



# CITY OF LAKE FOREST PARK CITY COUNCIL WORK SESSION

**Thursday, August 10, 2023 at 6:00 PM**

**Meeting Location: In Person and Virtual / Zoom  
17425 Ballinger Way NE Lake Forest Park, WA 98155**

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## **INSTRUCTIONS FOR PARTICIPATING IN THIS MEETING VIRTUALLY:**

***Please note, this link works for both the Work Session (6:00 p.m.) and Regular Meeting (7:00 p.m.).***

**Join Zoom Webinar: <https://us06web.zoom.us/j/81208922305>  
Call into Webinar: 253-215-8782 | Webinar ID: 812 0892 2305**

Public Comment is not taken during the Work Session.

As allowed by law, the Council may add items not listed on the agenda.  
For up-to-date information on agendas, please visit the City's website at [www.cityoflfp.gov](http://www.cityoflfp.gov)

Meetings are shown on the city's website and on Comcast channel 21 for subscribers within the Lake Forest Park city limits.

## **AGENDA**

### **1. CALL TO ORDER: 6:00 PM**

### **2. ADOPTION OF AGENDA**

### **3. COUNCIL DISCUSSION TOPICS**

**A.** Presentation from Republic Services regarding fee restructuring for solid waste.

**B.** Rights-of-Way tree and vegetation maintenance policies and procedures

### **4. ADJOURN**

## **FUTURE SCHEDULE**

--Monday, August 14, 2023 City Council Committee of the Whole Special Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*

--Thursday, August 17, 2023 City Council Budget and Finance Committee Meeting – *canceled*

--Monday, August 21, 2023 City Council Committee of the Whole Regular Meeting – *canceled*

--Thursday, August 24, 2023 City Council Regular Meeting – *canceled*

--Monday, September 4, 2023 City Offices Closed in Observance of Labor Day

--Thursday, September 14, 2023 City Council Work Session Meeting 6 pm – *hybrid meeting (Zoom and*

*City Hall)*

--Thursday, September 14, 2023 City Council Regular Meeting 7 pm – *hybrid meeting (Zoom and City Hall)*

--Thursday, September 21, 2023 City Council Budget and Finance Committee Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*

--Monday, September 25, 2023 City Council Committee of the Whole Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*

--Thursday, September 28, 2023 City Council Regular Meeting 7 pm – *hybrid meeting (Zoom and City Hall)*

*Any person requiring a disability accommodation should contact city hall at 206-368-5440 by 4:00 p.m. on the day of the meeting for more information.*

# City of Lake Forest Park King County Rate Restructure Republic Services Contract Amendment August 10, 2023

Wendy Weiker  
Sustainability and Community Relations Manager





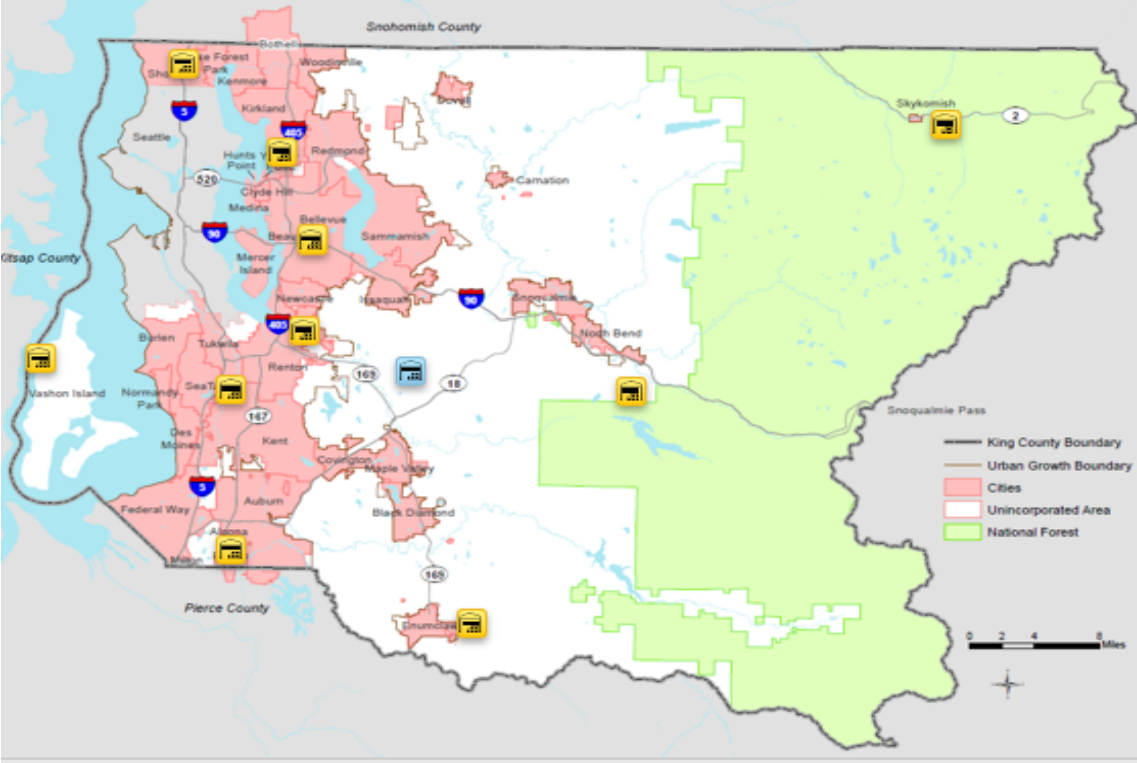
# King County's MSW Rate Restructure & Interlocal must align with LFP's Republic Services contract by 9/30/23



- King County Solid Waste Division is moving to a “utility model” starting 1/1/24:
  - Fixed Annual Charge (FAC) + per-ton tipping fee.
- Allowed by the City's Interlocal Agreement with King County.
- All city contracts with hauler billing must be amended to allow for the FAC.

Slide content: BinThere Consulting

# King County’s (KC) MSW system serves 37 cities and unincorporated areas



**Mission:** We bring the best people together to deliver value to our customers and stakeholders and continuously improve waste prevention, resource recovery, and waste disposal.

**Vision:** Achieve zero waste of resources and enhance the environment through collaboration and innovation.

Slide Content: King County SWANA session 2023

# King County Zero Waste Policy Requires New Rate Structure & Billing for City Contracts with their Service Providers

## KC's Re+ program reduces revenue, so a new rate structure is needed



- Under previous rate structure, as we reduce waste and divert more resources via recycling, revenue would be reduced making it difficult to fund core services.
  - 90% of SWD revenues come from waste disposal
  - Re+ goal is to reduce disposal tons by 70%
  - The majority of SWD costs are largely fixed
- A fixed revenue stream will reduce volatility in rate increases caused by lower tonnage associated with increased recycling or economic downturns.

Slide Content: King County SWANA session 2023

### Industry standard for utility rate setting includes three key steps

1

**Revenue Requirement:** Total amount of money the County must collect to pay expenditures to provide services while also meeting its financial requirements (e.g., debt service, financial reserves)

2

**Cost of Service:** The equitable allocation of the revenue requirement to the County's customer classes (e.g., commercial haulers, self-haulers) in proportion to the demands they place on the system.

Rate  
Restructure

3

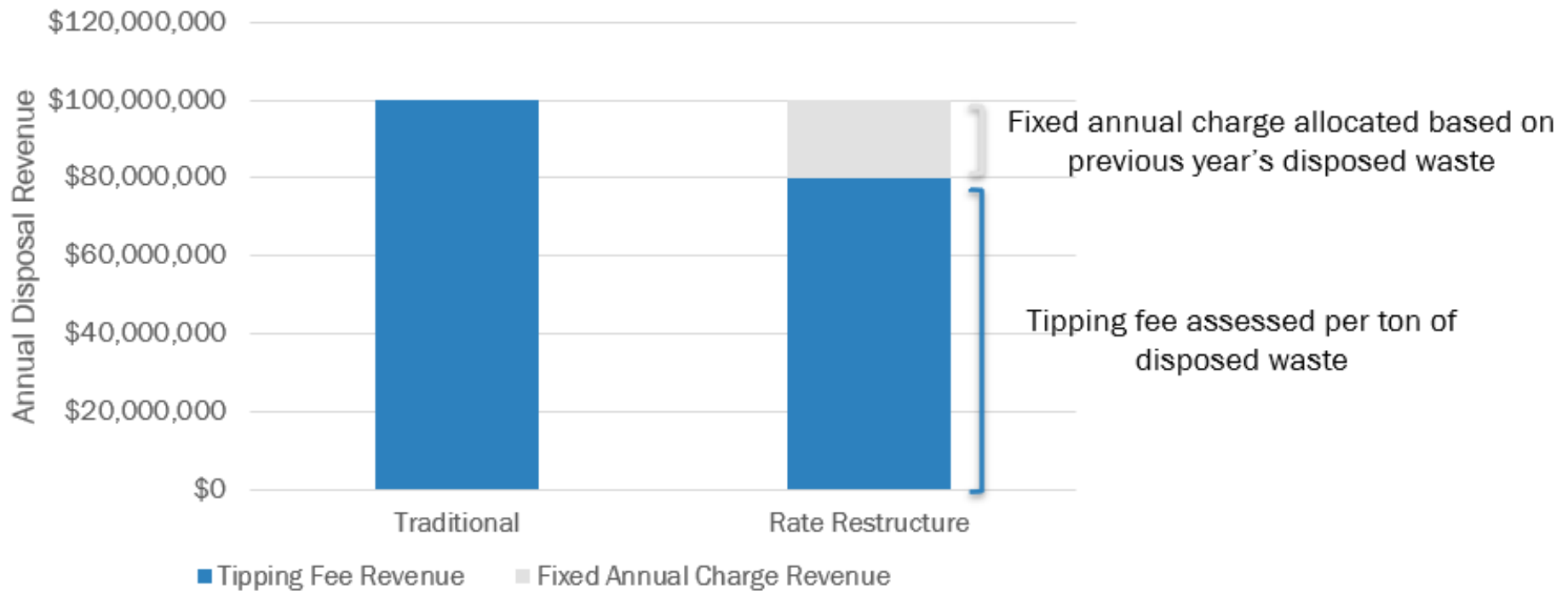
**Rate Design:** A rate structure (fixed and variable charges) assessed to customers that will generate sufficient revenue, be reasonably commensurate with the cost to provide service, and support non-financial objectives.

Source: Solid Waste Rate Setting and Financing Guide, American Public Works Association

Slide Content: King County SWANA session 2023

# Traditional Tipping Fee –vs- Utility Rate Model

## Traditional Tipping Fee versus Fixed Annual Charge/Tipping Fee Structure



Slide Content: King County SWANA session 2023



# King County Fixed Annual Charge is based on each city's MSW volume and charged to their haulers who recover costs in customer rates

KC chose the 'FAC' based primarily on stakeholder feedback

- ☑ Preferred by a majority of stakeholders over other options
- ☑ Does not shift disposal costs to other cities
- ☑ Maintains incentives to divert waste
- ☑ Easiest to calculate
- ☑ Meets revenue stability and neutrality goals

Slide Content: King County SWANA session 2023

# King County Disposal Rates changing to Fixed and Variable “Utility Model” on 1/1/2024

## Rate Restructure



The County assigns FAC based upon the City’s annual garbage tonnage contribution.



Republic Services collects the FAC from customers to pay the County.



The FAC must be distributed across the customer base.



King County tipping fees and FAC will be adjusted annually.

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# LFP Fixed Annual Charge + Variable Tip Fee = “Combined Commercial Rate”

The FAC will be converted into a per-ton rate based upon previous garbage tonnage, and added to tipping fee to create Composite Commercial Rate (CCR).

The CCR will be adjusted annually by the difference between the initial FAC per-ton rate and the updated FAC per-ton rate using actual tonnage.

The adjusted CCR will be used instead of the tipping fee to calculate the annual disposal adjustment.

Example\*:

- 2024 FAC = \$400,000
- 2022 Tonnage = 12,000 tons
- Per-ton FAC = \$33.33 / ton

\*does not include service portion of customer bill, nor annual inflation increase for both service and disposal portion of customer bills

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# Customer Bills will look the same despite change in King County Disposal accounting



## Customer Bills

- Customer bills will be adjusted annually by King County tipping fees, FAC, and CPI changes.
- FAC will be included in customer disposal rates on bill -- not listed out separately.
- Average resident with a \$40 monthly garbage bill can expect to pay approximately \$.70 more per month for disposal plus the annual CPI increase (also to be determined in the fall).

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# Key to Landfill Diversion & Zero Waste Goals (King County's Re+ Pledge): Know What to Throw

Section 3, Item A.

Recycling	Compost	Garbage
<b>Empty, Clean &amp; Dry</b> <ul style="list-style-type: none"> <li>✓ No plastic bags, film or wrap. Find a recycling drop-off site at <a href="http://Bagandfilmrecycling.org">Bagandfilmrecycling.org</a></li> <li>✓ Do not bag recyclables</li> <li>✓ Extra recyclables may be set out in boxes, paper bags or 32-gallon cans marked "recycle" next to the recycling cart</li> </ul> 	<b>Food Scraps &amp; Yard Debris</b> <ul style="list-style-type: none"> <li>✓ No plastic bags or food containers</li> <li>✓ Cedar Grove-approved compostable bags are OK</li> <li>✓ No rocks, dirt or bark</li> <li>✓ Extra yard waste may be collected in paper bags, 32-gallon cans or boxes 3ft. x 3ft. x 3ft. max</li> </ul> 	<b>Household Garbage</b> <ul style="list-style-type: none"> <li>✓ Bag all garbage</li> <li>✓ No hazardous waste</li> <li>✓ No hot ashes or coals</li> <li>✓ Extras may be collected in securely tied plastic bags and clearly labeled "garbage." Maximum weight 60 lbs. Fees apply.</li> </ul> 
<b>Paper</b> <ul style="list-style-type: none"> <li>✓ Empty, clean and dry</li> </ul> 	<b>Plants &amp; Yard Trimmings</b> <ul style="list-style-type: none"> <li>✓ Branches 4ft. max</li> </ul> 	<b>Mixed Packaging</b> <ul style="list-style-type: none"> <li>✓ Plastic-coated or food-soiled</li> </ul> 
<b>Cardboard</b> <ul style="list-style-type: none"> <li>✓ Flatten boxes</li> <li>✓ 3ft. x 3ft. x 3ft. max</li> <li>✓ Keep dry</li> </ul> 	<b>Fruits &amp; Vegetables</b> <ul style="list-style-type: none"> <li>✓ No stickers</li> </ul> 	<b>Polystyrene Foam</b> 
<b>Metal Cans</b> <ul style="list-style-type: none"> <li>✓ Empty, clean and dry</li> </ul> 	<b>Meat, Bones &amp; Leftovers</b> 	<b>Diapers &amp; Pet Waste</b> <ul style="list-style-type: none"> <li>✓ Double-bagged</li> </ul> 
<b>Glass Bottles &amp; Jars</b> <ul style="list-style-type: none"> <li>✓ Empty, clean and dry</li> <li>✓ Unbroken</li> <li>✓ No lids</li> </ul> 	<b>Dairy, Eggs &amp; Bread</b> 	<b>Household Items</b> <ul style="list-style-type: none"> <li>✓ Latex paint cans (dry or empty)</li> </ul> 
<b>Plastic Bottles, Jugs &amp; Tubs</b> <ul style="list-style-type: none"> <li>✓ Empty, clean and dry</li> </ul> 	<b>Food-Soiled Paper</b> <ul style="list-style-type: none"> <li>✓ Uncoated (no shiny paper)</li> </ul> 	<b>Small Items</b> <ul style="list-style-type: none"> <li>✓ When in doubt, visit "What do I do with?" on King County's website, or throw it out</li> </ul> 

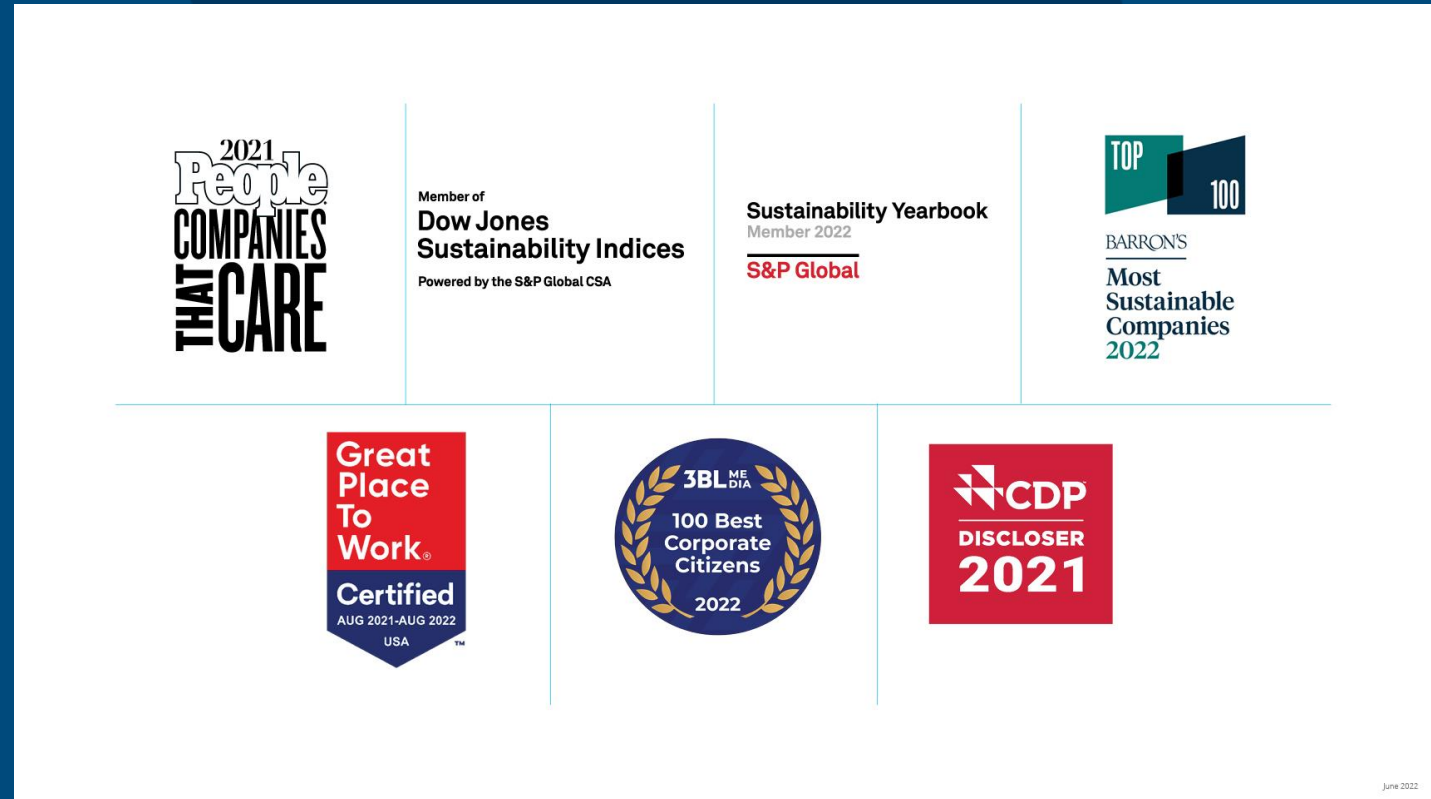
**Collection Reminders:** Set carts out by 7 a.m. Garbage is collected weekly. Recycling and compost are collected every other week. If weather conditions prevent safe collection, service will resume on the next regular scheduled collection day. Double your regular amount will be collected for no additional fee.



## Sustainability in Action

**Wendy Weiker**  
Sustainability and Community  
Relations Manager

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c: 206.390.7630





CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

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Meeting Date	July 13, 2023
Originating Department	Public Works
Contact Person	Jeff Perrigo, Public Works Director and Kim Adams Pratt, City Attorney
Title	Rights-of-Way tree and vegetation maintenance policies and procedures

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Legislative History

- First Presentation – August 10, 2023, City Council work session
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Attachments:

1. WCIA Municipal Tree Management guidance
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Executive Summary

The City has a general duty to maintain its rights-of-way in a safe manner. The focus of this work session is on trees and vegetation located in or encroaching into the City’s rights-of-way. We will provide information regarding routine maintenance, notice and documentation of potential hazards, and how the City addressees potentially hazardous situations.

Staff Recommendation

Discuss policy and procedure implications of managing tree and failure and vegetation removal from the City’s rights-of-way.

**PAR.18**  
(PWK.15)  
**MUNICIPAL TREE MANAGEMENT**

Issued: 04/2004  
Revised: 04/2012  
Reviewed: 02/2016

**POSSIBLE EXPOSURES:**

Members may be liable for bodily injury or property damage resulting from tree failure that occurs in Member rights-of-way or on Member owned property. Liability for tree failure could include falling limbs and branches or the entire tree falling due to decay, disease or damage. Washington courts have consistently held that a municipality may be liable for a dangerous condition that it did not create only if the municipality had notice of the condition and failed to correct it in a reasonable period of time. In addition, Members can be liable for causing property damage or bodily injury during removal of trees or limbs.

**RECOMMENDED CONTROLS:**

Citizens and Member employees often provide the first notice of a potentially hazardous tree. The ability to document first notice and a reasonable response is a Member's best defense in the event of a claim or a lawsuit.

Members have a general duty to address potentially hazardous tree situations within a reasonable period of time once put on notice of the situation. Reasonable response times will vary depending on the severity of damage/disease to the tree, its location and its potential to cause bodily injuries or damage to private property should it fail.

**Constructive vs. Actual Notice:**

"Actual" notice of a potentially hazardous tree is typically in the form of an email, letter, fax, telephone call or in-person report. The Member could also have notice in the form of "constructive" notice if the Member *should have known* of a potentially hazardous tree. It could be argued that the Member should have known of a particular hazard based on location, obviousness and extent of damage or disease, the length of time the condition existed, or other factors. Constructive notice on the Member's part requires the same level of response as actual notice

**Documentation:**

WCIA recommends that Members develop a method for documenting and tracking citizen/employee concerns, requests, and complaints. To demonstrate a Member met its duty to respond in a reasonable time and appropriate manner, the Members should document the date and time notice was received and the date and time corrective action was taken, or the reason why no action was warranted. See [PWK.13.01 Sample Citizen Action Request Form](#).



A tracking system that reflects Member response to inquiries, including justification for action, inaction, and city decisions, can be invaluable for the defense of a claim. We recommend records be searchable by location, date, person(s) reporting and department(s) responding to the issue. By processing the information this way, the Member will be able to track or retrieve a given issue fairly easily. In a paper filing system, this may require multiple copies.

### **Retention:**

WCIA recommends records are kept in accordance with the [State Record Retention](#) guidelines.

### **Tree Inspection:**

After receiving notice of a potentially hazardous tree, an inspection and evaluation should be performed by someone with sufficient expertise to identify the defect/damage on the tree and the knowledge to request the appropriate action is taken to mitigate any potentially dangerous situations. Any inspection/evaluation should be documented and retained by the Member. An evaluating party should, at a minimum, consider the following factors when determining the degree of hazard posed by a particular tree:

- A. Potential for failure (both obvious and latent conditions)
- B. Potential for property damage or bodily injury if failure occurs

Evaluations will assist the member in deciding what, if any, additional action needs to be taken, i.e. pruning, removal, other forms of mitigation, or no action necessary.

### **Maintenance:**

No trees, shrubs or flowers should be allowed to overhang or prevent the free use of the sidewalk or roadway, or street maintenance activity, except that trees may extend over the sidewalk when kept trimmed to a height consistent with a Member's regulatory code. In the absence of a regulatory code, WCIA recommends trees are kept trimmed to a height of eight feet (8') above a sidewalk and 16.5' above a roadway.

WCIA recommends that Members contract with a professional tree removal service for removal of any tree or limb if there is a potential for property damage or injury (either to Member employees or others) during removal. The tree removal contract should contain the proper indemnification/hold harmless language and require the company to have adequate insurance to cover the risks of the specific job, and name the Member as an additional insured. For sample insurance and indemnification language, see [ADM.21 Insurance Indemnity Requirements For Contracts](#).