



SPECIAL COUNCIL MEETING

February 25, 2013 – 6:00 p.m.

**Sumner City Hall – 1104 Maple Street
Council Chambers**

CALL TO ORDER

Roll Call: Allsop, Brown, Dumas, Hannus, Hochstatter, Hynek and LeMaster

PUBLIC HEARING

1. Public Hearing
Sumner Meadows Golf Course Surplus Property

SPECIAL MEETING BUSINESS

1. 13-031 Resolution No. 1378 Sumner Meadows Golf Course Surplus Property

ADJOURNMENT



CITY COUNCIL STUDY SESSION

February 25, 2013 – 6:30 p.m.

**Sumner City Hall – 1104 Maple Street
Council Chambers**

CALL TO ORDER

Roll Call: Allsop, Brown, Dumas, Hannus, Hochstatter, Hynek and LeMaster

REGULAR BUSINESS

1. Tri-City Water Rights Mitigation
2. Parks and Recreation Interlocal
3. Resolution xxx Coal Trains (Councilmember Dumas / Hynek)
4. Update Regarding the Pilot Transportation System (Councilmember Dumas / Hynek)
5. Review the Code of Ethics (Councilmember Hynek / Dumas)

CITY ADMINISTRATOR REPORT

AGENDA SETTING

1. Council Meeting Agenda Calendar
2. Council Committee Meeting Calendar

EXECUTIVE SESSION

ADJOURNMENT

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5500, 24 hours in advance.



CITY OF SUMNER
City Council
AGENDA BILL

SUBJECT: Declaring Real Property As Surplus To The City's Needs

CATEGORY:

- | | |
|--|---|
| <input type="checkbox"/> CONSENT | <input type="checkbox"/> ORDINANCE |
| <input checked="" type="checkbox"/> RESOLUTION | <input type="checkbox"/> PUBLIC HEARING |
| <input type="checkbox"/> MOTION | <input type="checkbox"/> OTHER |

BUDGET IMPACT:

Amount Budgeted:	\$
Expenditure Amt.:	\$
Contingency Req'd:	\$

ATTACHMENTS: Resolution No. 1378

STAFF CONTACT: John Galle, City Administrator and Brett Vinson, City Attorney

SUMMARY/BACKGROUND: The City Council has approved the sale of the Sumner Meadows Golf Course. Pursuant to RCW 35.94.040; a duly noted public hearing was held on February 25, 2013 regarding the sale of City real property surplus to the City's needs.

The property which the City wishes to surplus does not impact the park and open space areas as required in the Parks and Open Space Plan / City's Comprehensive Plan.

CITY COUNCIL COMMITTEE RECOMMENDATION: The Parks Board met on February 22, 2013 and gave a 'do pass' recommendation.

STAFF RECOMMENDATION: Motion to adopt Resolution No. 1378, declaring real property, known as Sumner Meadows Golf Course, as surplus to the City's needs.

(BELOW TO BE COMPLETED BY CITY CLERKS OFFICE)

COUNCIL ACTION:

- APPROVED
- DENIED
- TABLED/DEFERRED/NO ACTION
- MOVED TO SECOND READING (*ordinances only*)

COUNCIL BILL #	_____
1 ST reading	_____
Enactment reading	_____
ORDINANCE #	_____
RESOLUTION #	1378

We will set the standard of excellence for a progressive small city.

RESOLUTION NO. 1378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DECLARING REAL PROPERTY, COMMONLY KNOWN AS THE SUMNER MEADOWS GOLF COURSE, AS SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING THE SALE OF THE PROPERTY IN ACCORDANCE WITH PROVISIONS OF RCW 35.94.040.

WHEREAS, the City Council of the City of Sumner, Washington (the "City"), wishes to declare certain real property, commonly known as Sumner Meadows Golf Course (the Property), as surplus to the City's needs; and legally described in Exhibit A;

WHEREAS, pursuant to Section 35.94.040 RCW, a duly noticed public hearing was held on February 25, 2013;

WHEREAS, on February 22, 2013 the Parks Board met and determined that the Property is surplus to the City as there is sufficient park and open space to meet the City's current level of service in the Parks and Open Space Plan and the City's Comprehensive Plan and recommended the sale of the property;

A. Recitals Related to the Acquisition, Financing, and Repayment of Bonds and Interfund loans and transfers from utility and general funds.

1. In May 1993, the city purchased 292 acres from Catkin Resources (Trillium Corp.) and issued Water/Sewer bonds for the original land purchase in the amount of \$5.45 million. In 1998, the bond was refinanced (\$4.93 million) along with the bonding for the construction of the new water tank. The refinanced debt for the land was \$5.1 million. In 2008 the Water and Sewer bonds were refinanced again. The current portion of the bond debt on the land is estimated at \$3.465 million. This Resolution is only declaring approximately 162 acres south of Stewart Road to the tailrace as surplus to the City's needs. The initial intent for the use of the golf course property was to be used to assist the sewer utility. However, some of these uses have not materialized and the property is now surplus to the needs of the City.
2. The original cost to develop the golf course was \$2.5 million and was financed with LTGO (Limited Tax General Obligation) Bonds in 1995 for \$2.9 million. In 1998, the bonds were refinanced at \$4.2 million to pay off inter-fund loans, lease payments, and equipment. Current debt on these loans is estimated at \$3.3 million plus interest with payoff due in 2019. Annual payments are approximately \$400,000 - \$430,000 and are paid from net income received from the golf course. Unfortunately, however, the golf course has never had sufficient income to cover this debt and the shortfall has been covered through a series of interfund loans and transfers from utility funds, cemetery funds, and the general fund approximately in the amount of at least \$1.9 million.
3. To cover on going debt services payments, the City Council was faced with a legislative decision to raise utility rates and/or property taxes or declare the property as surplus and sell the property to cover the associated debts. As a policy and legislative decision, pursuant to Resolution 1360 passed October 15, 2012, the City Council authorized the Mayor to explore selling the property. By adoption of this Resolution 1378, the City Council specifically

determines and finds that selling the golf course is a more prudent policy decision than raising utility rates and/or increasing property taxes.

B. Recitals Related to Open Space and Park Plan and City of Sumner Comprehensive Plan

1. The property is primarily zoned light industrial with a small portion near Stewart Road designated as commercial. The zoning designation of the surrounding property is primarily industrial. The comprehensive plan designation is Public Private Utilities and Facilities.
2. The City has a Parks and Open Space Plan and a Comprehensive Plan that addresses the City's goals and policies for parks and open spaces in the City of Sumner. While there are comprehensive plan policies that address Level of Service for Parks and Open Space, there are no specific provisions that require the City to maintain a Golf Course.
3. Comprehensive Plan Parks Element Goal 2 discusses a goal to establish a standard of 35% of the City to be in open space. However, the discussion of open space in the Parks and Open Space Plan clarifies that open space includes; parks and "greens", building setbacks and yards, street corridors, tree covered hillsides, and areas along rivers and streams. The Parks and Open Space Plan map in the Parks Plan (figure 19, pg 105) depicts only the larger of parcels of these various types. Additional analysis finds that the open space area, without the golf course, would be at least 37.5 % which does not include all of the areas as defined as open space in the Park and Open Space Plan. Furthermore, the provisions of Comprehensive Plan documents are "to be used as a planning guide, not a land use decision-making tool. In other words, strict adherence is not required." *Citizens for Mount Vernon v. City of Mount Vernon*, 133 Wn.2d 861, 873, 947 P.2d 1208, 1214-1215 (1997). "The [comprehensive] plan is only a general blueprint and thus only general conformance is necessary." *Citizens for Mount Vernon id. citing Cathcart-Maltby-Clearview Cmty. Council v. Snohomish County*, 96 Wn.2d 201, 212, 634 P.2d 853 (1981). Therefore, based upon the fact that the open space area exceeds 35% and that the Comprehensive Plan Parks element is "a blueprint and a guide" the determination that the golf course property is surplus does not violate the City's Park and Open Space Plan or the Comprehensive Plan.
4. The Sumner Meadows golf Course is not assigned a specific level of service in either the Park and Open Space Plan or the Comprehensive Plan. For community parks, the desired level of service is 1 acre for every 1000 residents. Without including the Sumner Meadows Golf Course as a community park (which it clearly is not) the City has at least 10 acres of developed community parks and if more undeveloped parks are included the total acreage is between 20-30 acres. In fact, the golf course is considered a special park facility in the Parks and Open Space Plan which states that it is "not suited to establishing a level of service that could be included within the plan". Therefore, without the Sumner Meadows golf course, the City meets the LOS for parks as set forth in the Parks and Open Space Plan.
5. Additionally, the golf course is only accessible by individuals who pay greens fees unlike a community park which is open to the public. In a recent survey, it was concluded that only 2% of the users of Sumner Meadows were actually residents of the City of Sumner. Furthermore, in response to whether the City should increase property taxes to pay the debt services towards the golf course, 80% of the citizens surveyed responded by indicating a desire that the City should sell the golf course rather than raise taxes.

6. The Sumner Meadows Golf Course is approximately 3.5 miles from the City's residential core and does not have easy and direct access from the residential core which further negates its benefit to the community as a whole.
7. Pursuant to state law for declaring utility property as surplus, a determination of fair market value is required. Based upon two unsolicited offers recently received by the City, the value of the property is at least \$30 million. Additionally, estimates for the value of the property if sold as a golf course are between \$1.5 million to \$2 million. The City has retained the services of Colliers International to list and assist in the negotiations of the sale of the property. The listing agreement with Colliers specifically indicates that the City is willing to entertain any and all offers without regard to types of uses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals and Findings Incorporated. The City Council hereby finds that the recitals set forth above and the findings therein are found to be true and correct and findings set forth above are hereby adopted and incorporated herein.

Section 2. Declaration of Surplus. The property legally described in Exhibit A is hereby declared surplus to the City's needs and is not required for providing continued public benefit.

Section 3. Authorization. The Mayor, City Attorney, and the City's Broker are hereby authorized to negotiate a purchase and sale agreement to be presented to the City Council for final approval.

Section 4. Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this resolution is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this resolution shall control.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a special meeting thereof this 25th day of February, 2013.

Dave Enslow, Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk Terri Berry, MMC

City Attorney Brett Vinson

Exhibit A
Legal Description

THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 12;
THENCE NORTH 89°04'02" WEST ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 12 A DISTANCE OF 1393.03 FEET;
THENCE NORTH 10°56'00" EAST A DISTANCE OF 317.86 FEET;
THENCE NORTH 10°25'42" EAST A DISTANCE OF 20.0 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12;
THENCE NORTH 330 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION TO THE HEREINAFTER DESCRIBED POINT "A";
THENCE NORTH 12°26'00" EAST A DISTANCE OF 111.75 FEET;
THENCE NORTH 12°26'12" EAST A DISTANCE OF 29.52 FEET;
THENCE NORTH 26°45'48" WEST A DISTANCE OF 599.18 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 12;
THENCE EASTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM A SOUTH LINE 30.0 FEET IN WIDTH CONVEYED TO PIERCE COUNTY FOR ROAD BY DEED RECORDED JULY 7, 1922 UNDER RECORDING NUMBER 635357;

ALSO EXCEPT THAT PORTION THEREOF LYING WITHIN REVISED LOT A OF BOUNDARY LINE ADJUSTMENT RECORDED APRIL 27, 2009 UNDER RECORDING NUMBER 200904270391.

POINT "A" DESCRIPTION:

BEGINNING 576.16 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN;
THENCE WEST A DISTANCE OF 1,206.38 FEET;

THENCE SOUTH 12°26'00" AND A DISTANCE OF 111.75 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION TO SAID POINT "A";

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

Tax Account Number 04-20-12-1-020 (PARCEL B)

REVISED LOT A, BOUNDARY LINE ADJUSTMENT 200904270391, RECORDED APRIL 27, 2009, RECORDS OF PIERCE COUNTY AUDITOR.

SITUATE IN THE CITY OF SUMNER, COUNTY OF PIERCE, STATE OF WASHINGTON.



Memorandum

DATE: February 22, 2013
TO: Mayor Enslow
Councilmembers
FROM: John Galle, City Administrator
RE: Study Session Agenda, Monday, February 25, 2013

There are several items on the agenda for Monday night:

1) Tri-City Water Rights Mitigation.

Late last year, the Department of Ecology met with the Cities of Sumner, Fife and Puyallup and discussed their preference that the three cities coordinate their efforts to secure additional water rights for future growth. The three cities all have water right applications pending before Ecology. Ecology felt that the cities would greatly benefit by collaborating with each other in developing integrated approaches to water supplies and in the mitigation that may be required to acquire additional water rights. At the study session, Public Works staff will talk about this approach including the benefits and necessary components.

2) Parks and Recreation Interlocal

This is an Interlocal agreement between the Cities of Sumner, Bonney Lake and the School District to address the need for enhanced recreation and arts opportunities. Each entity shall appoint a member to the Joint Advisory Board to work with the Joint Recreation Program Coordinator for the use of facilities owned or controlled by each of the parties.

3) Coal Trains.

Councilmembers Dumas and Hynek requested this item be placed on the agenda it was tabled from the Regular Council meeting of Tuesday, February 19. Attached is an Ordinance written by Councilmember Dumas.

4) Update Regarding the Pilot Transportation System.

This item was discussed at a study session in January and Councilmember Dumas is requesting an update from staff.

5) Review of the Code of Ethics.

Councilmember Hynek will be providing information on this topic at the meeting.

We look forward to the discussions.

INTERLOCAL AGREEMENT
BETWEEN
THE SUMNER SCHOOL DISTRICT
AND
THE CITY OF BONNEY LAKE
AND
THE CITY OF SUMNER

THIS IS AN INTERLOCAL AGREEMENT between the **SUMNER SCHOOL DISTRICT**, a common school district and municipal corporation of the State of Washington, and **THE CITY OF SUMNER**, a municipal corporation of the State of Washington, and **THE CITY OF BONNEY LAKE**, a municipal corporation of the State of Washington (collectively referred to as the “parties”), relating to the creation and operation of a Joint Recreation Program. The initial effective date of this agreement is **January 1, 2011**.

WHEREAS, there is a need for additional recreation and arts programs in the geographic area encompassed by the Sumner School District, the City of Bonney Lake and the City of Sumner; and

WHEREAS, the Sumner School District, the City of Bonney Lake, and the City of Sumner desire to provide the citizens of their respective communities enhanced opportunities for recreation and arts; and

WHEREAS, each part by itself does not have sufficient resources to provide such enhanced recreation and arts opportunities; and

WHEREAS, it is in the public interest that the parties cooperate to provide resources to provide efficient, cost-effective recreation and arts programs; and

WHEREAS, each of the parties is a “public agency” within the meaning of Chapter 39.34 RCW.

NOW, THEREFORE, pursuant to Chapter 39.34 RCW, the Sumner School District, the City of Bonney Lake, and the City of Sumner hereby agree to create and operate a Joint Recreation Program, as follows:

1. JOINT ADVISORY BOARD FOR INTERGOVERNMENTAL COOPERATION.

1.1 Formation of a Joint Advisory Board. Pursuant to RCW 39.34.030(4), the parties hereby establish a Joint Advisory Board for Intergovernmental Cooperation (“Joint Advisory Board”). The Joint Advisory Board is not a separate legal entity.

1.2 Composition of Joint Advisory Board. The Joint Advisory Board shall have three members: one each from the Sumner School District, the City of Bonney Lake and the City of Sumner. The members of the Joint Advisory Board shall be the mayor of the City of Bonney Lake, the mayor of the City of Sumner and the Superintendent of the Sumner School District, or their respective appointees. Each party may appoint its member to the Joint Advisory Board according to its own procedures and policies.

1.3 Joint Advisory Board Responsibilities

1.3.1 The Joint Advisory Board will advise the Joint Recreation Program Coordinator on issues related to the administration of the Joint Recreation Program

- 1.3.2 The Joint Advisory Board will determine the salary of the Joint Recreation Program Coordinator and other Joint Recreation Program employees and will advise the Superintendent of the Sumner School District or his designee regarding the responsibilities of the Joint Recreation Program Coordinator.
- 1.3.3 The Joint Advisory Board, through its individual members, shall authorize the Joint Recreation Program Coordinator to make arrangements, when feasible, for use of facilities owned or controlled by the parties to the Joint Recreation Program. It is expressly understood that such facilities will be made available to the Joint Recreation Program without charge to the Joint Recreation Program.

2. JOINT OPERATING ACCOUNT

2.1 **Establishment of Operating Accounts.** The Joint Advisory Board hereby establishes a separate account to carry out the recreation program. It shall be designated by the appropriate state-defined account title and account code. The Joint Recreation Program Coordinator shall be designated as the administrator of the account.

2.2 Sources of Funding

2.2.1 The Sumner School District, the City of Bonney Lake, and the City of Sumner are on different fiscal year and budget cycles. As a consequence, the advisory board will begin the process of determining the contributions needed from each member of the joint agreement based on a budget submitted to the advisory board no later than June 1 of each year. The Joint Advisory Board will make a final determination of each member's contribution to the operating account no later than August 1 of each year. No party to this agreement shall be required to make contributions to the Operating Fund without the mutual agreement of all parties to the agreement.

2.2.2 Additional funding will be provided through fees charged to participants in programs of the Joint Recreation Program. It shall be the responsibility of the Joint Recreation Program Coordinator to develop a viable fee structure, with approval of the Joint Advisory Board.

2.2.3 **Use of Funds.** The Operating Account will be used to pay all expenses necessary for the efficient operation of the Joint Recreation Program. Such expenses include all costs involved in employing the Joint Recreation Program Coordinator and other staff, including but not limited to worker's compensation contributions, F.I.C.A., employment security contributions, and employee benefits. Other necessary expenses may be paid as the need arises.

2.2.4 **Accounting.** The Joint Recreation Program Coordinator will keep an account of the manner acquiring, holding, and disposing of funds and real and personal property used in the Joint Recreation Program.

3. ADMINISTRATION OF THE JOINT RECREATION PROGRAM.

3.1 Administration of the Joint Recreation Program shall be the responsibility of the Superintendent of the Sumner School District or his designee.

3.2 The Joint Recreation Program shall be administered as a program of the Sumner School District.

3.3 The Superintendent of the Sumner School District or his designee shall call a meeting of the Joint Advisory Board on at least a quarterly basis to advise the Joint Advisor Board on the status of the Joint Recreation Program and to seek the advice and counsel of the Joint Advisory Board on matters related to the operation and administration of the Joint Recreation Program.

4. RESPONSIBILITIES OF EACH PARTY.

4.1 **Sumner School District Responsibilities.** The Sumner School District shall have the following responsibilities regarding the operation of the Joint Recreation Program:

4.1.1 Appointing a member to the Joint Advisory Board.

4.1.2 Hiring, evaluating, supervising, and terminating services of a Joint Recreation Program Coordinator. The Joint Recreation Program Coordinator and the other Joint Recreation Program staff will be considered to be employees of the Sumner School District.

4.1.3 Providing a suitable facility for the office of the Joint Recreation Program, including office space.

4.1.4 Seeking, on at least a quarterly basis, the advice of the Joint Advisory Board on matters related to the operation and administration of the Joint Recreation Program.

4.1.5 Overseeing and supervising the work of the Joint Recreation Program Coordinator on a day-to-day basis, consistent with guidelines established by the Joint Advisory Board.

4.1.6 Provide payroll administration and services for the Joint Recreation Program.

4.1.7 Cooperating with the Joint Recreation Program by making Sumner School District facilities available, when feasible, for programs and activities of the Joint Recreation Program.

4.2 **Cities of Bonney Lake and Sumner Responsibilities**

4.2.1 The Cities of Bonney Lake and Sumner shall appoint a member of the Joint Advisory Board who shall participate actively in carrying out the responsibilities of the Joint Advisory Board.

4.2.2 The Cities of Bonney Lake and Sumner shall cooperate with the Joint Recreation Program by making their facilities available, when feasible, for use for the programs and activities of the Joint Recreation Program.

5. RENEWAL AND DURATION OF AGREEMENT

5.1.1 **Renewal.** The Agreement may be renewed for succeeding two year terms by agreement of all of the parties.

5.1.2 **Duration.** This term of this agreement is from January 1, 2013 through December 31, 2014.

6. **TERMINATION.** The Agreement terminates automatically at the end of each two-year contract term. The Agreement may be terminated at any time by mutual written agreement of all of the parties. Neither the parties, the Joint Advisory Board, nor the Joint Recreation Program Coordinator shall commit the Joint Recreation Program to any contractual obligation that extends

beyond the duration of the Agreement. Upon termination of the Agreement, unexpended and uncommitted joint funds shall be distributed to each of the parties.

7. **INSURANCE.** Insurance coverage obtained by the Sumner School District, the City of Bonney Lake and the City of Sumner shall be individually secured and maintained with responsible insurers. The coverage shall be for damages because of personal or bodily injury, including death resulting from such injuries, damage to or loss of use of building, contents and personal property and other coverage as is customarily maintained for recreation programs to the extent that such insurance can be secured and maintained at a reasonable cost. If the activities of the Joint Recreation program cannot be insured at a reasonable cost through either new policies or riders to existing policies, the Joint Advisory Board shall declare that insurance is unavailable and this agreement shall be terminated immediately.
8. **NONDISCRIMINATION.** The parties to this Agreement declare that they are committed to the principle of equal opportunity consistent with applicable laws.
9. **AUDITS AND INSPECTIONS.** The records and document with respect to all matters covered by this Agreement shall be subject to inspection, review or audit by each of the parties during the term of this agreement and for three years after termination.
10. **AMENDMENTS.** The Agreement may be amended at any time by mutual written agreement of all of the parties.
11. **ENTIRE AGREEMENT.** The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded.

IN WITNESS WHEREOF, the parties have executed this agreement.

CITY OF BONNEY LAKE

By _____
Its _____
Date _____

CITY OF SUMNER

By _____
Its _____
Date _____

SUMNER SCHOOL DISTRICT

By _____
Its _____
Date _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SUMNER OPPOSING
THE IMPACTS OF INCREASED RAIL TRAFFIC IN SUMNER
RESULTING FROM THE PROPOSED GPT AND MBT PROJECTS
BY TRANSPORTING COAL ACROSS WASHINGTON STATE
VIA THE BURLINGTON NORTHERN SANTA FE RAILWAY
THROUGH SUMNER.

WHEREAS, the Burlington Northern Santa Fe (BNSF) main north/south track runs through and bisects the City of Sumner, and

WHEREAS, Sumner has four at grade crossings, ____ private crossings and does not have any grade separated crossings for major access, and

WHEREAS, increased rail traffic will lead to an increase in diesel emissions in Sumner along the rail lines, and

WHEREAS, Pierce County is already aware of sub-par air quality as evidenced by PSA's run throughout the year drawing attention to the poor air quality, and

WHEREAS, Sumner rests squarely between the hills of Bonney Lake and Puyallup/Edgewood causing the air to drop and remain stagnant for an increased time frame, and

WHEREAS, adverse effects to Sumner and other cities include increased risk of accidents, impact's to the City's level of service, decreased ability to provide effective emergency response times and possible interference with local truck freight delivery systems affecting the local economy and transport of goods to and from the industrial north end, and

WHEREAS, due to train speed restrictions plus approach warning times, for trains traveling through Sumner's industrial north end and Sumner's downtown, means the rail crossing barriers for each train at each controlled crossing are down for approximately 6-8 minutes for the larger (over one mile) freight trains, and

WHEREAS, an additional 18 coal trains per day would equate to approximately one additional train every 1.3 hours, all day long, in addition to existing freight train and commuter rail traffic, and

WHEREAS, public safety could be threatened if response times for police and fire are increased due to critical access blockages caused by more frequent and longer trains, and

WHEREAS, Washington State already recognizes the severe economic, public health, and environmental impacts of climate change on this state (Executive Order No. 0905), and

WHEREAS, Washington State and other states are taking steps toward reducing American dependence on coal-fired power, including the passage of TransAlta Energy Transition Bill, which will retire the two remaining coal-fired power plants in Washington State by 2025, and

WHEREAS, coal is commonly transported via open top rail cars contaminating cities, towns, farmland, forestland, and rivers across Washington State and through Sumner with coal dust and chunks of coal, and

WHEREAS, coal contains heavy toxic metals – including mercury, arsenic, and lead – and exposure to these toxic heavy metals in high concentrations is linked to cancer and birth defects, and

WHEREAS, increased noise from large freight trains have been shown to have a negative impact on health, and

WHEREAS, increased freight train traffic will have a negative impact on property values and threatens the integrity of Sumner’s historic buildings along the rail line, and

WHEREAS, Sumner and the region are not equipped to respond to the environmental devastation a coal train derailment would have on the Puyallup River or over Highway 410,

WHEREAS, Sumner’s tax payers should not hold all liability and tax burden for increased coal traffic’s impacts on existing infrastructure, for which we do not have any reports suggesting the useful life span, load limits or inspection reports for the Thompson Street overpass, the Highway 410 overpass and the trestle bridge over the Puyallup River.

NOW THEREFORE IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON AS FOLLOWS :

1. That the City of Sumner supports economic growth that does not jeopardize Washington State’s commitment to fight the serious impacts of climate change.
2. That the City of Sumner opposes the impact of increased rail traffic in Sumner resulting from the proposed GPT and MBT terminal projects and urges the United States Corps of Engineers and the State Department of Ecology to include impacts to Sumner, including but not limited to increased traffic congestion and delays to residents and commerce and potential impacts from the coal dust and other particulates that may be blown from open rail cars in the DEIS for the GPT and MBT projects.
3. That the City of Sumner intends to address any impacts to the surface and/or groundwater caused by the transport of coal through Sumner by actively enforcing applicable federal environmental statutes delegated to Sumner, and
4. That the City of Sumner requests that the railroad identify road improvement plans for grading, widening, or otherwise providing crossings at intersections that would be impacted by rail traffic increases and require the railroad to mitigate its impacts by fully funding the design and construction of these upgrades and not be limited by the 5% imposed cap.
5. That the City of Sumner will request from the railroad, and make public, any plans for new or expanded rail facilities or significant rail traffic volume increases affecting Sumner, and

6. That the City of Sumner request that the railroad provide representatives to meet periodically with local citizen groups and local government officials from Sumner to seek mutually acceptable ways to address local concerns, and
7. That the City of Sumner will request that the railroad submit an emergency environmental clean-up plan in case of a derailment affecting the rail line through Sumner and/or into the Puyallup River, and
8. That the City of Sumner will request that the railroad perform environmental monitoring of noise, air, groundwater and surface water quality on an ongoing basis and results will be shared with local and state agencies, and
9. That the City of Sumner City Clerk transmit copies of this resolution to the Governor of Washington, the State Lands Commissioner and to each Senator and Representative from the 2nd, 30th and 31st Legislative Districts in the State of Washington Legislature, and
10. That the Sumner City Clerk be directed to transmit copies of this resolution to each Senator and Representative from Washington State in the Congress of the United States.
11. That the City of Sumner, consistent with letters from Rep. Suzan DelBene, Rep. Adam Smith and Senator Maria Cantwell, maintain the need for a cumulative EIS in the DEIS from the United States Corps of Engineers to look at the affects uncovered coal transport and increased rail traffic will have on down-line communities, including Sumner.

This Resolution shall take effect immediately upon its adoption.

Adopted this 4th day of March, 2013.