



# Minutes of the Arlington City Council Meeting

Council Chambers  
110 East Third Street  
August 2, 2021

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

**Council Members Absent:** None.

**Staff Present:** Mayor Barb Tolbert, Paul Ellis, Sheri Amundson, Marc Hayes, James Kelly, Nova Heaton, City Attorney Steve Peiffle, Tony Orr, Jonathan Ventura and Ashleigh Scott.

**Also Known to be Present:** Nathan Impson and Al Calderwood via ZOOM.

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**

Nathan Impson, residing at 437 N Macleod Avenue, stated frustration regarding the disregard of speed limits, stop signs and crosswalks. His family moved here last year and there is a huge concern for the safety of residents. He has witnessed cars speeding down his neighborhood roads and other streets within the City; drivers running through stop signs and also not paying attention to citizens in crosswalks. He fears for the safety of his family and other residents in the City.

## **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 July 19 and July 26, 2021 Council meetings
2. Accounts Payable: Approval of EFT Payments and Claims Checks #103300 through #103417 dated July 20, 2021 through August 2, 2021 for \$1,793,390.98.

**PUBLIC HEARING**

**Development Agreement for the Outpost at Smokey Point**

Community and Economic Development Director Marc Hayes reviewed the development agreement for the Outpost at Smokey Point.

This is a proposed development agreement for Arlington 51st St., LLC, describing certain conditions and uses for the subject project. It addresses the use of Traffic Impact Fees for the future construction of a roundabout at the intersection of 168th St NE/51st Ave. NE., the use of Park Impact Fees for a portion of construction of the community building (restrooms/sewer lift station) and associated park improvements, the use of utility connection fees for sewer and water line extensions, and dedication of real property for public right of way uses.

Development agreements are utilized to ensure that certain terms and/or conditions are addressed. The developer, Arlington 51st Street, LLC, is constructing a mixed-use development on 20.38 acres that will consist of 500 apartments, 70,000 SF of retail space, 22,000 SF office space, 104,000 SF public park space with public restrooms, and 104,200 mini park space. The applicant is also constructing frontage improvements along 51st Ave., 43rd Ave., and constructing a roundabout at the intersection of 51st Ave/ 168th St. The applicant is also installing both sewer and water main extensions to provide for offsite connections to serve the south Cascade Industrial Center area. The City recognizes the public benefits which will occur from the permanent development of the property as proposed by the Developer, including the roundabout, 51st Ave. frontage improvements, 47th Ave. roadway construction, the community building, and mainline extension. Likewise, the developer recognizes the benefit of this agreement allowing the use of traffic impact fees, park impact fees, and connection fee credits to construct the roundabout, community building, and mainline extensions in lieu of paying, all impact fees in cash.

Per AMC 20.39.040, a public hearing is required to be held prior to a decision by City Council on development agreements.

The public hearing was opened at 7:05 p.m.

Al Calderwood, residing at 4029 Totem Park Lane, stated concerns with the developments occurring around 172<sup>nd</sup> and the increase in traffic congestion. Mr. Calderwood asked if there was more than just the 51<sup>st</sup> Avenue roundabout going in, and the widening of 51<sup>st</sup> that seems to just be making room for sidewalks.

CED Director Marc Hayes addressed those concerns by stating all development can't pay for all transportation improvements that need to be done, but this one in itself is constructing a roundabout at 51<sup>st</sup> Avenue and 168<sup>th</sup>. In the next two years 168<sup>th</sup> from 51<sup>st</sup> to Smokey Point will be extended giving an alternate route to travel back and forth. A segment of 173<sup>rd</sup> will also be extended this year in 2021 from Smokey Point Blvd. to 40<sup>th</sup> Avenue.

Improvements are happening now to address the traffic that stems from recent growth. With each new development, there is a traffic impact analysis that lets the City know what the impacts are to major roadways and intersections. There is a fee established from that impact

analysis, and the developer either pays the fee that goes into the growth fund for mitigation for transportation projects, or they do the improvements themselves as part of their project.

With no further comments or questions, the public hearing portion was closed at 7:11 p.m. Council questions were opened at 7:11 p.m.

Councilmember Debora Nelson requested Mr. Hayes speak to the work being done on 172<sup>nd</sup> and the widening process. WSDOT is designing it up to thirty percent (30%) then go out to contract for design build to do the construction of the widening. The improvements will occur to 43<sup>rd</sup> Ave., 51<sup>st</sup> Ave., 59<sup>th</sup> Ave., and 67<sup>th</sup> Ave., with roundabouts at those intersections. The widening will include two additional lanes on the south side of the existing alignment that will become westbound lanes. The existing roadways, the new roadways will be built to the south of that; 172<sup>nd</sup> will still be functional during the construction of the additional lanes.

With no further comments or questions from Council, the public hearing was closed at 7:13 p.m.

Mayor Pro Tem Jesica Stickles moved and Councilmember Marilyn Oertle seconded the motion to approve the resolution approving the development agreement with Arlington 51<sup>st</sup> Street, LLC, and authorized the Mayor to sign the development agreement. The motion passed unanimously.

#### **Development Agreement for Centennial Park PH I & PH II**

Community and Economic Development Director Marc Hayes reviewed the development agreement for Centennial Park PH I & PH II, a mixed-use project.

This is a proposed development agreement for Centennial Park 5J, LLC, describing certain conditions and uses for the subject project. In this instance it addresses the permanent use of the building types, the variance for the stream buffer reduction and the dedication of property for public right of way uses.

Development agreements are utilized to ensure that certain terms and/or conditions are addressed. The developer is utilizing the “flex” option with its live/work units, which allow for the commercial portion of the unit to be utilized as residential for up to five years, allowing sufficient time for the marketplace to support the commercial/retail use of the unit. Another item addressed is the reduction of the buffer width on the relict channel along 172<sup>nd</sup> St NE, and its required mitigation, both onsite and offsite.

Per AMC 20.39.040, a public hearing is required to be held prior to a decision by City Council on Development Agreements.

The public hearing was opened at 7:14 p.m.

With no comments or questions, the public hearing portion was closed at 7:14 p.m.

Council questions were opened at 7:14 p.m.

Councilmember Jan Schuette questioned the live-work units and how the process works. CED Director Marc Hayes gave some insight on the unit structure and purpose. It is a two story unit, based upon a small business being able to operate on the ground floor and the

owner or operator of that business lives upstairs in the residential unit. There was no demand for these units at this time, but with the allowed flex condition which requires the building to be built in the commercial standard but also utilize the entire building as residential until there is demand.

Councilmember Debora Nelson asked about the live-work demand, though it is not here at this time, how developments like that assess the need for that type of situation and attract those types of renters. Mr. Hayes stated the developers must include in their marketing that this is a live-work unit and if you want to establish a small business there, this is what you have to do. It's something new and are not being utilized at this time. Prior to the 5<sup>th</sup> year of receiving their certificate of occupancy, the developer must provide the city with a market analysis. Between the 4<sup>th</sup> and the 5<sup>th</sup> year, the City will decide to extend out or require them to find someone within the market.

Councilmember Marilyn Oertle had questioned though there isn't a market for this type of situation right now, but when or if the units are all rented out and the market changes and it's filled with residents, what happens to those residents. Mr. Hayes stated they would need to give the tenants a year notice to vacate.

Councilmember Michele Blythe had questions regarding if it doesn't catch on in this type of market, if the designation is easy to change. Mr. Hayes stated it is part of the market analysis and evaluation if there is potential, and if it doesn't, they will need to think about how to utilize those units moving forward.

Councilmember Mike Hopson had questions regarding the type of residents that can occupy these types of units and if they can be employees. Mr. Hayes stated they prefer it be an owner or operator of the said business to avoid problems. Councilmember Hopson asked if there was a problem, do the developers have the option to say "no" or shut the situation down, and also is it going to be market rate if they end up with people there other than the employer. Mr. Hayes stated they see the need and desire for those types of units and are confident it will meet their original intent.

Mayor Pro Tem Jesica Stickles stated she likes the fact that we can be creative with them and could work out, but has concerns with the parking issues that are already going on. The units average 1.5 parking spot per unit. With having units with two or three bedrooms, there would be more than one person in a unit, making the units have two vehicles or more. This is already causing issues and forcing tenants to park in the neighborhood next door as overflow. There is no street parking, so where would the business have parking for customers for these units. Mr. Hayes stated that during normal business hours, if there were customers to visit these units, it would be during the time of day where tenants would be away from these units at work off-site, as well as this development is on a future bus route.

With no further comments or questions from Council, the public hearing was closed at 7:25 p.m.

Mayor Pro Tem Jesica Stickles moved and Councilmember Debora Nelson seconded the motion to approve the resolution approving the development agreement with Centennial

Park 5J LLC, and authorized the Mayor to sign the development agreement. The motion passed 6 to 1, with Councilmember Mike Hopson voting no.

**NEW BUSINESS**

**Memorandum of Understanding with Port of Everett**

City Administrator Paul Ellis reviewed a Memorandum of Understanding (MOU) with the Port of Everett.

The City of Arlington and Port of Everett work together and collaborate in supporting employer recruitment to the Cascade Industrial Center, including assessment, financial consulting, and outreach; evaluate the advantages of entering into a partnership agreement or lease regarding the Cascade Industrial Center for job development; evaluate opportunities to partner with Washington State University for a possible center of excellence in green manufacturing and robotics or other opportunities as they may arise; and consider other strategies that may assist in achieving the common goals. The MOU shall be effective until August 31, 2023. Discussion followed with Mr. Ellis answering Council questions.

Mayor Pro Tem Jesica Stickle moved and Councilmember Don Vanney seconded the motion to approve the memorandum of understanding with the Port of Everett, and authorized the Mayor to sign it. The motion passed unanimously.

**Low Bid Award for Wastewater EQ Basin**

Public Works Director Jim Kelly reviewed bids for the WRF Permeate Equalization Project and award of project to low bidder.

The November 2019 NPDES permit reissuance required the City to perform several maintenance and improvement projects to the WRF.

These improvements include: 1) conversion of Arlington Water Reclamation Facility membrane basin #6 into a permeate equalization basin, 2) adding effluent controls and monitoring systems, 3) installation of a reclaimed water metering system, 4) replacement of the existing digested sludge pumps with positive displacement pumps, and 5) system integration (programming).

BHC completed the design and the project was publically bid in July, bids opened on July 15, 2021. The certified low bidder is McClure & Sons, Inc. with a bid in the amount of \$1,460,978.06. Discussion followed with Mr. Kelly answering Council questions.

Councilmember Debora Nelson moved and Councilmember Marilyn Oertle seconded the motion to award the Water Reclamation Facility Equalization and Digested Sledge Pumping Project to McClure and Sons Inc., in the amount of \$1,460,978.06 and authorized the Mayor to sign the Construction Contract. The motion passed unanimously.

**Low Bid Award for Lift Station #16**

Public Works Director Jim Kelly reviewed bids for the Cascade Industrial Center Lift Station 16 Project and award the project to the certified low bidder.

The full project was not budgeted, but because of accelerated development in the Cascade Industrial Center, these utilities need to be installed. The additional funds are available in the Sewer Capital Fund.

The City contracted with Murraysmith for completion of the design and the project was publically bid in July, bids opened on July 15, 2021. The certified low bidder is Equity Builders, Inc. with a bid in the amount of \$1, 349,073.20. Discussion followed with Mr. Kelly answering Council questions.

Councilmember Debora Nelson moved and Councilmember Marilyn Oertle seconded the motion to approve the resolution rejecting the bid protest, and authorized the Mayor to sign the resolution, and award the Cascade Industrial Center Lift Station 16 Project to Equity Builders, LLC in the amount of \$1,349,073.20 and authorized the Mayor to sign the Construction Contract. The motion passed unanimously.

### **Murraysmith Contract Amendment #3**

Public Works Director Jim Kelly reviewed Amendment #3 to the Murraysmith 2021 UPP and Smokey Point Blvd Overlay Project for additional design and preparation of construction documents.

The City's Pavement Preservation Program has planned roads to be resurfaced for years 2018-2021; a utility replacement program is running concurrently so aged and failing utility infrastructure can be replaced before the roads are resurfaced. Design and construction work has been completed for years 2018, 2019, and 2020. The City had requested additional design work for year 2021 which included additional paving, additional ADA ramp replacement, and additional water main replacement work. In addition, there were multiple requests made by WSDOT for the Smokey Point Boulevard Overlay project. Funding for this work will be divided among Utility CIP Funds and TBD funds.

This Amendment #3 will provide funding for design changes incorporated to date and work necessary to elevate construction documents to Public Bid quality. Discussion followed with Mr. Kelly answering Council questions.

Councilmember Debora Nelson moved and Councilmember Jan Schuette seconded the motion to approve Amendment #3 to the Murraysmith 2021 UPP and Smokey Point Blvd. Project, and authorized the Mayor to sign the amendment, pending final approval by the City Attorney. The motion passed unanimously.

### **Low Bid Award for 59<sup>th</sup> Avenue Complete Streets Project**

Development Services Manager Nova Heaton reviewed the bid tabulation for the 59th Ave Complete Streets Project, and award the project to the certified low bidder.

In 2018, the City of Arlington approved a Complete Streets Ordinance and the Complete Streets Plan for the City. In December 2018, the Snohomish County Health District nominated the City for Complete Streets funding. The Transportation Improvement Board responded with an award of funding for \$600,000. The Boys and Girls Club requested Department of Commerce funding for parking lot improvements and were awarded \$519,400.00 to improve parking areas on City owned property.

The projects were combined into one public bid project opened on June 24, 2021. The certified low bid was Reece Construction in the amount of \$1,035,287.09. Discussion followed with Ms. Heaton answering Council questions.

Mayor Pro Tem Jesica Stickles moved and Councilmember Debora Nelson seconded the motion to award the 59<sup>th</sup> Avenue Complete Streets Project to Reece Construction in the amount of \$1,035,287.09, and authorized the Mayor to sign the construction contract. The motion passed unanimously.

**Discussion regarding Open Council Position**

City Administrator Paul Ellis stated that Mayor Pro Tem Jesica Stickles has resigned from City Council. Her resignation is effective September 1, 2021.

Mr. Ellis and City Attorney Steve Peiffle reviewed two options for City Council to move forward in finding the next candidate to fill the vacancy. Mr. Peiffle drafted a memo that Mr. Ellis handed out to City Council prior to the start of tonight's Council meeting for review.

Mr. Peiffle stated Council's obligation is to fill the vacancy that is caused by Mayor Pro Tem Jesica Stickles resignation. This is an unusual situation, because we have a pending election coming up and relatively short period of time to be filled and the vacancy would be for a short period of time.

Currently the Council Rules state what the process is to fill a Council vacancy. Council Rules of Procedure are subject to being amended, and Council can change them at any time.

Mr. Peiffle continued to state that Heather Logan has filed unopposed for this position, unless there was a successful write-in candidate, she would be elected as of January 1, 2022. With this information, Council has the option to make an Amendment to the Council Rules of Procedure allowing Heather Logan to be elected sooner and bypass the current Rules of Procedure that cause for a lengthy process and only allowing a potential candidate to be in office for a few months.

Discussion followed with Mr. Peiffle and Mr. Paul Ellis answering Council questions. There is a need to call for a special meeting on September 7, 2021 for further discussion and allow for the proper documents to be drafted. Due to a special meeting, Council has the option to change the time of the meeting. Council had a question regarding the designation of the new Mayor Pro Tem and Mr. Peiffle will update Council after review in the next few weeks.

**COMMENTS FROM COUNCILMEMBERS**

Councilmember Mike Hopson wanted to express ongoing concern from residents and himself regarding the rapid growth within the City and the extra congestion. He questions why it all has to be all at once and direction on how to address the public when confronted. Mayor Tolbert stated that the Mayor and Council have no control over the free market, the demand for development and the demand for land. When people sell their land and someone purchases and wants to develop it into something different, frequently they want that time period to extend out, and that can become costly to the developer, and maybe not pencil out. Every city in Western Washington is asking the same thing; the market is hot at the moment,

and our Community and Economic Development Department is reacting within the constraints and the timeframes that they are required too, including the permitting process.

Councilmember Jan Schuette wanted to add a comment to Councilmember Mike Hopson's question. She was on the Growth Management Board where they certified the Cascade Industrial Center. That center is drawing more business because it is bordered by four state highways, rail system that goes through town, the airport, and is close to a port, and universities. Between now and 2050, Snohomish County is expected to grow by half a million people. The impact will be great and south Snohomish County cities are filling up quickly, if not already full, causing families and businesses to move north to the Arlington area. The City of Arlington is an ideal place, and that is what is attracting so many people.

Councilmember Debora Nelson stated she read an article on the best place in America for millennials to buy a home, and it was Western Washington. The jobs are so good here, and the salary base is the highest in the nation.

Councilmember Michele Blythe recognized Mayor Pro Tem Jesica Stickles for her support when she ran for office, and Ms. Stickles' support to her while in office. The education was invaluable, and she thanked her for everything.

Following, Mayor Tolbert gave a presentation of gratitude and achievements over the last two years for Mayor Pro Tem Jesica Stickles and presented her with a plaque.

Councilmember Don Vanney requested an update regarding the ADA and handicap parking concerns addressed previously. Mr. Ellis reviewed upcoming updates and changes in his Administrator Report.

#### **ADMINISTRATOR & STAFF REPORTS**

City Administrator Paul Ellis updated the Mayor and City Council about transportation projects in Old Town. Public Works evaluated the parking downtown, with ADA parking specifically. There are 14 ADA stalls in the public parking downtown. A random count was done of those stalls during different times of the day, and there were no areas that were deficient. However, some stalls were poorly marked, or the markings faded over time. The remarking has been added to the maintenance list.

Also reviewed were areas to locate additional public parking, such as the old Safeway at the south end of town near the Lebanon right-of-way which belong to the City. Public Works is working on a striping plan, and intend to add public parking signs and possible additional ADA stalls.

The parking lot just south of Legion Park has no ADA parking; Public Works is going to review a way to add one stall for accommodation. Another parking opportunity is 5<sup>th</sup> Street right-of way, west of West Ave.

The City has been informally making temporary ADA stalls for events, so moving forward this will be formalized, so Maintenance and Operations automatically add nine more ADA stalls downtown.



Looking at the crosswalks and ways at making them look more noticeable – the trail crossing at Division and at Burke, will receive high visible marking in addition to flashing light similar to the newly installed roundabout. Looking to get the funds ahead of time for these additions. New paint products are going to be tested, and are similar to the green bike lanes in Downtown Seattle. They do not last as long as thermoplastics, but they are easier to apply, cost less when they need to be re-installed and City staff will be able to apply instead of contracting out for the work to be done. The width of strips will also be increased from six inches to 12 inches, to make it more visible to drivers.

The Division Street Rehab Project is going to rebuild the traffic circles. Right now it's a white strip to direct traffic around the traffic circle and will be replaced with a raised curb which will force the vehicles to stay in their lane and slow the traffic down.

Adding an additional radar trailer to the City's fleet for more education in the downtown area and throughout the city will be coming. The City has also been testing radar signs and traffic signs. There are semi-permanent testing signs on Cemetery Road. They alert drivers on their speed. The data collected showed decreased speed changes. It has since been relocated to 211<sup>th</sup>, but the data has not been downloaded from that location yet. It's still a testing phase, but if it's successful, the City will purchase additional signs.

**MAYOR'S REPORT**

In September, a representative from WSDOT will be coming to talk to the Council and the public to update about the progress of the road expansion on 172<sup>nd</sup> and what can be expected from that project; WSDOT owns and controls the road.

**EXECUTIVE SESSION**

None.

**ADJOURNMENT**

With no further business to come before the Council, the meeting was adjourned at 8:07 p.m.

  
Barbara Tolbert, Mayor

