SULTAN CITY COUNCIL SUBCOMMITTEE
AGENDA ITEM COVER SHEET

ITEM NO: D-5

DATE: May 1, 2008

SUBJECT: Yard Waste Recycling Facility

CONTACT PERSON: Mayor Carolyn Eslick

ISSUE:

Discuss a potential proposal by Snohomish County Solid Waste to permanently use the City's property, adjacent to the Sultan Transfer Station, as a drop off site for yard waste recycling.

The issue for the Council is whether to temporarily or permanently accommodate a yard waste drop off site on the city's property. This decision could affect the City's future plans for the site.

Mayor Eslick is seeking input from the Council on how to precede in future discussions with the County.

The alternatives for the City are:

1. Do not support the long-term use of City property for yard waste recycling and work with the County to seek other alternative sites.
2. Support a long-term lease of the City's property to the County.
3. Sell the City's property to the County.
4. Exchange the City's property for a County property – one proposal is to exchange the City's property for a parcel of County property on 124th Avenue that used to be the County gravel pit. A level one environmental assessment has been done on the property. A decision by the Council to exchange properties would include a "due diligence" study.

STAFF RECOMMENDATION:

Discuss the proposal to use the City property adjacent to the Sultan Transfer Station as a collection site for yard waste recycling. Discuss the pros and cons of each alternative and provide input to Mayor Eslick.

SUMMARY:

In July 2007 the City and the County signed an Interlocal Agency Agreement for a pilot project to provide yard waste recycling at the City owned property west of the transfer station. The City and County have mutually agreed to extend the agreement two times. The last and final extension will expire on September 30, 2008 (Attachment B). The County seems interested in establishing a permanent yard waste recycling facility in Sultan.

The land is part of the proposed cemetery expansion and is "owned" by the cemetery fund. There are plans to expand the cemetery onto the site at sometime in the future. Most recently, the property has been used by baseball and soccer teams for practice. Previous Councils have identified the site as a possible Public Works Shop.

During negotiations to site the yard waste recycling facility, the City and the County discussed a property exchange involving the County owned gravel pit on 124th Avenue just south of the City limits or another County property.

The city may also consider selling or leasing the property or a portion of the property.

FISCAL IMPACT:

The Council's decision will have an impact on the cemetery fund. A property sale or lease has the potential to provide a return on the city's investment and bring revenues to the cemetery fund.

A decision not to support the long-term use of City property for yard waste recycling could result in lost revenues or a lost opportunity to provide improved recreation opportunities for Sultan residents in another location closer to proposed residential growth.

ANALYSIS:

The property under consideration is "owned" by the cemetery fund. If the property is leased, sold or exchanged the proceeds or value of the transaction will benefit the cemetery fund.

The City Council should begin to consider long-term plans for the cemetery property. The site is reserved for future expansion of the cemetery. The site currently has value as an active recreation park. There is a shortage of park land east of Sultan Basin Rd.

As the city grows, the site could also be used to replace or expand the Public Works Shop.

RECOMMENDED ACTION:

Review the proposal to use the City property adjacent to the Sultan Transfer Station as a collection site for yard waste recycling. Discuss pros and cons of each alternative and provide input to Mayor Eslick.

ATTACHMENTS:

A -Map
B – February 28, 2008 Agenda Cover and Lease Amendment

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: C-5

DATE: February 28, 2008

SUBJECT: Amendment #2 to the Land Lease Agreement for Cascade View Drive with Snohomish County

CONTACT PERSON: Deborah Knight, City Administrator D.Knight

ISSUE:

The issue before the Council is to authorize the Mayor to extend the lease agreement (Attachment A) with Snohomish County through September 30, 2008.

The lease will allow the County to use a portion of the City's property adjacent to the County transfer station on Cascade View Dr. for a pilot project to recycle large woody debris.

STAFF RECOMMENDATION:

1. Review Amendment #2 to the Land Lease for Cascade View Drive to use the City property adjacent to the Sultan Transfer Station as a collection site for yard waste recycling.
2. Authorize the Mayor to sign the Amendment #2 to the Land Lease for Cascade View Drive with Snohomish County.

SUMMARY:

Snohomish County Solid Waste is requesting a six-month extension of the short-term lease of City owned property adjacent to the transfer station to continue temporary collection of residential wood debris.

The collection site is open to the public on weekends, and is staffed by Solid Waste employees.

To encourage use of the recycling service, the Snohomish County Solid Waste Division offered vouchers (one per household in the Sultan area) for free recycling of one load to be used during the three-month pilot. The pilot project has been successful, and the County would like to exercise its option to extend the term of the land lease through September 30, 2008. The lease agreement may not be extended past September 30, 2008.

Proposed Lease Agreement

The property under consideration is all of tax parcel number 28083300302700 which is the property just to the south of the existing transfer station, and a 30 foot by 560 foot section of the adjacent parcel to the south, which is basically the existing roadway. The proposed lease does not include the cemetery ball field property.

The term of the lease is three months commencing on April 1, 2008 and ending at midnight on September 30, 2008.

The County agrees to keep the site and access areas in a neat and clean condition. Upon termination of the lease, the County will leave the site in as good a state and condition as reasonable use and wear and tear. In the event the site is damaged by the County, the County will repair the damage at its sole expense. Repair work would begin immediately and continue until complete within 30 days of termination.

The City required a SEPA (State Environmental Policy Act) checklist for the pilot project. The County prepared the application (SEPA checklist and site plan). The City did not receive any comments regarding the proposed project. The City required mitigation. For example, the City restricted operations on holidays to limit impacts to cemetery visitors. The City also required proper signage to direct traffic leaving the site to the east. On-site grinding is not allowed during funerals. The site area is temporarily fenced to ensure public safety.

A long-term project will require a second SEPA checklist.

BACKGROUND:

Throughout the State of Washington, burning wood debris is prohibited within urban growth areas. This includes Sultan. Temporary burn bans (fire safety in the summer, and air-quality typically in the fall and winter) require residents outside the City limits to seek alternatives disposal methods.

Enforcement of this regulation is lax because Sultan area residents have not had reasonable alternatives available, like the proposed recycling facility. Hauling five yards of solid waste to the transfer station costs residents about $40. However, beginning this fall, the Clear Air Agency will increase its enforcement efforts and issue fines for illegal burn activities.

The Fire District has been working with Snohomish County Solid Waste and the Puget Sound Clean Air Agency to implement alternatives to burning. These agencies approached the City of Sultan to assist with recycling options for residents to discourage residents from burning their yard debris.

The Planning and Public Works Council Subcommittee discussed the issue at its May 17, 2007 meeting. Fire Chief Halverson and representatives from the Puget Sound

Clean Air Agency and Snohomish County Solid Waste were on hand to answer questions. The Subcommittee directed staff to bring the issue to the City Council for consideration.

The City Council discussed the issue at its June 28, 2007 meeting. Staff was directed to bring back a proposal for the pilot program for the Council's consideration. Council approved the lease agreement (Attachment B) and authorized the Mayor to sign the agreement at its August 23, 2007 meeting. The lease was further extended on January 1, 2008 through March 31, 2008.

DISCUSSION:

This is an extension of the existing lease to continue to provide woody debris recycling in the City of Sultan and surrounding areas.

FISCAL IMPACT:

Project Funding

There are no direct costs to the City of Sultan to provide this service to Sultan residents. The City did not have any immediate plans to use the site. The only indirect costs for the pilot project are staff time to monitor the pilot project.

ALTERNATIVES:

1. Review Amendment #2 to the Land Lease for Cascade View Drive to use the City property adjacent to the Sultan Transfer Station as a collection site for yard waste recycling, and authorize the Mayor to sign the lease extension agreement with Snohomish County.
2. Review Amendment #2 to the Land Lease for Cascade View Drive to use the City property adjacent to the Sultan Transfer Station as a collection site for yard waste recycling, and **do not** authorize the Mayor to sign the lease extension agreement with Snohomish County. Direct staff to areas of concern.

RECOMMENDED ACTION:

1. Review Amendment #2 to the Land Lease for Cascade View Drive to use the City property adjacent to the Sultan Transfer Station as a collection site for yard waste recycling.
2. Authorize the Mayor to sign Amendment #2 to the Land Lease for Cascade View Drive with Snohomish County.

RECOMMENDED MOTION

AUTHORIZE THE MAYOR TO SIGN AMENDMENT #2 TO THE LAND LEASE FOR CASCADE VIEW DRIVE WITH SNOHOMISH COUNTY.

ATTACHMENTS:

Attachment A – Amendment #2 to the Land Lease for Cascade View Drive

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COUNCIL ACTION:

DATE:

After Recording Return To:
Property Management
3000 Rockefeller Avenue M/S #404
Everett, WA 98201

Amendment #2
To Land Lease
Cascade View Drive, Sultan, WA

THIS AMENDMENT #2 to the Land Lease, Cascade View Drive, Sultan, WA 98294 is made by and between **Snohomish County, a municipal corporation and political subdivision of the State of Washington** hereinafter referred to as "County", and **City of Sultan, a municipal corporation of the State of Washington,** hereinafter referred to as "City", for the purpose of amending the Land Lease with a term of October 1, 2007 to March 31, 2008, signed by the Executive on September 27, 2007, recorded at Snohomish County, Auditor's File No. 200710010028 and amended January 1, 2008, Auditor's File No. 200802070473. This Amendment #2 shall be effective as of April 1, 2008.

WHEREAS, the County wishes to exercise the two remaining consecutive three-month options to extend the lease term through September 30, 2008, to allow for continued operation of a wood waste collection site; and

WHEREAS, the Landlord has agreed to extend the lease through September 30, 2008, and

WHEREAS, the lease during any option term shall be on the same terms and conditions as the initial term.

NOW, THEREFORE, the parties agree to amend the lease as follows:

1. Paragraph 2 of the original lease agreement is hereby amended to read:

2. TERM. This lease shall be effective for a term of twelve (12) months, commencing October 1, 2007, and ending at midnight September 30, 2008.

Any extension shall be memorialized in writing by an amendment to this lease. It is agreed by the approval of this Lease, that the Public Works Director has the authority to accept any extensions authorized by this lease and to sign said amendments on behalf of Snohomish County.

If the term of this lease extends beyond the current County fiscal year, the obligations of the County in succeeding fiscal years are contingent upon legislative appropriation for the specific purpose of funding this lease in accordance with law. In the event that funds are not so appropriated, the County may terminate this lease without penalty or further obligation.

2. All remaining paragraphs shall remain the same and all terms and conditions of the lease and preceding amendments shall remain in full force and effect.

IN WITNESS WHEREOF the parties have affixed their signatures and execution thereof.

City of Sultan:

_____

Mayor Date

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath acknowledged that he was authorized to execute the instrument, and acknowledged it as the Mayor of the CITY OF SULTAN to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this _____ day of _____, 2008.

NOTARY PUBLIC in and for the State of
Washington residing at _____.
My commission expires _____.

Snohomish County:

2-20-08

Director, Public Works Date

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

On this 20 day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared STEVEN, to me known to be the DIRECTOR OF PUBLIC WORKS of Snohomish County and acknowledged to me the said instrument to be for the uses and purposes therein mentioned, and signed said instrument on behalf of Snohomish County as its free and voluntary act and deed.

WITNESS my hand and official seal hereto affixed the day and year first above written.

CATHY SUE BURGIN
COMMISSION EXPIRES
NOTARY
PUBLIC
12-8-2010
STATE OF WASHINGTON

NOTARY PUBLIC in and for the State of Washington residing at EVERETT.
My commission expires 12/8/2010.

Approved As To Form:

Deputy Prosecuting Attorney