



# Minutes of the Arlington City Council Zoom Meeting

Monday, June 21, 2021

**Councilmembers Present:** Mike Hopson, Michele Blythe, Jan Schuette, Marilyn Oertle, Jesica Stickles, Debora Nelson, and Don Vanney.

**Council Members Absent:** None.

**Staff Present:** Mayor Barb Tolbert, Paul Ellis, Kristin Garcia, James Kelly, Dave Kraski, Marc Hayes, City Attorney Steve Peiffle, Tony Orr, Bryan Terry, and Ashleigh Scott

**Also Known to be Present:** (55) Fifty-Five YouTube viewers, Scott Frank from the State Auditor's Office, Melissa Johnson from Keller Williams Real Estate, Michael Hjermstad from the State Auditor's Office, Leah Glazener from the State Auditor's Office and Erin Laska from the State Auditor's Office.

Mayor Barb Tolbert called the meeting to order at 7:00 p.m., and the Pledge of Allegiance and roll call followed.

## **APPROVAL OF THE AGENDA**

Mayor Pro Tem Jesica Stickles moved to approve the agenda as presented. Councilmember Marilyn Oertle seconded the motion, which passed with a unanimous vote.

## **INTRODUCTION OF SPECIAL GUESTS AND PRESENTATIONS**

None.

## **PROCLAMATIONS**

None.

## **PUBLIC COMMENT**

None.

## **CONSENT AGENDA**

Mayor Pro Tem Jesica Stickles moved and Councilmember Marilyn Oertle seconded the motion to approve the Consent Agenda that was unanimously carried:

1. Minutes of the June 7 and June 14, 2021 Council meetings
2. Accounts Payable:  
Approval of EFT Payments and Claims Checks #102976 through #103097 dated June 8, 2021 through June 21, 2021 for \$1,475,418.68; and Approval of Payroll EFT Payments and Checks #30087 through #30096 dated May 1, 2021 through May 31, 2021 for \$1,494,470.64
3. RFA Annexation Agreements

4. Right of Way Dedication for 168<sup>th</sup> Street for Outpost at Smokey Point
5. Right of Way Dedication for 168<sup>th</sup> Street for 5J Williams Family, LLC

**PUBLIC HEARING**

**State Auditor's Office IT Security Audit Results**

IT Director Bryan Terry introduced staff from the State Auditor's Office that included Director of IT Scott Frank, Michael Hjermsstad, Leah Glazener and Erin Laska. The City of Arlington Information Technology department took part in a voluntary Cybersecurity Audit from the Washington State Auditor's office. RCW 43.09.470 requires that the City Council consider the findings of the audit and schedule a public hearing to receive comments from the public.

The public hearing was opened at 7:03 p.m. Michael Hjermsstad reviewed the results from the IT Security Audit and answered Council questions. The public hearing concluded at 7:17 p.m. No action was taken.

**NEW BUSINESS**

**Purchase and Sale Agreement for 504 North Olympic Avenue**

City Administrator Paul Ellis reviewed the purchase and sale agreement for the Division Street and Olympic Avenue property.

The City received a purchase and sale agreement for the City owned property at the corner of Division and Olympic. It is a cash offer of \$365,000, and includes \$10,000 in earnest money. The property is expected to close 45 days after permits are issued. The purchaser will work with the Community and Economic Development Department on design elements that meet the intent of the Downtown Corridor Plan.

The City purchased the property at 504 North Olympic Avenue in 2006 to provide additional parking and construction area during the North Olympic Project. In the past, the property has been used as public parking and a coffee stand with a month to month use agreement, with City Council surplusing the property December 11, 2017. As part of the Downtown Corridor Plan, Western Washington identified a mixed use concept as the highest and best use for that lot.

Councilmember Jan Schuette moved and Councilmember Marilyn Oertle seconded the motion to approve the purchase and sale agreement for the City property located at 504 North Olympic Avenue, and authorize the Mayor to sign the documents, subject to final review by the City Attorney. The motion passed unanimously.

**Concession Agreement with Arlington Community Food Bank**

City Administrator Paul Ellis reviewed the concession license for Haller Park.

The Arlington Community Food Bank has requested use of the concession area at Haller Park as a fundraiser for the food bank. They have asked that a license fee be waived. In 2019, the awarded licensee paid ten percent of gross monthly sales to the City. Staff recommends awarding a license agreement to the Arlington Community Food Bank for a period of July 1, 2021-November 1, 2021, and to waive a license fee for the non-profit community food bank. The City will be required to pay leasehold excise tax for allowing the use of public property

in an estimated amount of \$500. As currently written in the agreement, the City and not the Food Bank would be paying this tax.

Haller Park has a concession area built in to the restroom building. The public would benefit from having onsite refreshments at the park. Grocery Outlet had the Concession License in 2019, and paid the City \$4,163, and contributed an equivalent amount to the Arlington Community Food Bank. Grocery Outlet owner, Mike Simpson, has asked to consider the food bank request for the 2021 license.

Councilmember Marilyn Oertle moved and Councilmember Debora Nelson seconded the motion to approve the Concession License agreement with the Arlington Community Food Bank, and waive the concession license fee. The motion passed unanimously.

**Public Right of Way Purchase for 40<sup>th</sup> Ave Intersection Project**

Public Works Director James Kelly reviewed the 40<sup>th</sup>/SR-531 Intersection right of way property purchase.

The City of Arlington has been engaged in the 40th Ave Intersection project (Project I-13) and is at the point where a right of way (ROW) needs to be purchased for the installation of signals and the installation of bus pullouts at the NW and SE corners. The City contracted with Universal Field Services for appraisal and procurement of the SE and SW ROW needs, the City contracted directly with property owners for the NW and NE corners. A summary of the ROW costs are below:

Property	ROW/TCE
NW Corner	\$ 41,800.00
SW Corner	\$ 20,800.00
SE Corner	\$ 44,300.00
NE Corner	\$ 4,427.00
Total Est. ROW Acquisition Cost	\$111,327.00
Negotiation Expense to date	\$ 9,192.42
Project ROW Budget	\$ 100,000.00
Remaining ROW Budget	\$ (20,519.42)

Councilmember Jan Schuette moved and Councilmember Debora Nelson seconded the motion to authorize the Mayor to sign the Right of Way and Temporary Construction Easement purchase agreements for the four corner properties at the 40<sup>th</sup> Ave. and the 172<sup>nd</sup> intersection, subject to final review by the City Attorney. The motion passed unanimously.

**Station 48 Furnishings**

Fire Chief Dave Kraski reviewed the Fire Station 48 furnishings.

Furnishings are needed for all areas of Fire Station 48, including sleeping, dining, classroom, office, and general work stations. Washington State Correctional Industries is the vendor for most of the products. Corrections Industry supplies office and institutional furnishing are under a state contract, and do not require competitive bidding. Space needs and furnishing are currently being programed. Furnishings must be ordered soon to meet the opening of

the facility in October. COVID caused problems with the supply chain, and complicated additional lead time for many items. Fire Station 48 began construction in September of 2020, and will be completed in September of 2021. Crews will be operating out of the facility by October 1.

Councilmember Marilyn Oertle moved and Councilmember Jan Schuette seconded the motion to approve the purchase of furnishings for Fire Station 48, for a total sum, not exceed \$60,000. The motion passed unanimously.

### **Appointment of Melissa Johnson to Planning Commission**

Community and Economic Development Director Marc Hayes reviewed the Planning Commission appointment for Melissa Johnson.

With the departure of Jan Berg in April 2021, there exists a vacant position in the Planning Commission. With no applicants available to interview for the Planning Commission vacancy, Community and Economic Development (CED) reached out to Ms. Johnson and asked if she would be interested in serving on Planning Commission again, and she responded that she would like to do so. Melissa served on the Planning Commission for a short period of time in 2019, and was quite involved during that time, understands how the Planning Commission functions, and would like to resume her involvement in the Arlington community by serving as a Planning Commissioner.

Ms. Johnson has been involved in commercial real estate for over 15 years, with experience in market analysis, acquisitions and strategic planning, and staff believes she will be a great contribution to both Planning Commission and the Arlington community.

Mayor Pro Tem Jesica Stickle moved and Councilmember Marilyn Oertle seconded to confirm the appointment of Melissa Johnson to the Planning Commission. The motion passed unanimously.

### **Purchase and Sale Agreement of York Property**

Community and Economic Development Director Marc Hayes reviewed the proposed sale of the surplus York Property.

Consideration of the proposed Purchase and Sale Agreement, related to the city owned parcel, APN: #0047250000806, aka, the "York Property", located at 3209 180th St. NE. The subject parcel is 0.56 Acre, and there exists a dilapidated single family residence and an accessory pole construction building upon the property. The current Purchase and Sale Agreement, includes provisions to construct three duplex units upon the property, addressing both the need for "missing middle" housing, while keeping in scale with the existing residential neighborhood. The type of housing being proposed (duplexes), addresses the concerns that were expressed in previous offers to purchase, where the intent was to construct multifamily style of housing (apartments). This current proposal retains the neighborhood character, while generating funds to be utilized for the purchase of park property for the development of the planned Community Park in Smokey Point.

This parcel was part of four parcels acquired in 2000 from Doris York. The westerly three parcels were developed as a neighborhood park. The owner's residence and pole building

existed upon the subject parcel, and remained as such with hopes to repurpose the structure for some type of community use, but the economics of bringing the structure up to building code and ADA accessibility were not feasible. Over the next 17 years the buildings fell into greater disrepair and in 2017, with the recommendation of the PARC Commission, the City Council voted to surplus the property and apply the proceeds from the sale to purchase property in Smokey Point, in order to construct a Community Park. Controversy ensued over the proposed rezone to Residential High Density along with the building type that was being proposed, so the sale of the property did not occur. The surrounding neighborhood has been rezoned to Residential Moderate Capacity (RMod), so the required rezone of the subject property from Public/Semi-Public to RMod will be in alignment with adjacent zoning and the existing housing types.

Mayor Pro Tem Jessica Stickles moved and Councilmember Michele Blythe seconded the motion to table this item for further discussion until the June 28, 2021 Council workshop. The motion passed 5-2, with Councilmember Marilyn Oertle and Councilmember Jan Schuette voting no.

**Public Right of Way Purchase for 168<sup>th</sup> Street and 51<sup>st</sup> Avenue Roadway Improvements**  
Community and Economic Development Director Marc Hayes reviewed the purchase of property from National Food for Public Right of Way purposes.

The City approached Mr. Brian Bookey, President of National Food, regarding the purchase of two strips of land for the subject improvements. The City offered \$8.75 S.F. for the purchase. Mr. Bookey's comparable land values came back at \$14.00 S.F., based on recent sales in the area, but he is willing to settle at a midpoint price of \$11.00 S.F. to help expedite the process and allow the City to purchase the property before the July 1, 2021 deadline, as established in the Development Agreement with Panattoni Development, in order for the improvements to be constructed by Panattoni.

The purchase price for the 8,910 Square Feet of required property, for Right of Way purposes will be \$98,010.00. This purchase cost will be paid out of monies that exist in the City's Growth Fund attributed to Traffic Impact Fees, paid by current development. Because negotiations were still in process at the time of this CAB submittal, a copy of the Purchase and Sale Agreement was not available as of yet, but a copy of the Purchase and Sale agreement will be provided as soon as it is executed. CED is requesting that this purchase be approved at the June 21st, City Council meeting, in order to control the Right of Way before July 1, 2021.

As agreed upon in the Development Agreement with Panattoni Development, Panattoni will construct 168th St. NE, in its entirety, between 43rd Ave. and 51st Ave., as long as the City has control of the Right of Way required to construct the roadway. Right of Way from both BYK Construction, and 5J Williams Family LLC are being dedicated through land use requirements for the south side of 168th St., but since there is no current land use being conducted on the National Food property, it became necessary to purchase the required property so that both the 168th St. roadway and the 51st Ave. frontage improvements could be completed together, providing contiguous pedestrian and vehicular access between 43rd Ave., 51st Ave., and SR 531.

Mayor Pro Tem Jesica Stickles moved and Councilmember Don Vanney seconded the motion to authorize the Mayor to sign the purchase agreement for right of way purposes related to the 168<sup>th</sup> Street and 51<sup>st</sup> Avenue roadway improvements, subject to final review by the City Attorney. The motion passed unanimously.

**COMMENTS FROM COUNCILMEMBERS**

Councilmember Mike Hopson wanted to add to the York Property discussion earlier, that there are incentives that could be offered, such as funds from the State and Recovery Acts that can be applied to low income housing options.

Councilmember Michele Blythe stated that she went on a ride along with Sergeant Rory Bolter and encouraged other Councilmembers to schedule one, if they haven't already. The police department is busy, and it would be a good way to gain knowledge on the "hot locations", get a feel for what police are handling at the moment, and how times have changed.

**ADMINISTRATOR & STAFF REPORTS**

City Administrator Paul Ellis stated that the Haller Park Splash Pad will be opening tentatively on July 1. This date is set based on the Washington State Governor Jay Inslee's plan to re-open the State on July 1. The City has already been preparing the park by going through the systems and analyzing them and re-stained some of the concrete.

**MAYOR'S REPORT**

None.

**EXECUTIVE SESSION**

City Attorney Steve Peiffle announced that there would be an Executive Session for discussion of computer security test results under 42.30.110(1)(a)(ii).

Mr. Peiffle stated, and confirmed with Michael Hjermsstad, from the State Auditor's Office, that he expected the one item of discussion to last twenty (20) to thirty (30) minutes, depending on Council discussion, and the meeting would reconvene at 9:00 p.m. He indicated that there would be no action taken after the Executive Session. Mayor Tolbert recessed the meeting at 8:35 p.m. At that time, a Zoom Executive Session was initiated. The meeting resumed at 9:00 p.m.

**ADJOURNMENT**

With no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

  
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Barbara Tolbert, Mayor