



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 7c
DATE: November 21, 2016
SUBJECT: City Council November 10, 2016 Regular Meeting Minutes
CONTACT PERSON: Patricia Myrdal, Deputy City Clerk
ATTACHMENTS: A – Council Regular Meeting Minutes

SUMMARY STATEMENT

Minutes of the November 10, 2016 Regular City Council Meeting are attached.

RECOMMENDED ACTION

I MOVE TO APPROVE THE MINUTES OF THE NOVEMBER 10, 2016 REGULAR COUNCIL MEETING AS PRESENTED.

CITY OF STANWOOD
Regular Meeting of the City Council
Thursday, November 10, 2016 – 7:00 p.m.
Stanwood Camano School District Administration Board Room
MINUTES

1. Call to Order and Pledge of Allegiance

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

2. Roll Call

Clerk Devin Tokizawa called the roll with the following Councilmembers present: Rob Johnson, Arne Wennerberg, Larry Sather, Conrad Ryer, and Dottie Gorsuch.

Also present: City Administrator Deborah Knight, Interim Finance Director Wendy Dowhower, Public Works Director Kevin Hushagen, Fire Chief John Cermak, Police Chief Norm Link, City Attorney Grant Weed, and Clerk Devin Tokizawa

Motion by Councilmember Sather, second by Councilmember Wennerberg to excuse Councilmembers Callaghan and Pearce. Motion carried unanimously.

3. Presentation

a. Business Spotlight – Clean Spot Car Wash

Mayor Kelley presented a certificate of recognition to Scott Thomas who took over ownership of the car wash in 2013. Mayor Kelley said that Mr. Thomas renovated and repaired the car wash to its present condition and thanked him for his commitment to the community by providing space for local fundraisers.

4. Staff Reports

- a. Minutes of the October 10, 2016 Planning Commission Meeting
- b. Minutes of the October 20, 2016 Economic Development Board Meeting
- c. Community Development Report
- d. Art by the Bay Contract and Tourism Promotion Grant Funding

5. Committee Reports

- a. Finance

6. Citizen Comments

Cathy Wooten 27828 84th Avenue NW, Stanwood, Washington

Ms. Wooten expressed concern about the permit application for the proposed septage treatment facility. She pointed out that council has a copy of the letter she submitted to them last week on how the proposed facility would impact the city's wastewater

Stanwood City Council Meeting Minutes-November 10, 2016

treatment plant and the potential for offensive odor. She acknowledged that the permitting process and other regulatory items have to be considered but stated that Cedar Grove Composting went through the regulatory process and complied with requirements yet there have been years of odor so considerable that residents cannot use their backyards. Ms. Wooten referenced EPA Guide Chapter 12 pertaining to odors citing "septage has an offensive odor and can release odors that can cause complaints by local residents. Whenever possible it should be isolated from residential areas". She pointed out that the term "should" does not mean must and said that these issues need to be looked into prior to approving the proposed facility because, although over 17,000 complaints were filed against Cedar Grove Composting, they were futile since the facility is built and in operation. Ms. Wooten related that Stanwood could have an identical issue and asked council to safeguard the quality of life in Stanwood and to protect restaurants and local businesses.

Lynn Wilson 8023 Olympic View Place, Stanwood, Washington

Ms. Wilson stated that she supports Ms. Wooten's concerns regarding the proposed septage facility including potential odors and pointed out that it is located within two blocks of this meeting room as well as close proximity to local restaurants with outdoor eating. Ms. Wilson expressed concern that:

- the proposed facility would be located in the floodplain
- a large number of trucks would enter and leave the facility each day
- the facility would emit offensive odors

Ms. Wilson stated that she does not want to look at the facility, smell it, or live in a community that would build this type of facility close to residential areas.

Michael Wooten 27828 84th Avenue NW, Stanwood, Washington

Mr. Wooten voiced opposition to the proposed septage treatment plant. He noted that after years of trying to encourage a lively, vibrant city with many hours of community involvement including Design Stanwood it seems as though the city is willing to throw Stanwood under the bus regarding this facility. He said he cannot believe the city is considering permitting a septage facility in the heart of the community and asked council to say no this venture.

Chris Voelckers 25511 95th Avenue NW, Stanwood, Washington

Mr. Voelckers said he is speaking for himself and his neighbors because they are impacted by the decision to put a motorized boat launch rather than the non-motorized boat launch initially planned. He noted that he should have attended the meeting when the decision made but it was made very quickly with a 3 to 1 vote. Mr. Voelckers expressed concern that the impact of a motorized boat launch on traffic, dykes, and the surrounding neighborhood was not considered and mentioned that there was no notice given to those affected by the decision. He stated he would like council to be aware that there are many who want to be informed of lifestyle issues prior to decisions being made.

Stanwood City Council Meeting Minutes-November 10, 2016

Nance Kastner 28201 80th Avenue NW, Stanwood, Washington

Ms. Kastner stated that she would like to add her voice to those speaking before her regarding the septage sewer treatment facility. She said she objects strenuously to having a large toilet in downtown Stanwood.

Denise Ashido 8821 Viking Way, Stanwood, Washington

Ms. Ashido remarked that her business would be severely impacted by this horrible septage receiving plant and she cannot conceive why the city is considering putting this in the heart of Stanwood. Ms. Ashido commented that she realizes the proposed facility will generate revenue but said that the city needs to find other means of revenue.

7. Approval of the Agenda

Motion by Councilmember Sather, second by Councilmember Ryer, to approve the agenda as amended to add Item 14 Closed Session for Labor Negotiations. Motion carried unanimously.

8. Consent Agenda

- a. Authorize the mayor to sign Perteet Supplemental Agreement 6 – 90th Avenue/Viking Way Project Noise Study
- b. Approve ROW 68th Avenue Safe Routes to School
- c. Affirm Stanwood Parks and Trails Advisory Committee Appointments
- d. Approve City City Hardship Assistance Program Funding Authorization-TIB Grant
- e. Approve Art by the Bay Special Event Permit/City Contribution-July 9th and 10th
- f. Approve Voucher and Payroll Checks
- g. Adopt Resolution 2016-28 Non-Motorized Transportation Plan
- h. Adopt Resolution 2016-24 Water Use Efficiency Program
- i. Approve October 27, 2016 Regular Meeting Minutes
- j. Adopt Ordinance 1431 Drainage Utility Rates
- k. Adopt Ordinance 1434 Amend Chapter 14.04 Uniform Codes
- l. Authorize the mayor to sign Site Development Associates contract – Irvine Slough Stormwater Separation Project

Motion by Sather, second by Councilmember Johnson, to approve the consent agenda items a through d. Johnson – yes, Wennerberg – no, Sather – yes, Ryer – yes, Gorsuch – yes. Motion carried.

9. Public Hearing

- a. To Hear Public Testimony regarding Public Utility Tax/B&O Tax

Mayor Kelley opened the Public Hearing.

City Administrator Deborah Knight related that the purpose of this ordinance is to levy State Public Utility and B&O Taxes. She explained that the city currently pays

Stanwood City Council Meeting Minutes-November 10, 2016

these taxes from existing utility revenues at a rate of 5.029 for water (Public Utility Tax), 3.852 for sewer (Public Utility Tax), and 1.5 for drainage (B&O Tax). Administrator Knight said the revenue received by ratepayers is sufficient for operating expenses but there is not enough money to support capital improvements. She stated that during the budget process several options were reviewed and council chose to reduce expenses as much as possible and to pass these taxes directly to ratepayers. Ms. Knight commented that the tax would become effective on utility bills beginning January 1st.

There being no public comment, Mayor Kelley closed the public hearing.

i. Ordinance 1436 Public Utility Tax/B&O Tax – First Reading

Motion by Councilmember Sather, second by Councilmember Johnson, to have first reading of Ordinance 1436 amending Stanwood Municipal Code Chapter 5.01 entitled "Utility Tax", Section 5.01.040 entitled "Businesses and Utilities Subject to Utility tax Amount" relating to levying State Public Utility Tax and State Business and Occupation Tax. Johnson – yes, Wennerberg – no, Sather – yes, Ryer – yes, Gorsuch – yes. Motion carried.

10. Old Business

a. Ordinance 1419 Title 17 Zoning Code Amendment Procedures – First Reading

Community Development Director Ryan Larsen related that this issue came before council in June and was pulled from the agenda at the request of council to allow time for all councilmembers to review it. Director Larsen stated that the Planning Commission recommended the changes in the ordinance and noted that all of council has reviewed the ordinance since June. He reviewed the changes proposed in the ordinance noting that two new chapters have been created that include procedures and land use review process as well as aligning all sections with the proposed changes.

Council Discussion

Council thanked Director Larsen for taking the time to review the ordinance with them.

Motion by Councilmember Sather, second by Councilmember Ryer, to approve First Reading of Ordinance 1419 as set forth in Attachment "A" by amending Title 15, Title 16, and Title 17 for the land use review process. Motion carried unanimously.

b. Ordinance 1429 Property Tax Levy 2017 and Ordinance 1430 EMS Levy 2017-Second Reading/Final Adoption

City Administrator Deborah Knight explained that part of the budget process is to pass a property tax and EMS levy before November 30th in order to provide Snohomish County with the levy certifications as required by state law. She said the property tax levy includes:

- an existing lev rate of 2.3 million
- a 1% increase as allowed by state law

Stanwood City Council Meeting Minutes-November 10, 2016

- \$23,000 in taxes from new construction
- \$ 55,000 from the levy lid lift approved by voters

She explained the EMS levy total of \$385,600 is based on similar factors as the property tax levy including a 1% increase as allowed by state law and pointed out that the purpose of the EMS levy is to help underwrite the cost of fire and emergency medical services to the community.

Council Discussion

Council thanked staff for effort put into budget process to complete it.

City Attorney Grant Weed pointed out that there should be a separate motion for each ordinance.

Motion by Councilmember Sather, second by Councilmember Gorsuch, to have second reading of Ordinance 1429, an ordinance of the City of Stanwood levying taxes upon all property subject to taxation within the corporate limits of the City of Stanwood, Washington for the year 2017. Motion carried unanimously.

Motion by Councilmember Sather, second by Councilmember Johnson, to have second reading of Ordinance 1430, an ordinance of the City of Stanwood levying taxes for emergency medical services upon all property subject to taxation within the corporate limits of the City of Stanwood, Washington for the year 2017. Motion carried unanimously.

A point of order was raised by council regarding whether or not the motion should have included second reading and final adoption of the ordinance. City Attorney Weed responded that by having second reading it would also include final adoption but for clarification he recommended amending the motion to include "final adoption".

Motion by Councilmember Sather, second by Councilmember Johnson, to amend the motion to read as follows: I move to have second reading and final adoption of Ordinance 1430, an ordinance of the City of Stanwood levying taxes for emergency medical services upon all property subject to taxation within the corporate limits of the City of Stanwood, Washington for the year 2017. Motion carried unanimously.

c. Ordinance 1433 Capital Improvement Plan 2017-2022 – First Reading

Public Work Director Kevin Hushagen said the Planning Commission held a public hearing on this issue and the Finance Committee reviewed it as well. He stated that the Public Works Committee reviewed it this week and mentioned that a handout was given to council clarifying questions the committee had.

Council Discussion

Council commented that there was still a question of whether or not the proposed air conditioning installation at city hall should be pulled from the CIP.

Motion by Councilmember Sather, second by Councilmember Johnson, to approve the first reading of Ordinance 1433 as set forth in Attachment "A" by accepting the proposed

Stanwood City Council Meeting Minutes-November 10, 2016

list of capital improvements for the 2017-2022 Capital Improvement Plan (CIP) and to amend the Comprehensive Plan (Table CF-20) reflecting the updated CIP and to allow for any final adjustments to the CIP prior to second reading. Johnson – yes, Wennerberg – no, Sather – yes, Ryer – yes, Gorsuch – yes. Motion carried.

11. New Business

a. Resolution 2016-25 Docket 2016-2017 Comprehensive Plan

Community Director Ryan Larsen stated the proposed resolution establishes the 2016-2017 Comprehensive Docket. He explained the City accepts amendments to the proposed comprehensive plan until August 31st of each year and noted that none were received from the public but during the comprehensive plan update a letter was received from Puget Sound Regional Council (PRSC) granting a conditional certification because the city was short 238 housing units on its plan. He explained that the resolution addresses this condition and pointed out that the city has identified property that can be rezoned which will add 55 units. He said the Planning Commission held a public hearing on this issue and recommend passing the resolution. Director Larsen pointed out that if the housing condition is not met, PSRC can deny the comprehensive plan which would make the city ineligible for grants.

Motion by councilmember Sather, second by Councilmember Wennerberg to approve the Resolution 2016-25 establishing the 2016-2017 Comprehensive Plan Docket as identified in Attachment D. Motion carried unanimously.

12. Reports of Officers and Committees

a. Mayor's Report

Mayor Kelley, in response to citizen comments, advised citizens that the proposed project goes before the hearing examiner rather than being approved by vote of council, and requested those interested to contact Community Development Director Larsen for the date and time of the meeting. He requested Mr. Voelckers leave his contact information so that he can update him on the status of the project.

Mayor Kelley reported the last meeting of Snohomish County Cities is next week and encouraged council to attend.

b. City Administrator's Report

City Administrator Deborah Knight reported Wendy Dowhower is now the city's Interim Finance Director and the new employees, Reina Barber and Krista Hintz, have hit the ground running.

c. Student Advisor's Report

There was no student advisor's report.

Stanwood City Council Meeting Minutes-November 10, 2016

d. Councilmember Reports/Questions

Council asked if Councilmembers Pearce and Callaghan should be excused. Mayor Kelley advised that they were excused at roll call. City Attorney Weed recommended council make a motion to excuse them.

Motion by Councilmember Sather, second by Councilmember Wennerberg, to excuse Councilmembers Pearce and Callaghan. Motion carried unanimously.

Council commented on the large number of items on the consent agenda noting that two items were not even reviewed by the Public Works Committee Meeting. City Administrator Knight asked which items should not have been included on the consent agenda. Councilmember Wennerberg responded the first two items since the agenda was prepared and distributed prior to the Monday meeting of the committee. He also responded that the SDA contract should not have been on the consent agenda. City Administrator Knight thanked him for his input.

13. Citizen Closing Comments

Cathy Wooten 27828 84th Avenue NW, Stanwood, Washington

Ms. Wooten thanked the mayor for clarification that council does not vote on certain projects. She advised council to be aware of what goes on in the city so that they can raise questions about issues in the city and stated that is why citizens brought this to the attention of council.

Michael Wooten 27828 84th Avenue NW, Stanwood, Washington

Mr. Wooten encouraged council to pay close attention and do what they believe is right for the city. He advised council to canvas downtown businesses to ask what their feelings are about the proposed facility.

Carl Nystrom 27829 Pioneer Highway, Stanwood, Washington

Mr. Nystrom stated he was recently informed by a veteran who did tours in Iran and Iraq that he grew heroin under the instruction of the government. Mr. Nystrom said heroin kills people while medical marijuana does not. Mr. Nystrom mentioned water runoff on 86th Street NW which he believes will create black ice issues this winter.

Nancy Voelckers 25519 95th Avenue NW, Stanwood, Washington

Ms. Voelckers asked for an explanation of the process to rezone property for housing as discussed under the comprehensive plan earlier.

Mayor Kelley asked for her contact information so that her question can be answered.

Unidentified Citizen

The citizen commented that it appears to those in the audience that issues slide through without much discussion. He said he appreciates council's efforts but would like to see more time taken to review issues.

Stanwood City Council Meeting Minutes-November 10, 2016

14. Adjourn

There being no further business before the council, Mayor Kelley adjourned the meeting at 7:50 p.m.

CITY OF STANWOOD

ATTEST:

Leonard Kelley, Mayor

Patricia Myrdal, Deputy Clerk

This Page Intentionally Left Blank