

CITY OF STANWOOD

Regular Meeting of the City Council

Thursday, April 8, 2009– 7:00 p.m.

Stanwood-Camano School District Administration Building Board Room

MINUTES

1. Call to Order and Pledge of Allegiance

Mayor Dianne W. White called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. Roll Call

City Clerk Melissa Collins called the roll with the following Councilmembers present: Bill Carlton, Timothy Loney, Arne Wennerberg, Leonard Kelley, Tim Pearce, and Conrad Ryer

Motion by Councilmember Wennerberg, second by Councilmember Loney to excuse Councilmember Andy Chappel. Motion carried unanimously.

Mayor White introduced Attorney Thom Graafstra from Grant Weed's office.

Also present: City Administrator Joyce Papke, City Clerk Melissa Collins, Finance Director Crystil Robinson, Public Works Director Andy Bullington, Community Development Director Rebecca Lind, Police Chief Ty Trenary, Deputy Fire Chief Darin Reid and City Attorney Thom Graafstra.

3. Staff Announcements

Public Works Director Andy Bullington explained to Council the new format for project closeouts.

Police Chief Ty Trenary announced an opportunity to allow an officer to use a motorcycle for a School Zone Safety Project and the Police Department has received a grant for implementing E-ticketing.

4. Citizen Comments

Shelley Klasse on behalf of the Chamber of Commerce announced that through donations from businesses the Fourth of July event will take place this year. They are working with non-profits to provide food, kid's games, and a stage for local

bands. They will be looking for volunteers for clean-up. Ms. Klasse responded to questions from Council. Mayor White and Councilmember Carlton thanked Ms. Klasse for her hard work on this project.

Scott Johnston, Stanwood Fire Department, spoke on behalf of the local bargaining unit. Captain Johnston commented about issues and concerns regarding vacant positions being filled by part-time employees.

5. Approval of the Agenda

Mayor White removed item E; Ordinance 1268 to bring back at later date and announced that there would be an executive session.

Motion by Councilmember Loney, second by Councilmember Kelley to approve the agenda as published with the exception of taking item E off the agenda. Motion carried unanimously.

6. Consent Agenda

- a. Approval of Payroll Checks and Vouchers
- b. Minutes of the February 25, 2010 Regular Meeting

Motion by Councilmember Kelley, second by Councilmember Loney to approve the consent agenda to include items a through b; voucher checks #15565 through #15787 in the amount of \$272,097.82; voided checks #15284 and #15710; Payroll checks warrant #17188 through #17274 in the amount of \$236,619.37; and voided checks #17189 and #17214. Motion carried unanimously.

7. New Business

- a. Appointment of Elizabeth Callaghan and Jeff Laycock to a two-year term on the Stanwood Planning Commission beginning April 2010 through December 2012

City Clerk Melissa Collins reported the City received four letters of interest for the two vacant Planning Commission positions. Community Development Director Rebecca Lind reviewed the letters and provided the Mayor with some considerations and summaries of their background. Mayor White is recommending the appointment of Elizabeth Callaghan and Jeff Laycock to serve on the Planning Commission for a two-year term.

Mayor White voiced her appreciation and thanked them both for stepping up and volunteering.

Motion by Councilmember Loney, second by Councilmember Wennerberg to confirm the appointment of Elizabeth Callaghan and Jeff Laycock to a two-year term on the Stanwood Planning Commission beginning April 2010 through December 2012. Motion carried unanimously.

- b. Authorize Mayor White to Sign all Contract Documents for Construction of City of Stanwood Utility Relocations on a Time & Material Basis Not to Exceed \$107,200 as outlined in the Agreement upon Review & Approval of the City Attorney

Director Bullington presented the staff report and stated that Washington Department of Transportation (WSDOT) is conducting substantial construction improvements throughout the Stanwood area this year and is now in the downtown area. WSDOT informed utility companies two years ago that they may have to do some relocation of existing infrastructure. The City worked with WSDOT to assimilate a list of known projects that would need to be done. Now that work is progressing, the City has a better understanding of options. Mr. Bullington presented three of those options to Council.

Councilmember Ryer stated the Public Works Committee recently met and recommends option 3, to obtain quotes from certified contractors that participate on the MRSC Small Works Roster to provide necessary services on a time and material basis. Mr. Bullington responded to questions from Council.

Motion by Councilmember Ryer, second by Councilmember Wennerberg to authorize Mayor White to sign all contract documents after review and approval of the City Attorney for construction of City of Stanwood utility relocations on a Time and Material basis not to exceed \$107,200.00 as outlined in the agreement. Motion carried unanimously.

- c. Ordinance 1265 Amending Stanwood Municipal Code Chapter 17.145.130 Sight Distance for Landscaping Adjacent to Public Rights-of-Way & Points of Access, Adopting Chapter 14.42 an Encroachment Permit Process and Amending Section 3.3 Fee Schedule

Community Development Director Rebecca Lind provided the staff report and stated that this is another amendment to clarify the existing code regarding a sight distance triangle standards, encroachment permit process, and the permit fee.

Councilmember Loney reported that the Community Development and Economic Development Committee met and had no problems with the sight distance section and recommends approval. They had significant questions regarding the encroachment section and had a discussion regarding a new

fee. The committee recommended a \$60.00 fee instead of the \$100.00 proposed fee.

Councilmember Carlton questioned how the ordinance would be enforced regarding encroachments. Ms. Lind stated that all enforcement would be on a complaint basis, or if staff notices hazardous conditions the code enforcement officer would respond.

City Attorney Graafstra clarified the RCW regarding grandfathering of existing structures.

A discussion ensued amongst the Mayor and Council.

Motion by Councilmember Loney, second by Councilmember Kelley to adopt Ordinance 1265 Amending Stanwood Municipal Code Chapter 17.145.130 Sight Distance for Landscaping Adjacent to Public Rights-of-Way & Points of Access, Adopting Chapter 14.42 an Encroachment Permit Process and Amending Title 3 Revenue and Finance, Chapter 3.30 Fee Schedule, Section 3.30.060 Other Fees to read "Encroachment permit \$60.00 plus consulting fees for engineering and legal review.

Motion by Councilmember Carlton to refer it back to Committee and ask the Committee to consider the implications to existing encroachments and how it might be best to deal with them.

Since there was a motion that had been seconded on the floor, City Attorney Graafstra said that a pre-emptive motion can be made to table.

Motion by Councilmember Carlton, second by Councilmember Wennerberg to table. Motion carried unanimously.

- d. Ordinance 1266 Establishing the Preliminary Plat Approval Period and the Final Plat Vesting Period as Seven Years until 2014 Consistent with SSB 6544, Amending Extension of Time Period Provisions, Amending the Fee Schedule and Adopting Criteria for Determining when a Minor Plat Amendment may be Approved Administratively.

Director Lind provided the staff report and reported the amendments address the section of the subdivision regulations that control how long a preliminary plat is in effect before a final plat must be filed and control how long lots within a final plat are vested to zoning. The proposed amendments are to resolve inconsistencies in existing codes and to update the code to be consistent with new State requirements.

Councilmember Loney stated the Planning and Economic Development Committee reviewed and discussed the ordinance and recommended it be adopted.

Motion by Councilmember Loney, second by Councilmember Kelley to adopt Ordinance 1266 establishing the preliminary plat approval period and the final plat vesting period as seven years until 2014 consistent with SSB 6544, amending extension of time period provisions, amending the fee schedule and adopting criteria for determining when a minor plat amendment may be approved administratively. Motion carried unanimously.

- e. Item E was struck from Agenda.
- f. Ordinance 1269 Amending Section 5.01.040 of the Stanwood Municipal Code Increasing Cable Television Utility Tax to 6%

Finance Director Crystil Robinson provided the staff report. She stated that at the March 25, 2010 workshop Council authorized staff to bring back the ordinance increasing cable television tax to 6%. She said there is no RCW on raising utility taxes. Ms. Robinson and City Administrator Joyce Papke answered questions from Council regarding a 2008 AWC Survey regarding franchise and utility taxes in other cities.

A discussion ensued among Council and staff regarding franchise fees for utilities. City Attorney Graafstra provided a brief history on franchise fees and what utilities can be charged a fee.

Motion by Councilmember Kelley, second by Councilmember Ryer to adopt Ordinance 1269 amending Section 5.01.040 of the Stanwood Municipal Code increasing cable television utility tax to 6%.

Carlton: No; Loney: No; Wennerberg: No; Kelley: Yes; Pearce: No; Ryer: Yes. Motion failed 4-2.

- g. Ordinance 1270 Formally Establishing an Organization for Emergency Management within the City of Stanwood

City Administrator Papke asked for clarification on resolutions coming forward at the next meeting regarding an EMS levy.

Ms. Papke provided the staff report. She stated the City is required by RCW to have an emergency management organization within the City and the City currently participates with Snohomish County with an informal organization within the City. Grant funds are available from the Department of Homeland Security and one of the requirements of the grant is that each agency must formally establish its own emergency management organization.

Ms. Papke said to be eligible for the 2010 funding, the Ordinance must be adopted as soon as possible.

Discussion ensued regarding emergency management officials. Ms. Papke responded to questions from Council. It was decided that the Director of Emergency Services should be changed to the Mayor or designee.

Motion by Councilmember Loney, second by Councilmember Wennerberg to adopt Ordinance No. 1270, formally establishing an organization for emergency management within the City of Stanwood with the amendment of the director of emergency services being the Mayor or designee.

Motion carried unanimously.

h. Scope of Work for Jack Lyons

Ms. Papke stated that the second phase of full contracting with the fire district is about to begin. She presented to Council the contract scope of work for Jack Lyons and stated since this is a small administrative contract it can be handled by staff.

Councilmember Wennerberg and Councilmember Kelley requested that they be given more time to review the scope of work. It was decided to bring it back to Council at a special meeting on April 22, 2010 at 6:00 p.m. prior to the regularly scheduled City Council meeting.

8. Report of Officers and Committees

a. Mayor's Report

Mayor White reported on the following:

- Recently attended a town hall meeting in Mount Vernon
- Attended Community Transit Board Meeting and reported one of the commuter bus routes for Stanwood has been saved
- Recently attended the Stanwood Chamber of Commerce luncheon
- Upcoming breakfast with Representative John Koster
- Reminded everyone that Hoops for Davis is at 5:00 p.m. on Saturday

b. Committee Reports

There were no committee reports.

c. Councilmember Reports/Questions

Councilmember Pearce reported that they discussed at the last Economic Development Committee meeting the idea of having Council direct the Committee to look at the economic plan and seek some direction to bring back to Council so they can get moving in that direction.

Motion by Councilmember Pearce, second by Councilmember Loney, for Council to direct the economic development committee to take some time to study the economic development plan with the purpose of advising council on direction and action and how to best proceed with this plan. Motion carried unanimously.

Councilmember Kelley inquired about the status of meeting with the Fire staff that was discussed at a Public Safety Committee meeting six weeks ago. Ms. Papke responded to his questions. A discussion ensued regarding what would be covered in the meeting. It was decided a round table workshop with fire fighters, fire administration, Council, and City staff would be held on April 19, 2010 at 7:00 p.m. at the Stanwood Fire Station.

Councilmember Loney reported that he was invited to be on the AWC Resolutions Committee and he recently received a phone call from a citizen asking for an update on the Shoreline Management Plan.

d. City Administrator Business

There was no City Administrator Report.

e. Student Advisor Report

There was no Student Advisor Report.

9. Citizens Closing Comments

Les Anderson, 27201 102nd Dr NW

Mr. Anderson asked questions regarding Ordinance 1270. Mayor White, Council and staff responded to his questions.

10. Adjourn to Executive Session

Mayor White adjourned the meeting to Executive Session at 8:55 p.m. for one hour to discuss five items; one regarding pending litigation, one potential litigation, two property acquisition and one collective bargaining with one item with action required.

11. Reconvene and Adjourn

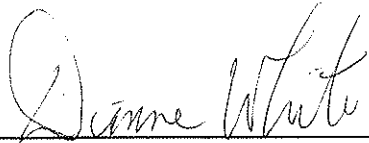
The meeting reconvened at 10:05 p.m.

Motion by Councilmember Carlton, second by Councilmember Loney to authorize the sale and conveyance to WDOT of a portion of parcel 1-22804 commonly known as a portion of City Hall parking lot and authorize the Mayor to sign the quit claim deed and temporary construction easement for a total compensation to the city of \$11,625.00. Motion carried unanimously.

There being no further business before the Council, Mayor White declared the meeting adjourned at 10:06 p.m.

CITY OF STANWOOD

ATTEST:



Dianne W. White, Mayor



Melissa A. Collins, City Clerk