

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

1. Call to Order and Pledge of Allegiance

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

2. Roll Call

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

Also present: City Administrator Shawn Smith, Community Development Director Patricia Love, City Attorney Nikki Thompson, Fire Chief John Cermak, Police Chief Jason Toner, Associate Engineer Alan Lytton, City Planner Tansy Schroeder, and City Clerk Lisa Sokolik.

3. Approval of the Agenda

Mayor Roberts asked Council to amend the agenda by adding items 11f. Interwest Construction contract, 11g. Award Construction contract and 14. Executive Session.

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

4. Presentation

a. Sno-Isle Libraries Annual Update

Executive Director Lois Langer Thompson and Head Librarian Charles Pratt gave an update on Sno-Isle Libraries. A new Stanwood library is part of Sno-Isle Library's robust capital plan for the district, but there is no date yet. Sno-Isle Library is connecting the community by offering access to Wi-Fi, a warming, cooling, and clean air center, and popular in-person storytimes and programs.

b. Stanwood-Camano High School Update - Hunter Sparrow

Students participated in a diversity, equity, and inclusivity training. Girls basketball is headed to state in January. The girls tennis team is doing amazing, several players should be headed to state. The track team is doing awesome as well. FLBA will be going to state in Spokane. ASB is busy planning Prom, the theme is the roaring '20s based on the book The Great Gatsby.

5. Public Comments

Written Comment:

Jodie Johnson, Camano Island

Topic:

Overdevelopment in Stanwood causing overcrowding in Stanwood-Camano Schools.

Kathrine Velasco, Camano Island

Preserve our region's farmland, deny mega development.

Robin Carmichael, Stanwood

Opposed to the proposal by Dish Wireless to install equipment on water tower.

Verbal Comment:

John Farmer

Topic:

Would like to host Oktoberfest in Stanwood at the Legion to raise awareness for Veterans in need.

6. Staff / Department Reports

Comprehensive Plan and Municipal Code Projects Quarterly Report

7. Council Committee Reports

a. Economic Development Board Meeting Minutes – January 20, 2023

b. Finance Committee Meeting Minutes – March 23, 2023

c. Parks and Trails Advisory Committee Minutes – February 22, 2023

8. Consent Agenda

a. Approve Vouchers and Payroll Checks

b. Approve City Council Regular Meeting Minutes – March 23, 2023

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

9. Unfinished Business

10. Public Hearing

a. Six-Year Transportation Improvement Plan 2024-2029

i. Open Public Hearing

Mayor Roberts opened the public hearing at 7:25 pm to receive public comments.

City Administrator Smith explained that the Six-year Transportation Plan (TIP) must be adopted before July 1st of each year. It is a requirement for the city if applying for state or federal funding. The TIP is aligned with the Capital Improvement Plan, it can also be modified anytime during the year by holding a public hearing.

Public Comments via ZOOM:

Meagan Watne Would like council to consider adding a bridge across SR532 on 72nd Ave.

With no other public comments, Mayor Roberts closed the public hearing at 7:35 pm.

ii. Adopt Resolution 2023-05 City of Stanwood Six-Year TIP 2024-2029

Motion by Councilmember Metz, second by Councilmember Robb to adopt Resolution 2023-05 the City of Stanwood's Six-Year Transportation Improvement Plan 2024-2029.

*Roll call of votes was taken. **Motion carried unanimously.***

- b. Dish Wireless Lease Agreement
 - i. Open Public Hearing

Mayor Roberts opened the public hearing at 7:37 pm to receive public comments.

Community Development Director Love said this is a public hearing for the proposed lease agreement with Dish Wireless, i.e., not for the permit. The lease is a request by Dish Wireless to use the City's water tower to place their wireless communication facility on city-owned land. The purpose of this item is to review the terms of the lease agreement. Love explained to Council that the City cannot legally review or evaluate a project based on health concerns.

Love went over the highlights of the lease agreement:

- Non-exclusive lease agreement: the city can lease to other carriers.
- Dish is responsible for all installation and maintenance costs of their facilities.
- Term of lease is 25-years in 5-year intervals.
- Monthly rent amount is \$2,500 with an annual 3% rent inflator.
- Access to and from the site must be coordinated with Public Works staff.

The City Attorney has been working with the Dish Wireless Attorney on the legal terms of the agreement and they are in agreement with the terms.

If approved, staff will continue to process the permit application in accordance with the Stanwood Municipal Code. If denied, Dish Wireless can submit a new application for a different site and staff will process that permit application in accordance with the Stanwood Municipal Code.

Public Comments:

Meagen Watne – via Zoom Stanwood	Concern with the lease agreement maintenance language. She'd like the item to be tabled for more discussion.
Leslie Bradley, Dish Rep. Fife, WA	Is happy to bring cost effective wireless service to the citizens of Stanwood.
Callie Bolton, Dish Rep. Woodinville	Dish is currently the 4 th major wireless carrier. Dish is very excited to bring service to Stanwood. The water tank will offer the best service without having to erect multiple facilities, it will cover the residential and downtown areas.
Robin Carmichael Stanwood	Concerns about the lease.

Council Comments and Questions:

- Need clarification on what is being leased, the tank or the land? Love said both.
- Monthly rent of \$2,500 seems low.

- Term of lease is 25-years in 5-year intervals, what does that mean? City Attorney Thompson said that the City can terminate the lease after the second 5-year term with a one-year notice (must stay with the lease for 10-years at a minimum).
- Is there a fee to cancel the lease before the 25-years? Thompson said there's no fee.
- Looking at contracts from other cities who have lease agreements with Dish and/or other carries, the monthly fee is frequently at \$3,000 per month. How was the \$2,500 determined? Staff negotiated with Dish from their original proposal of \$1,500.
- Public Works had a concern that the lease may potentially affect future use of the site by the city if an expansion is needed, is this still a concern? City Administrator Smith said we built a new water tank on that site a few years ago. There is a limited amount of available space and Dish would use a small portion, so that will limit the future use on that site, but they will be in the corner and not in an area that will be that useful for the city to build anything.
- Are the antennas directional? Answer was yes.
- Dish did a good job submitting a paint sample of their equipment that will match the water tower. Who is responsible for maintaining the equipment if it's not related to faulty equipment, but aesthetic? Love said staff and the City Attorney can review the maintenance language.

With no other public comments, Mayor Roberts closed the public hearing at 8:10 pm.

ii. Authorize the Mayor to Sign a Lease Agreement with Dish Wireless

Motion by Councilmember Robb, second by Councilmember Schmitt to authorize the Mayor to sign a nonexclusive site lease agreement with Dish Wireless LLC. To allow installation and maintenance of a co-located wireless communications facility on the City's water tank located at 7620 278TH Place NW upon issuance of the appropriate wireless communication facilities permits.

Council Comments and Questions:

- Will the water ever be tested for the effects of having the equipment on the tank and who will be responsible for the testing? Love said that it is not in the lease to test the water for this issue. The water crew regularly test the water quality. The City does not have the legal authority to require environmental testing for this issue. Based on conversation at the Public Works Committee the level of emissions out of these facilities is much lower than out of other types of facilities. The Public Works Committee was reassured that it wouldn't affect our water.
- Preference is for the water tank to remain just a water tank.
- Would have liked for the coverage to be better in the downtown area.
- Dish does have competitive rates, so it would be a community benefit to bring in a 4th carrier.
- Concern that once one carrier goes on the tank, other carries will follow and soon the tank will be covered, the city's nice-looking tank will become an eyesore.
- Two of the top questions or complaints from citizens are 'what is being done about slow internet?' and 'what is being done about dropped calls?'.
- Concern over lease agreement language in section 3.1 Tenant's Permitted Use. Concern that the city would be giving permission for Dish (or other carriers) the right to cover the tank with their equipment.
- Lease amount of \$2,500 is on the low side.

Roll call of votes was taken.

Councilmember Gaumond – Yes
Councilmember Metz – Yes
Councilmember Robb – Yes
Councilmember Pearce – No
Councilmember Shepro – No
Councilmember Bergman – No
Councilmember Schmitt – No

Motion failed, 3 yeas and 4 nays.

11. New Business

a. Appointment of Salary Commission Members Sarah Oldow and Terrance Everett

*Motion by Councilmember Shepro, second by Councilmember Robb to approve Mayor Roberts' appointment of Sarah Oldow to serve as Salary Commissioner for a 3-year term ending February 2026." **Motion carried unanimously.***

*Motion by Councilmember Shepro, second by Councilmember Robb to approve Mayor Roberts' appointment of Terrance Everett to serve as Salary Commissioner for a 3-year term ending February 2026." **Motion carried unanimously.***

b. Accept the Downtown Park Name of Railroad Park

Community Development Director Love said with the cleanup site work completed, the next step for the downtown park includes formally naming the park. The Parks and Trails Advisory Committee has proposed Railroad Park as the name.

Council Comments and Questions:

- Since it is a historical site, the Historical Society suggested choosing a name with historic value such as Depot Park or East Stanwood Depot Park.
- Defer to the expertise of PTAC, since they have given the name Railroad Park much consideration and thought.
- With the park being a bookend of the Twin City Mile, a suggestion is East End Park or East Stanwood Park.
- Preference is for some sort of historic roots for the city.
- Need to spend more time on picking a name that will be around for the next one hundred years.
- What was the name of the service station at that corner? Busy Corner.

No action was taken. This item will go to council committees and PTAC for further discussion.

c. Authorize the Mayor to Sign a Contract Amendment with Mackenzie for the 2023 City Hall and Police Station Renovation

Community Development Director Love explained that this agreement includes design, permitting and construction of the City Hall and the Police Station renovations.

Motion by Councilmember Gaumond, second by Councilmember Metz to authorize the Mayor to sign the contract amendment, attached as exhibit A, with Mackenzie for the 2023 City Hall / Police Station Renovation project.

*Roll call of votes was taken. **Motion carried unanimously.***

d. Authorize the Mayor to Execute the Purchase of Property on 80th Ave for Sidewalk Installation

Associate Engineer Alan Lytton said the reason for the purchase of this property on 80th Ave is for the installation of sidewalk between 276th St and 279th St. The purchase price of \$20,000 was based off the appraisal of \$3.50 per sq ft.

Council Comments and Questions:

- Will this be sufficient ROW width to include planter strip and sidewalk? Lytton answered yes.
- A lot of people walk on 80th, with traffic continuing to go faster and faster, a sidewalk is very much needed.
- When will design be ready? Lytton answered that design is complete; the project will be ready to bid in two weeks.

*Motion by Councilmember Robb, second by Councilmember Pearce to authorize the Mayor to execute documents required to purchase approximately 5,700 square feet of property for \$20,000 to enable completion of Capital Improvement Plan project R-2. **Motion carried unanimously.***

e. Authorize the Mayor to Obtain Dedicated Right-of-Way on 92nd Ave from Twin City Lanes for Sidewalk Installation and Road Widening

Associate Engineer Alan Lytton said the reason for the purchase of this property is to complete the 92nd Ave sidewalk next to Twin City Lanes, which will connect to existing sidewalk on 271st and the Heritage Park Trail. Twin City Lanes has graciously offered to deed the property to the city in exchange for paving their parking lot.

Council Comments and Questions:

- The bowling alley has drainage coming down the side of the building, how will that affect the new sidewalk? Lytton answered that the drainage coming off the side of the building will be tied into a new drainage structure between the sidewalk and the street which will be collected into a pipe that will be sent to the city drainage system.

*Motion by Councilmember Metz, second by Councilmember Bergman execute documents required to obtain approximately 5,800 square feet or right-of-way from Twin City Lanes to enable completion of Capital Improvement Plan project S-9 in exchange for paving at approximate cost of \$30,000. **Motion carried unanimously.***

f. Authorize the Mayor to Sign a Contract with Interwest Construction, Inc. for the 78th Ave NW & 79th Dr. NW Sewer Replacement project

Associate Engineer Alan Lytton said these two sections of sewer main are failing, the lines will be replaced with PVC to correct current issues and to make it a longer lasting system. The City received nine bids for this project with very good numbers.

Council Comments and Questions:

- Why did the line fail if not replaced? Lytton answered that the line on 79th Dr is concrete and has tree root intrusion. The line on 78th Ave also has tree root intrusion and a settlement issue; the line has sunk into the ground creating bellies in the line preventing water to flow downhill.
- What is the nearest cross street? Lytton said it is by Saint Cecilia Church.

*Motion by Councilmember Pearce, second by Councilmember Robb to authorize the Mayor to sign a contract with Interwest Construction, Inc. for the 78th Ave NW & 79th Dr NW Sewer Replacement project for \$634,075.00 with a \$100,000 construction contingency. **Motion carried unanimously.***

g. Authorize the Mayor to Sign a Contract with Award Construction for the Bryant Well Treatment Facility HPF Media Replacement

Associate Engineer Alan Lytton said the city received two bids for this project, the low bidder was Award Construction. The water filter at the Bryant Well Treatment site has a media in it that absorbs particles and minerals from the well water that we don't want in our water system. The media in this filter has a life span of 10 to 15 years, the current filter was installed in 2007, so it is reaching the end of its life. The filter is 36 ft wide and 10 ft in diameter so there is quite a bit of work to replace it.

Council Comments and Questions:

- Why do we have construction contingency funds? Lytton said that the contingency is used for unknowns, e.g., unknown utilities or other unknown obstructions in the ground that take time and materials to get around or bypass, or if a bid is significantly lower than the second low bid, a contingency will cover anything the bid documents missed. For this project, this type of work is not typically done, so having a contingency will cover anything that was missed when designed.
- What happens if the contingency is not used? Lytton answered that the funds go back to the original fund.

*Motion by Councilmember Robb, second by Councilmember Pearce to authorize the Mayor to sign a contract with Award Construction Inc. to complete the Bryant Well Treatment Facility HPF Media Replacement project for \$314,685.63 with a \$31,468 construction contingency. **Motion carried unanimously.***

12. Public Closing Comments

Mike Carmichael, Stanwood

Thanked Council for their good discussion during the public hearing on the Dish Wireless Lease Agreement item.

Callie Bolton, Woodinville
Dish Wireless Rep

Dish Wireless Lease Agreement clarified some of the questions raised during the public hearing.

13. Executive/Legislative Reports

a. Mayor's Report

- Continuing to work with Strategies 360 to obtain funding for the Dike, a couple of announcements are forth coming in a week or two.
- Will be attending an all-day conference Moving Racial Equity Forward on April 28th.
- There are five bills left in the legislature for possible passage regarding public safety.

b. City Administrator Report

- Finance Director David Hammond is at the Washington Public Treasurer Association conference in Chelan. He received two awards for the City for policies that he wrote: Certification of Excellence for Investment Policy and Certification of Excellence for Debt Policy.

c. Councilmember Reports/Questions

- Councilmembers Metz, Robb and Bergman thanked Police Chief Toner for the Challenge Coin. Toner said the coin is a token of appreciation to all the councilmembers for their support from the police department. Giving a Challenge Coin is a military tradition, a lot of police stations have their own coin, but Stanwood Police Dept. has not had one. Police Records Specialist Emily Baumbach designed the Stanwood coin.
- Councilmember Shepro would like to see John Farmer bring Oktoberfest to Stanwood.
- Councilmember Schmitt reminded everyone that Clean Sweep, a favorite community event, is coming up and he thanked everyone who spoke tonight during the public hearings and public comments to let their opinion be known.

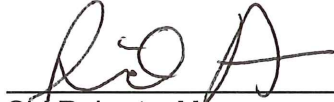
14. Recess to Executive Session

At 9:20 p.m., the Mayor, Council, City Administrator Smith, and City Attorney Thompson recessed to Executive Session for a 5-minute discussion on city litigation in accordance with RCW 42.30.110 (1)(i), no action was taken. The regular city council meeting reconvened at 9:24 p.m.

15. Adjourn

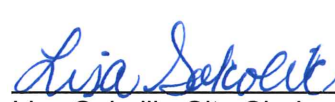
There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 9:24 p.m.

CITY OF STANWOOD



Sid Roberts, Mayor

ATTEST:



Lisa Sokolik, City Clerk