

**CITY OF ALGONA
WASHINGTON**

RESOLUTION NO. 1167-17

**A RESOLUTION RELATING TO THE KING COUNTY
TRANSFER STATION IN THE CITY OF ALGONA, AND
APPROVING TWO AGREEMENTS WITH KING COUNTY
REGARDING CLOSURE OF THE EXISTING TRANSFER
STATION AND CONSTRUCTION OF A NEW TRANSFER
STATION.**

WHEREAS, in December of 2007, the King County Council approved the Solid Waste Transfer and West Export System Plan (“Plan”), which recommended closure of the existing transfer station in the City of Algona and construction of a new transfer station in South King County to serve the residents and businesses in and around the cities of Algona, Auburn, Federal Way and Pacific; and

WHEREAS, after approval of the Plan, the Solid Waste Division of the King County Department of Natural Resources and Parks (“Solid Waste Division”) commenced a search for the new transfer station site; and

WHEREAS, in 2012, the Solid Waste Division purchased the property at 35101 West Valley Highway South, adjacent to the existing transfer station, as a possible location for the new transfer station; and

WHEREAS, on October 15, 2012, the King County Council passed Ordinance 17437 (“New Station Ordinance”), which required the County Executive to prepare a report of all major procurement methods for the new transfer station, including four methods described in the New Station Ordinance, and to submit the report to the King County Council before proceeding with design of the station; and

WHEREAS, a King County Siting Advisory Committee and the Solid Waste Division developed criteria for evaluating potential new transfer station sites; and

WHEREAS, using the criteria, the Solid Waste Division narrowed the list of potential sites from one hundred to three, which were (1) 35101 West Valley Highway South in the City of Algona (next to the existing transfer station) (“Algona Site”), (2) 901 C Street SW in the City of Auburn, and (3) 28721 West Valley Highway South in the City of Auburn; and

WHEREAS, on February 2, 2013, the Solid Waste Division issued a State Environmental Policy Act (“SEPA”) Determination of Significance (“DS”) for preparation of an Environmental Impact Statement (“EIS”) to evaluate the potential impacts of (1) three “action alternatives” (building a new transfer station on one of the three potential sites) and (2) a “no action”

alternative (retaining the existing transfer station until the end of its functional life); and

WHEREAS, King County thereafter commenced discussions with the City of Algona to address the impacts of retaining the existing station and constructing a new station at the Algona Site, primarily because the City must vacate rights-of-way on the Algona Site and King County must compensate the City for the impacts of the existing transfer station on City streets, particularly West Valley Highway South adjacent to the existing transfer station, pursuant to RCW 36.58.080; and

WHEREAS, on November 3, 2015, the Solid Waste Division issued a revised SEPA DS, which eliminated 28721 West Valley Highway South in the City of Auburn as a site for the new transfer station; and

WHEREAS, on February 4, 2016, the Solid Waste Division issued the draft EIS for the new transfer station, and on September 20, 2016, the Solid Waste Division issued the final EIS for the new transfer station, which evaluated the environmental impacts and discussed potential mitigation measures of the remaining Auburn site and Algona Site, and selected the Algona Site as the preferred alternative for the new transfer station; and

WHEREAS, in October, 2016, the City appealed the EIS for the new transfer station to the King County Hearing Examiner; and

WHEREAS, as required by King County Ordinance 17437, a King County consultant has prepared recently a preliminary report that analyzes and considers the major procurement methods for the new transfer station; and

WHEREAS, King County anticipates selecting the procurement method for the new transfer station by the end of 2017; and

WHEREAS, once King County selects the procurement method, it will move quickly to obtain permits and approvals for the new transfer station; and

WHEREAS, the City Council held a public hearing on the Land Transfer Agreement and the Construction Agreement (a portion of which is a development agreement for the new transfer station pursuant to RCW 36.70B.170 – 36.70B.210) on June 27, 2017; and

WHEREAS, the two Agreements must be considered together, as neither Agreement is effective unless both Agreements are effective; and

WHEREAS, the City Council desires to enter into the Agreement Between King County and the City of Algona—Land Transfer Relating to New Transfer Station (“Land Transfer Agreement”) and the Agreement Between King County and the City of Algona Relating to Construction of New Transfer Station (“Construction Agreement”) to provide regulatory rules, mitigation and a mitigation procedure for the new transfer station; to establish King County’s mitigation for impacts to West Valley Highway from the existing station; to settle the City’s appeal of the EIS for the new transfer station; and to resolve the status of the right-of-way of

West Valley Highway between 5th Avenue South and 1st Avenue South; and

WHEREAS, among other things, the two Agreements provide that (1) for no charge, King County must transfer to the City title to the existing station property, after the existing station has been deconstructed and the property has been cleaned-up per applicable hazardous substances laws and regulations, (2) at its own cost and expense, King County must repair, grind and overlay three segments of West Valley Highway and must reconstruct one segment of West Valley Highway, (3) King County must reimburse the City for the City's share of matching funds to overlay one segment of West Valley Highway, (4) if the new transfer station is constructed, King County must pay to the City annually a proportionate share of the cost of asphalt overlays of segments of West Valley, (5) King County must pay for the City's costs of employees, consultants and contractors to process permits and approvals for the new transfer station, and (6) King County must reimburse the City for services of employees, consultants and contractors related to the new station and the existing station, up to \$300,000, whether those costs are incurred before or after the effective date of the Agreements; and

WHEREAS, the City Council finds that approval of the two Agreements is in the best interests of the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council approves the "Agreement Between King County and the City of Algona—Land Transfer Relating to New Transfer Station" attached to this Resolution as Exhibit A, and authorizes the Mayor to sign the Agreement.

Section 2. The City Council approves the "Agreement Between King County and the City of Algona Relating to Construction of New Transfer Station" attached to this Resolution as Exhibit B, and authorizes the Mayor to sign the Agreement.

PASSED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 28th DAY OF JUNE, 2017.

CITY OF ALGONA



David E. Hill, Mayor

ATTEST/AUTHENTICATED:



Laurie Cassell, MMC
City Clerk-Treasurer

Approved as to form:

A handwritten signature in cursive script that reads "Rod Kaseguma". The signature is written in black ink and is positioned above a horizontal line.

Rod P. Kaseguma
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.: 1167-17
Date Posted: