserved and repaired if needed.

Construction: PUD will open cut across the driveway area to install the conduits. Work will include vactoring out the soils around the mains and then installing the conduits between the water and sewer main. The driveway cut will then be repaved. Crossing of utilities is not uncommon; the City Engineer has reviewed PUD's proposal and finds that the location of their conduits and proposed construction method will not conflict with the City's infrastructure.

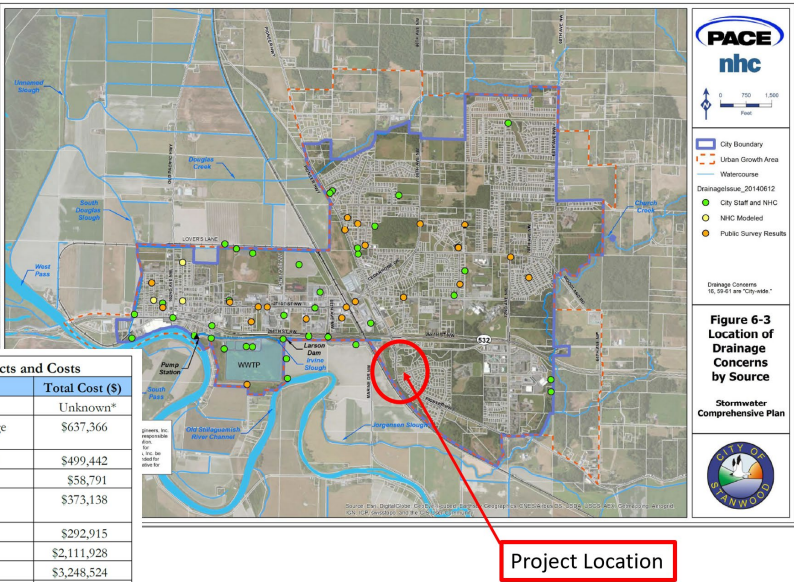
2015 Stormwater Comprehensive Plan

Drainage Concern Areas And Capital Improvement Project List

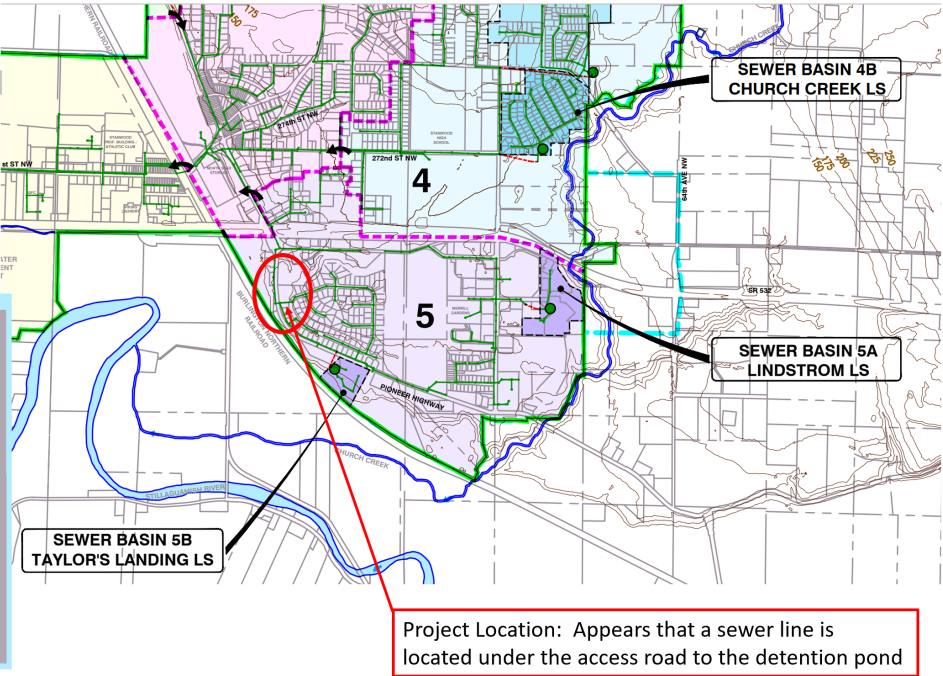
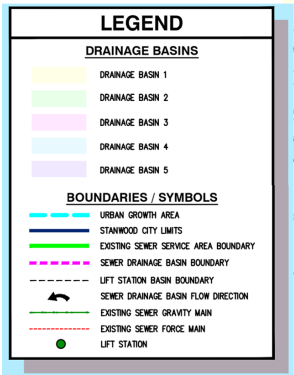
Table 6-4: City of Stanwood - Summary of Recommended CIP Projects and Costs

CIP Project	Project Name	Total Cost (\$)
#1	Irvine Slough Stormwater Separation Project	Unknown*
#2	92 nd Ave at SR 532 Pipe Replacement & Lovers Lane Road Drainage Improvements	\$637,366
#3	271 st Street NW, 102 nd Avenue, and 270 th Street NW Trunk Upsize	\$499,442
#4	276 th Pl. and Pioneer Hwy Drainage Improvements (Dirch Work)	\$58,791
#5	270 th Street NW Improvements, between 88 th Avenue NW and Florence/resurfacing	\$373,138
#6	Augusta Street Pipe Upsize	\$292,915
#7	101 st Avenue, 102 nd Drive and 103 rd Drive Improvement (Optional) with 271 st Street NW Pipe Upsize	\$2,111,928
#8	271 st Street NW at Florence Rd. Pipe Upsize	\$158,642
#9	7 Tiny Tubes; Old Stillaguamish Flood Release Culvert Slip Line	\$144,190
#10	85 th Drive Drainage Improvements	\$788,635
TOTAL:		\$8,313,571

Total CIP Cost: \$ 8.31M for CIPs #2 through #10, without the ISSSP (CIP #1)

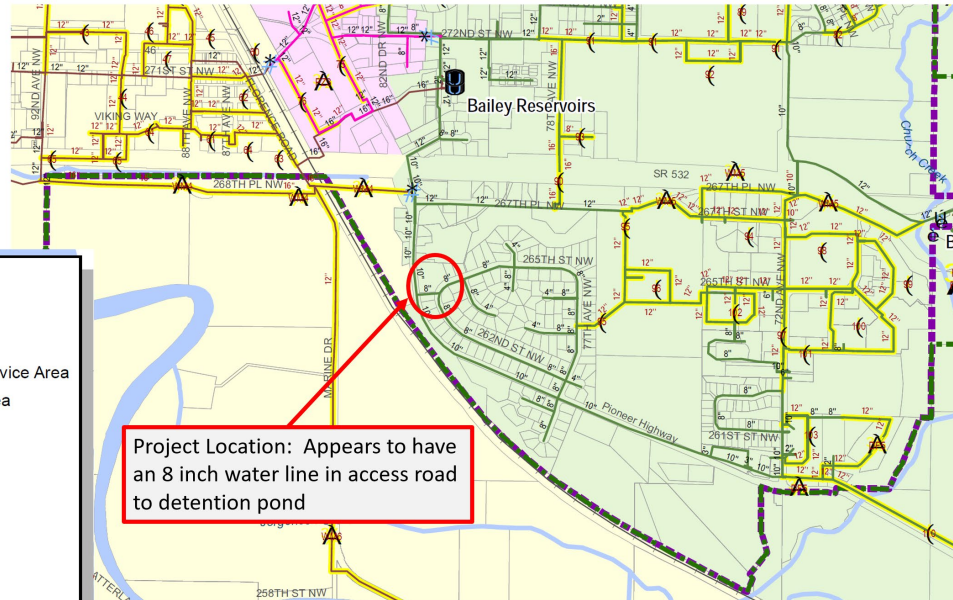
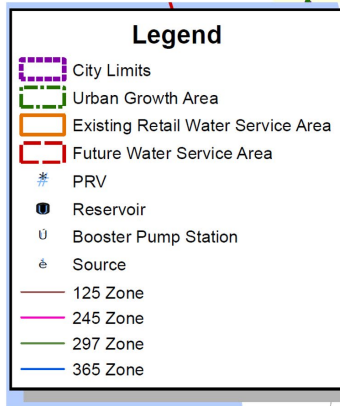


2015 Comprehensive Sewer Plan



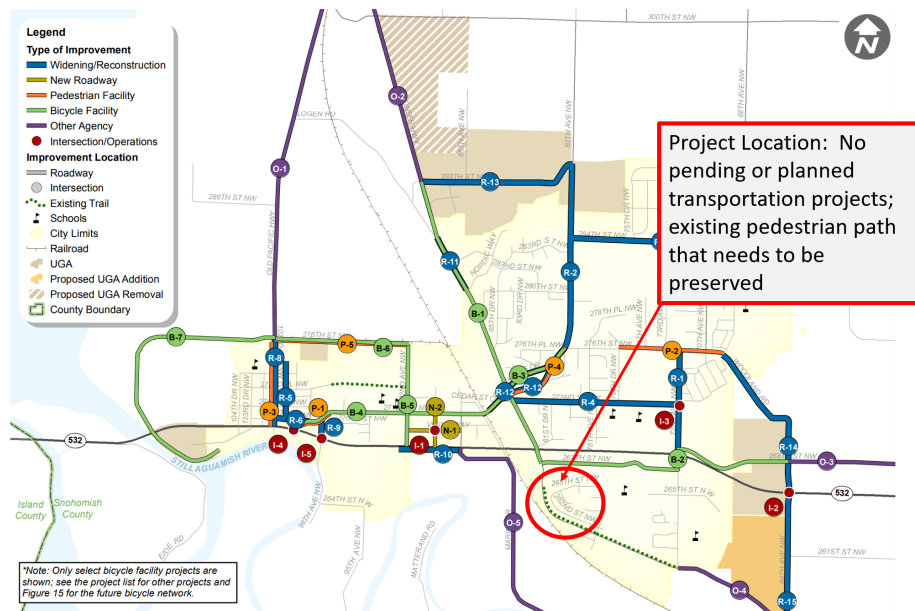
2015 Comprehensive Water Plan

Water System Improvements



2015 Transportation Plan

Transportation Improvement Projects



Transportation Improvement Projects

City of Stanwood Transportation Plan

FIGURE

13

Criteria #3: The easement is not in conflict with any other public overlay easement or restrictive covenant

City Response: The detention pond was dedicated to the City of Stanwood with the Plat of Fox Hill Estates Phase 1A on July 15, 1996: recording number 9607155003. The Plat contains two restrictions in regards to utilities:

1. All utilities must be undergrounded; and

2. Prior approval from the Public Works Director is required prior to placement of fill, structures, or obstructions in a drainage easement / area.

Approval of the easement and placement of the underground vault and cable lines does not conflict with the plat restrictions. The Assistant Public Works Director / City Engineer has reviewed the easement request and has found no conflicts with the proposal.

Criteria #4: The easement does not limit access or public use of the property by the City or city residents

City Response: There will be no impact to surrounding properties after the vaults have been installed. The new vaults will sit flush to the ground and will not impact nearby traffic, walking paths, or views. The walking path between Pioneer Highway and Fox Hill Estates will need to be closed temporarily during vault and conduit installation. The path will be restored to its original condition once construction is complete.

Criteria #5: The easement does not limit or interfere with the any existing public works maintenance operations

City Response: The vault and cable lines will be underground and will therefore not interfere with Public Works standard maintenance activities. Access to the pond and utilities will be maintained at all times.

Summary of Easement:

The draft easement has been reviewed by staff and the City Attorney: all of which are recommending approval. The easement:

- Provides a non-exclusive right to use a 20 X 45 square foot area for the purpose of installing underground power vaults and cables on city owned property, commonly known as the Fox Hill Estates detention pond.
- City maintains the right to use the access road serving the detention pond at all times in a manner that does not interfere with the use of the easement.
- City maintains the right to access and maintain the water and sewer main facilities at all times.
- City may construct or permit structures in the easement area, however City must provide 4 weeks' notice to PUD for their comments to ensure that any proposed work does not interfere with the easement.
- PUD may cut and trim vegetation as necessary to protect their equipment at their sole cost; PUD must provide notice to the city prior to vegetation management.
- PUD may claim the value resulting from any tree or brush removal on the entire property that they remove. While this clause is weighted in favor of PUD, the City does not object as the detention pond is well maintained by the City and any value obtained by brush clearing would be minimal.

- In the event that there is a conflict with a City utility or road project, PUD will move their facilities, at their sole expense, to a new, mutually agreed upon location and a new easement will be granted.
- PUD must restore the property as nearly as reasonably possible to its existing condition if disturbed or damaged.

FINANCIAL ANALYSIS

Fiscal Impact			
No Financial Impact to the City of Stanwood; PUD will pay the \$1,000 valuation to the City prior to the City signing and recording the easement.			
Fund(s):	N/A		
Amount:	\$ N/A	Project Estimate:	\$ N/A -
Budget Authorized	☐ Yes ☐ No ☒ N/A	Amendment Required	☐ Yes ☐ No ☐ Monitor ☒ N/A

RECOMMENDATIONS

Staff Recommendation:

Staff finds that granting the PUD easement request is in the best interests of the residents of Stanwood to maintain a reliable power source to the community and is recommending approval of the easement subject to the following conditions:

1. Prior to recording the easement with Snohomish County, PUD shall pay the City of Stanwood \$1,000.00 per the appraisal report assessed value findings.
2. Prior to installation of the vaults and power lines PUD shall obtain all necessary right-of-way or grading permits per city code.
3. The power cables locations shall be designed to avoid conflicts with city utilities.
4. The detention pond road shall be repaved the full width of the drive isle and 10 feet north and south of the cut area to ensure a smooth drive and walking surface.
5. Only temporary short term construction closures of the pedestrian walkway will be allowed on Pioneer Highway. The closure should be limited to the time it takes to make the cut to install the cables. Terms of the closure shall be determined jointly by PUD and the City Engineer.

Committee/Board Recommendation:

The Community Development Committee reviewed the easement request on October 15, 2020 and the Public Works Committee reviewed the proposal on November 2, 2020. Both Committees supported approving the easement request. Staff has recommended the above listed conditions based on comments from both Committees.

CITY COUNCIL OPTIONS

1. Approve the easement request by PUD.
2. Approve the easement request by PUD with modifications.
3. Reject the easement request by PUD.

PROPOSED MOTION

MOTION TO AUTHORIZE THE MAYOR TO SIGN THE SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT (PUD) EASEMENT FOR THE PURPOSE OF INSTALLING AN UNDERGROUND FEEDER VAULT ON THE SOUTHWEST CORNER OF THE FOX HILL ESTATES DETENTION POND SUBJECT TO:

- **PAYMENT OF THE ASSESSED VALUE OF THE PROPERTY;**
- **PUD OBTAINS ALL NECESSARY CONSTRUCTION PERMITS;**
- **FINAL DESIGN SHALL AVOID CONFLICTS WITH CITY UTILITIES;**
- **PAVEMENT AND RESTORATION OF THE DETENTION POND DRIVE ISLE;**
- **AND**
- **MINIMIZING CLOSURES OF THE PEDESTRIAN WALKWAY ALONG PIONEER HIGHWAY.**

ATTACHMENT A

AFTER RECORDING, PLEASE RETURN TO:

Public Utility District No. 1 of Snohomish County
Attn: Franklin Bolden
Real Estate Services
P.O. Box 1107
Everett, Washington 98206-1107

E-_____
WO#100027318 N# 10000046844

DISTRIBUTION EASEMENT

Grantor ("Owner"): The City of Stanwood, a Washington municipal corporation
Grantee: Public Utility District No. 1 of Snohomish County
Short Legal Description: Tract A, Fox Hill Estates Phase 1A, Vol. 61 of Plats, Pg. 269-271, Snohomish County, WA
Tax Parcel No: 00857700099000

THIS DISTRIBUTION EASEMENT ("Easement") is made this ____ day of _____ 2020, by and between The City of Stanwood, a Washington municipal corporation ("Owner"), and Public Utility District No. 1 of Snohomish County, a Washington State municipal corporation ("District"). . The Owner, and District are sometimes referred to individually herein as "Party" and collectively as "Parties". The District is referred to as "Grantee".

WHEREAS, Owner is the owner of certain lands and premises situated in the County of Snohomish, State of Washington, legally described as follows (hereinafter "Property"):

TRACT A, FOX HILL ESTATES PHASE 1A, PER THE PLAT RECORDED THEREOF IN VOLUME 61 OF PLATS, PAGES 269-271, RECORDS OF SNOHOMISH COUNTY, WASHINGTON..

Situate in the County of SNOHOMISH, State of Washington

WHEREAS, the Grantee is desirous of acquiring certain rights and privileges across, over, under, upon and through the Property.

NOW, THEREFORE, the Parties agree as follows:

1. Distribution Easement. Owner, for good and valuable consideration, receipt of which is hereby acknowledged, hereby conveys and grants to Grantee, its agents, contractors, successors and assigns, a non-exclusive easement for the perpetual right, privilege, and authority to patrol, construct, erect, reconstruct, alter, improve, extend, repair, operate, and maintain overhead and/or underground electric distribution lines and facilities, Grantee-owned communication wires and cables, and other

ATTACHMENT A

necessary or convenient appurtenances, across, over, under, through and upon the following portion of Owner's Property (hereinafter "Easement Area"):

The west 20 feet of the south 45 feet of the Property parallel and coincident with Pioneer Highway.

2. Access To and Across Property. Grantee has the right of ingress to and egress from the Easement Area across the adjacent Property of Owner where same is reasonably necessary for the purpose of exercising its easement rights described in Section 1.

3. Owner's Reservation of Rights and Use of Easement Area. Owner reserves the right to use the access road at all times, to access and maintain the watermain and sewermain facilities at all times, and to use the Easement Area in a manner that does not interfere with the Grantee's use of the Easement Area, and/or present a hazard to Grantee's electric distribution lines and facilities, communication wires and cables, and other appurtenances. The Owner shall not construct or permit to be constructed any structures of any kind in the Easement Area without providing 4 weeks notice to the Grantee to allow for Grantee to make comments prior to construction to ensure that such work will not interfere with Grantee's use of the Easement area or pose a hazard to Grantee's facilities. In the event that Grantee's facilities are in conflict with a City utility or road project, Grantee shall move its facilities, at its sole expense, to a new, mutually agreed upon location and a new easement will be granted.

4. Clearing of Power Line Right of Way. Grantee has the right at all times to clear said Easement Area and keep the same clear of all brush, debris and trees.

5. Trimming or Removal of Hazardous/Danger Trees. Grantee has the right at all times to cut, slash, or trim and remove brush, timber or trees from the Property which in the opinion of Grantee constitute a hazard to said lines and facilities, communication wires and cables, and other appurtenances or the Grantee's access thereto. Upon prior written approval of the Owner, trees, brush or other growth that are deemed hazardous to the lines or facilities or access of the Grantee when they are of such a height that they could, upon falling, strike the nearest edge of the Easement Area at a height of more than fifteen feet (15') may be trimmed or removed by the Grantee. Except in emergencies, Grantee shall, give Owner prior notice that such trees will be trimmed or removed for Grantor's written approval. Grantee is solely responsible for any and all costs related to the trimming and/or removal of trees, brush, timber and the like.

6. Title to Removed Trees, Vegetation and Structures. The title to all brush, debris, trees and structures removed from the Easement Area and the Property pursuant to Sections 4 and 5 shall be vested in the Grantee, and the consideration paid for this Easement and rights herein described is accepted by Owner as full compensation for said removed brush, debris, trees and structures. Owner shall be entitled to request fallen timber be set aside for Owner's personal use. Grantee shall make reasonable effort to set aside said fallen timber provided doing the same is safe in Grantee's sole opinion. Title to any fallen timber set aside in this manner shall revert to the Owner.

7. Restoration Provision. To the extent that Owner's Property is disturbed and/or damaged by Grantee's exercise of its rights hereunder, Grantee shall restore the condition of the Property as nearly as reasonably possible to its existing condition prior to said exercise of its rights.

8. Title to Property. The Owner represents and warrants having the lawful right and power to sell and convey this Easement to Grantee.

9. Binding Effect. This Easement and the rights and obligations under this Easement are intended to and shall run with the Property and shall benefit and bind the Parties and their respective heirs, successors and assigns.

ATTACHMENT A

10. Governing Law and Venue. This Easement shall be governed by and construed in accordance with the laws of the State of Washington. The venue for any action to enforce or interpret this Easement shall lie in the Superior Court of Washington for Snohomish County, Washington.

11. Authority. Each party signing this Easement, if on behalf of an entity, represents that they have full authority to sign this Easement on behalf of such entity.

12. Grantee Acceptance. By recording this Easement, Grantee hereby accepts all provisions set forth under this agreement.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written

OWNER:
The City of Stanwood,
a Washington municipal corporation

By: _____
Name: _____
Its: _____

(REPRESENTATIVE ACKNOWLEDGMENT)

State of Washington
County of _____

I certify that I know or have satisfactory evidence that _____
signed this instrument, on oath stated that (he/she/they) (was/were) authorized to execute the instrument and
acknowledged it as the _____ of the City of Stanwood. to be the free
and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this _____ day of _____, 202_.

(Seal or Stamp)

Signature of
Notary Public _____
Print Name: _____
Residing at: _____

My appointment expires _____