

**Snohomish City Council Meeting Minutes  
February 18, 2020**

1. **CALL TO ORDER:** Mayor Kartak called the Snohomish City Council regular meeting to order at 6:00 p.m., Tuesday, February 18, 2020, in the Snohomish School District Resource Service Center, George Gilbertson Boardroom, 1601 Avenue D, Snohomish, Washington.

**COUNCILMEMBERS/MAYOR PRESENT**

Larry Countryman  
Steve Dana  
Judith Kuleta  
Tom Merrill  
Donna Ray  
Linda Redmon  
Jason Sanders  
John T. Kartak, Mayor

**STAFF PRESENT**

Pat Adams, HR Manager and City Clerk  
Debbie Burton, Finance Director  
Glen Pickus, Planning Director  
Keith Rogers, Police Chief  
Emily Guildner, City Attorney's Office

2. **APPROVE AGENDA** contents and order

**MOTION** by Sanders, second by Countryman to approve the agenda as presented. The motion passed unanimously (7-0).

3. **APPROVE MINUTES** of the February 4, 2020 workshop and regular meeting.

**MOTION** by Merrill, second by Countryman to approve the minutes of the workshop and regular meeting. The motion passed unanimously (7-0).

4. **CITIZEN COMMENTS** on items not on the Agenda

Mayor Kartak welcomed the citizens to the meeting and discussed the procedures for providing citizen comment.

Citizen Comments:

**Melody Clemans, President, Snohomish Carnegie Foundation**, announced the Carnegie Library's 1968 annex was demolished this morning.

Citizen Comments: Closed

5. **ACTION ITEMS:**

- a. **AUTHORIZE** Contract Amendment for Republic Services Recycling Surcharge

Finance Director Debbie Burton presented the staff report and provided background on Republic Services' surcharge request. Ms. Burton reviewed the four surcharge options related to paper and plastic recycling, and noted the yard waste and organics recycling surcharge is an additional \$0.49/month per customer. The surcharges would be implemented effective April 1, 2020, along with the annual CPI rate increase of 2.88%, per the current contract.

Councilmember Ray confirmed the City is held to the CPI increase in April, but

questioned the timeline for the other adjustments. Ms. Guildner answered if the surcharge is not decided by the Council tonight, the City is permitted a reasonable amount of time to continue to explore options in negotiations with Republic.

Councilmember Redmon referenced Section 3.3.3 of the contract, regarding rate modification related to the “value of recyclables,” and requested a legal interpretation of the language. Ms. Guildner verified the contractor cannot adjust the rates, but can ask for rate modifications for which the City could negotiate. Councilmember Redmon then questioned if circumstances were to change, could contract rates be amended. Ms. Burton advised she will develop a Memorandum of Understanding (MOU) with Republic to include an annual review of the rates, with ongoing monitoring of fees.

Councilmember Dana inquired what percentage of the total waste stream was recyclables, and how it equated to processing costs. Ms. Burton answered recyclables are a small percentage, and the cost to process garbage was actually much more than recyclables.

Councilmember Merrill requested clarification that the proposed rate equates to a 19.25% increase in recycling and yard waste rates, and speculated whether Republic would request further increases. Ms. Burton commented the rate is all-inclusive for garbage, recycling and yard waste, which makes it difficult to determine percentages for the individual services.

Council President Sanders questioned other cities’ actions in this regard. Ms. Burton replied some have incorporated the surcharges and others are still negotiating.

Councilmember Ray wondered if the increase is related to mixing materials, and asked if citizens were able to opt-out of recycling would that affect rates. Ms. Burton replied the current contract is all-inclusive, so that type of change would have to be re-negotiated.

Councilmember Redmon asked about ratepayer notification. Ms. Burton advised Republic bills quarterly, with the goal to provide notices 45 days in advance. Councilmember Redmon then inquired if the plastic bag bans have provided any improvements to the recycling process. Ms. Burton responded she has not been made aware of any.

Councilmember Merrill questioned Republic’s handling of organics and how the 49 cent surcharge is allocated. Ms. Burton stated Republic presented Cedar Grove as their organics processor. She suggested a workshop with Republic Services as the Council appears to have several questions Republic would be better equipped to answer.

Citizen Comments: None

Citizen Comments: Closed

Ms. Guildner commented there are two separate actions being proposed tonight. While there were still uncertain conclusions pertaining to recyclables, she recommended the yard waste and organics recycling be addressed, to conform to contract language.

Mayor Kartak requested the topics be split and acted upon separately.

Council President Sanders concurred with Councilmember Merrill’s question regarding

the organics recycling, and was hesitant to act at this time.

Councilmember Countryman commented on the need to make a timely decision on the organics portion, which Ms. Guildner endorsed, as per contract specifications.

Councilmember Ray declared she is struggling with the definition of “reasonable” in regards to time, and felt the Council’s questions and inquiries themselves are reasonable.

**MOTION** by Merrill, second by Countryman to hold an **EXECUTIVE SESSION** for fifteen (15) minutes regarding potential litigation, pursuant to RCW 42.30.110 (1)(i)(iii), with action to follow. The motion passed unanimously (7-0).

The Mayor then called for a motion to table the discussion on recyclables (paper and plastic).

**MOTION** by Countryman, second by Dana to **TABLE** the paper and plastic recyclables portion of the discussion until a workshop with Republic Services can be arranged. Motion carried unanimously (7-0).

b. Midtown Planning District Task Force - **ADOPT** Ordinance 2403

Planning Director Glen Pickus reviewed the staff report and noted at the February 4, 2020 City Council meeting, the Council directed staff to create a Midtown Planning District Task Force by Resolution. The City Attorney recommended the Task Force be created by Ordinance for consistency with Snohomish Municipal Code 2.06.010(A). Task Force members will be confirmed by the City Council at its March 17, 2020 meeting, and the first Task Force meeting is scheduled for Tuesday, March 31, 2020, from 6 p.m. to 8 p.m., at a location to be determined.

Councilmember Ray asked about the process for appointing members to the Task Force. Mr. Pickus explained the selection process is up to the Mayor, with the Council receiving recommendations for appointment in their agenda packets. Mayor Kartak explained the process can vary for each appointment, but he typically consults the board or commissions’ staff liaisons. However, for this particular Task Force, he is open to working with the Council President.

Councilmember Ray questioned the legal definition and process for Councilmembers to confirm board and commission appointees. Mr. Pickus responded only the Mayor is mandated to fill the position, and there are no specifics about how to do so. Mayor Kartak advised the more people that apply, the harder it is to choose; therefore, until the number of applicants is known, the process he will follow is not yet clear.

Council President Sanders inquired if the Council can have an opportunity to review all applications prior to confirmation, not just for this Task Force. Mayor Kartak stated he would share the application information with Council President Sanders during their regular meetings. He reminded Council the final selection is up to the Mayor, as an elected Executive, and this process has been in place for many years, regardless of the form of government. He referenced RCW 35.63.020, 35A.12.090 and 35A.12.100, supported by various City Ordinances in Title 2 SMC, defining the role of the Mayor.

They stipulate the Mayor appoints or removes, and the Council confirms various City positions.

Councilmember Merrill stated the Council is not disputing the Mayor's authority, but this particular Task Force is important to the future of the City, and indicated the Council has interviewing expertise and interest in something this significant. Councilmember Kuleta concurred, emphasizing the benefits Councilmembers could bring to the selection process. Mayor Kartak reiterated he would work with Council President Sanders.

Councilmember Ray asked if there were a legal reason why the Council could not see the applications prior to the appointment confirmations. Mayor Kartak replied there was not, and again reiterated his willingness to work with the Council for this particular Task Force, but cautioned against setting a precedent for other boards and commissions.

Councilmember Redmon commented Snohomish County Tomorrow shares all of their applications with their board when there are vacancies. Mayor Kartak remarked he had no concerns should the Council want to view all applications. Councilmember Ray declared she would like all applications for all boards and commissions be forwarded to the City Council.

Council President Sanders requested additional information on how other cities appoint board and commission members. Ms. Guildner commented on the variety of ways cities make appointments, while following state law as well as local ordinances.

Citizen Comments: *The following citizens spoke in support of City Council involvement in the Task Force appointment process:*

**Terry Lippincott, 605 Avenue A**  
**Melody Clemans, 313 Avenue D**

Citizen Comments: Closed

**MOTION** by Redmon, second by Countryman that the City Council **ADOPT** Ordinance 2403, creating the Midtown Planning District Task Force. The motion passed unanimously (7-0).

6. **CONSENT ITEMS:**

- a. **CONFIRM** Mayor's Appointment to the Public Safety Commission.
- b. **AUTHORIZE** payment of claim warrants #72403 through #72480 in the amount of \$685,347.68 issued since the last regular meeting.

**MOTION** by Countryman, second by Sanders to pass the Consent Items. The motion passed unanimously (7-0).

7. **OTHER BUSINESS/INFORMATION ITEMS:** Councilmember Merrill sent out information regarding setting Council goals. He suggested two, 2-hour workshops to discuss the Council goals on Wednesday evenings.

**8. COUNCILMEMBER COMMENTS/LIAISON REPORTS:**

Councilmember Ray attended the Public Safety Commission meeting, where Town Hall topics were discussed.

Councilmember Kuleta attended the Planning Commission meeting, a women’s networking session, and the Historic Downtown Snohomish meeting.

Councilmember Redmon attended a Snohomish Health District function in Olympia for public health funding.

**9. COUNCIL PRESIDENT’S ITEMS/REPORTS:** None

**10. CITY ADMINISTRATOR’S COMMENTS:** None

**11. MAYOR COMMENTS:** The Mayor discussed the Carnegie Annex removal. He attended/will attend the following meetings/events:

- |   |  |
|---|--|
| 2/6 Highway 2 rally, Olympia                              | 2/13 Historic Downtown Snohomish Board                         |
| 2/6 City Hall flood emergency meetings                    | 2/14 Coffee with the Mayor, Snohomish Station Starbucks        |
| 2/6 Historic Downtown Snohomish                           | 2/14 Economic Alliance Snohomish County, Olympia               |
| 2/11 Snohomish County Emergency Management Advisory Board | 2/17 Presentation to Boy Scouts Troop                          |
| 2/11 Child Strive ribbon-cutting                          | 2/17 Snohomish Sportsmen Association                           |
| 2/11 Spruce-up Snohomish                                  | 2/19 Engage Snohomish  |
| 2/12 Engage Everett                                       | 2/20 KlaHaYa Days Board  |
| 2/12 Snohomish County Farm Bureau                         | 2/22 Town Hall with Snohomish County Legislators, Lake Stevens |
| 2/13 AWC Mayor’s Exchange                                 |  |

**12. RECESS to EXECUTIVE SESSION** at 7:22 p.m. to discuss potential litigation, pursuant to RCW 42.30.110(1)(i)(iii), for fifteen (15) minutes, with action to follow.

**13. RECONVENE** at 7:38 p.m.

**MOTION** by Sanders, second by Countryman that the City Council **AUTHORIZE** the Mayor to implement a \$0.49/month per customer surcharge for yard waste and organics recycling. The motion passed unanimously (7-0).

**14. ADJOURNMENT:**

**MOTION** by Redmon, second by Sanders, to **ADJOURN** the regular City Council Meeting at 7:39 p.m. The motion passed unanimously (7-0).

APPROVED this 3<sup>rd</sup> day of March 2020.

CITY OF SNOHOMISH

ATTEST:

\_\_\_\_\_  
John T. Kartak, Mayor

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Pat Adams, City Clerk