
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
March 13, 2002 – Community Center – 7:00 P.M.

The Meeting was called to order at 7:00 P.M.

Pledge of Allegiance

ROLL CALL

Present: Mayor Dillon, Councilmembers Meamber, Miller, Storrs, Lemley, Warner, Grandy and Anderson. Staff Members: City Attorney Hayden, Clerk/Treasurer Nelson, Planner Hallberg, Engineer Barnet, Lieutenant Wood and Fire Chief Klinger.

Ocean Bowl State Championship Presentation

Mayor Dillon honored the Sedro-Woolley High School Ocean Bowl Blue Team for their achievement in placing 1st in the State competition. She also noted the White Team placed 5th. Diana Morton, advisor for the Ocean Bowl explained the Ocean Bowl competition. She introduced members of the Blue Team, Senior Andy Rathvon, Juniors Pat Brown, Matt Taft and Eric Bruun. They will be heading for National Competition, April 26th.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #45022 to #45157 for \$142,309.61 (Voided Checks #45041 - #45043)
 - Payroll Warrants #28496 to #28579 for \$101,549.59
- Request for Out of State Travel for Officer Lazon
- Request for Out of State Travel for Solid Waste Foreman Leo Jacobs
- Interlocal Agreement re: Collection of School Impact Fees

Councilmembers Warner and Anderson requested discussion on the Interlocal Agreement and Requests for Out of State Travel.

Mayor Dillon noted that in order for us to submit the collected impact fees to the School District an Interlocal Agreement is necessary for bookkeeping purposes.

Attorney Hayden reviewed the agreement which has some minor changes from a previous agreement.

Engineer Barnet reviewed the request for Out of State Travel from Solid Waste Foreman Leo Jacobs. He stated the City will be purchasing a new garbage truck within the next two years and

this is the only Expo in the region to be able to compare hands on the various types of equipment and what's happening in the industry. He will only be gone for one night.

Councilmember Anderson noted the State policy of no out of state travel.

Lieutenant Wood addressed the Out of State Travel request for Officer Lazon to attend a conference which is not offered in state. Wood said the cost is minimal compared to attending one in the Seattle area. This is the first conference he has attended for Motorcycle Policemen. The class includes hands on riding instruction which is needed to keep his certification.

Councilmember Meamber requested in the future to have the costs included in the Out of State Travel requests.

Councilmember Miller questioned the certification process for the Motorcycle police. Lieutenant Wood answered Miller's questions.

Councilmember Warner moved to approve the Consent Calendar A through E. Seconded by Councilmember Miller. Motion carried.

Swearing in of Firefighter Derrick Youngquist

Mayor Dillon announced the hiring of Derrick Youngquist as the newest Sedro-Woolley Firefighter. Fire Chief Klinger introduced Youngquist to the Mayor, Council, Staff and audience members and the Oath of Office was administered to Firefighter Derrick Youngquist.

Public Comment

Tony Splane – 714 Sapp Road, expressed his opinion that the Forest Service building is not the way to go.

Roger Anderson – 1020 Sterling Street, spoke to the Council and supported the need for a new City Hall. Anderson noted resistance to the Forest Service building and cautioned the Council on losing credibility should they choose to place the building up for a vote of the people.

Renee Grimbley – 602 Fidalgo St., requested an exception to City ordinance, 9.46.020 Section E., addressing sound of public disturbance noises. She stated was recently cited for one of the sections in regards to a barking dog. She noted the code was vague and requested a time frame exception.

Glenn Allen – 316 Talcott St., presented his opinion on the proposed City Hall site and request the Council maintain a potential City Hall within the confines of the City. Allen encouraged Council to look for alternatives within the current City limits.

Doug Brown – 1105 Fidalgo, spoke on a planned development on the end of Fidalgo Street and addressed issues such as lack of permits, contractor information and lack of signature. Brown expressed concern of road conditions from the road construction.

Darren Leber – 715 N. Reed, spoke on the fate of Murdock field. Leber reaffirmed, on behalf of Sedro-Woolley Youth Football and other youth sports that Murdock field is very necessary to maintain, not just for sports issues but for all kids. Leber noted there was a lot of potential for the field and urged the Council to keep Murdock field as a youth field and park.

Terry Karper – 190 N. Murdock St., thanked the City for their commitment to the planned upgrades to Murdock field.

Louie Requa – 806 Metcalf St., requested to be able to speak on several items on the agenda at the appropriate times.

Craig Cole – General Delivery, spoke in support of the Out of State Travel Request for Officer Lazon.

PUBLIC HEARINGS

Findings for Interim Hearing Examiner Ordinance

Attorney Hayden spoke on the recently passed Ordinance appointing a hearing examiner for a six month period. Hayden noted this was adopted following the resignation of a majority of the Planning Commission members. Because this was an emergency ordinance it is required to have a public hearing and adopt findings of fact. Hayden stated this is a 6 month ordinance which will expire at the end of 6 months and at that time comparisons can be made and an informed decision about what to do can then be made.

Mayor Dillon opened the Public Hearing at 7:34 P.M.

Mayor Dillon closed the Public Hearing at 7:34.30 P.M.

Councilmember Grandy moved to adopt Resolution #660-02 A Resolution of the City Council of the City of Sedro-Woolley Following a Public Hearing on Ordinance #1419-02, Adopting a Hearing Examiner System for an Interim Period of Six Months, and Entering Findings of Fact Pursuant to RCW 36.70A.390. Seconded by Councilmember Warner. Motion carried 5-2 (Councilmembers Anderson and Meamber opposed).

OLD BUSINESS

Garden of Eden Sewer

Engineer Barnet reviewed background information and three options available for Sanitary Sewer service in the Garden of Eden area. Barnet requested Council approve one of the three options presented as the preferred alternative to be finalized into the Feasibility Study. Barnet reviewed cost estimates and recommended Alternate #2 based solely on cost.

Council discussion followed including funding, future capacity, life of the lines, location of pump stations and access of sewer to Hawthorn Street.

Don Dillard – questioned how many houses will be built and why the developers can't pay.

Barnet gave history of the Sewer Comp Plan which identified areas that will be serviced with sewer and funding. Barnet noted that a portion of the monthly sewer bill is set aside for sewer extensions and capital improvements.

Vern Sims – Sedro-Woolley, questioned a parcel of property that he owns and the effect of the sewer extension to him. Sims also questioned impact fees and the cost to developers. He noted if the costs are too great, the development wouldn't happen.

Dave McLaughlin – Garden of Eden property owner, commended Engineer Barnet on his efforts noting that the area has needed sewer and future development depends on it. McLaughlin stated that short plats can't afford the sewer extension and noted the option he felt would service the largest number of future development. McLaughlin presented an option that could upgrade a private developer's plans for a lift station which would also service adjoining property owners.

Bill Stiles III – questioned if the proposal would provide service beyond the service area as the UGA expands. Stiles also spoke on the need for a regional stormwater system.

Barnet noted at the present time, he is not allowed to look beyond the current UGA.

Merek Bucko – F & S Grade Road property owner, noted the plans as proposed will cut his property out of sewer. Bucko requested consideration of how can the property be hooked up on sewer.

Some time was spent discussing the unique problems of the Bucko property with regards to sewer extension and Brickyard Creek.

Councilmember Lemley questioned the possibility of McLaughlin's option of meeting with the adjoining property developer to upgrade his proposed pump station.

Louie Requa – 806 Metcalf St., Skagit Surveyors & Engineers, commended the City for starting the process of placing sewer into needed areas. Requa cautioned to keep in mind the small parcels of land that will only be able to be developed by short plats. Requa encouraged Council to augment the plan to make sure those areas are included.

Unidentified Audience Member – noted his preferred option.

Adolph Bucko – 820 McLean Rd., reviewed the problems he has had with trying to develop his property.

Mayor Dillon noted that the decision before the Council is to make a decision on which way the main line will go. She noted that she and the Engineer are committed to working with Mr. Bucko on his development plans.

Councilmember Meamber stated his preference would be for the topic to be tabled until some of the options mentioned can be researched.

More discussion ensued centered around servicing the Bucko property and partnering with the private developer pump station.

Engineer Barnet again, based solely on economic purposes, recommended Council move to approve Alternative #2.

Councilmember Lemley moved to request the City Engineer to pursue Option 2A as the preferred alternative to sewer the area F & S Grade Road and Garden of Eden. Seconded by Councilmember Miller. Motion carried 6-1 (Councilmember Anderson opposed).

Councilmember Anderson asked for a compromise to enable service be extended to the Bucko property.

Engineer Barnet did note that he has requested Bucko to present an updated set of plans for his property. The plans being used do not reflect stream setbacks, present critical area ordinance, and the endangered species law. As soon as new plans are shown we can move forward on a solution.

Metcalf Street Light Replacement

Engineer Barnet stated the Council had requested replacement of the light bulbs on the downtown street lights. Barnet said using the small works roster he sent out three bid packages. Two firms responded, All American Electric and Seven Sisters. Barnet reviewed the scope of work and recommended Council authorize the Mayor to sign a contract with All American Electric in the amount of \$7,010.00, not including sales tax and a contingency of \$1,000.00 for a total of \$8,010.00.

Councilmember Lemley questioned replacement of the globes. Barnet stated he would recommended waiting until the completion of the light replacement and if necessary come back to Council for direction on the globes.

Councilmember Warner moved to award All American Electric to replace the bulbs downtown on Metcalf Street not to exceed \$8,010.00, which is \$7,010.00, not including sales tax, and a \$1000.00 contingency. Seconded by Councilmember Meamber. Motion carried.

Councilmember Meamber requested a short break. Mayor Dillon announced a 5 minute break at 8:55 P.M.

The meeting reconvened at 9:00 P.M.

Mayor Dillon noted that all Councilors and staff are present. Lieutenant Wood is present for Police Chief Cooper.

Purchase of USFS Building – Eminent Domain, Option Agreement and Bond Ordinance

Mayor Dillon noted the Forest Service Building topic was placed on the agenda at the request of Councilmembers. She turned the topic over to the Council.

Councilmember Storrs stated that he requested this item be placed on the agenda because leaving it at a stalemated vote was not the way to do it. Storrs preferred after discussion tonight it either be voted up or down, so Council will know the direction to proceed.

Councilmember Meamber stated his reason for bringing up the topic again is to finalize the decision. Meamber noted he is interested in knowing if the City is interested in growing and if the people would go for a bond. Meamber spoke of the need to get the employees out of the present City Hall.

Councilmember Warner noted he agreed with Meamber. Warner noted over his term on the Council he has received calls, usually complaints and last week received three calls thanking him for the decision he made. He stated he feels good about the decision he made and will continue to uphold his decision. He noted he is committed to making a solution and a direction for a new City Hall. He stated he believes that the property is a good deal real estate wise but does not believe it is a place to have a City Hall.

Councilmember Anderson concurred with Councilmember Warner. He noted the Hwy 20 property would be taken off the tax roll and believes it would be tainting the waters if proposed and put on the ballot. Anderson stated he believes a vote will be shot down and expressed concern when a good solution comes Council is running the risk that it will be shot down just because the people weren't listened to. Anderson said he has not heard anyone in favor of the option presented and it's running the risk of getting anything at all.

Councilmember Miller concurred with Councilmembers Warner and Anderson. He stated City Hall should be in the downtown sector, close to where business is conducted and thinks the seller should be responsible for upgrading the building. He believes the people have spoken and doesn't believe its good for the City.

Councilmember Storrs moved to adopt Ordinance No. 1420-02 An Ordinance Authorizing the Mayor for the City of Sedro-Woolley to Acquire by Negotiation and/or to Prosecute an Action in the Superior Court of the State of Washington in and for Skagit County Under the Right of Eminent Domain for Acquisition of Certain Real Estate for the Purposed of a City Hall and Other City Buildings, and for the Taking and/or Damaging of Said Lands Consistent With These Purposes; and Declaring the Taking of Said Land, Properties, Interests, and Rights Herein Described to be for a Public Purposes and Use. Seconded by Councilmember Lemley.

Lengthy discussion ensued as follows:

Glenn Allen – 316 Talcott St., addressed the Council noting that he finds this very offensive, he believe that the Council needs to stick with the decision made and is tired of them flip-flopping on issues. He stated he can't understand the need to take commercial property off the market and believes there are other options more suitable. Allen again noted his disappointment in the Council and the flip-flopping being done.

Vern Sims – Sedro-Woolley, presented numerous questions to the Council including length of negotiations, cost of a new building, savings in using City owned land, repair costs, quantity and progress of playfields. Sims stated the City Hall belongs with the Police/Fire station and in the downtown area. He stated that he would like to see a new City Hall but doesn't believe the proposed site is appropriate and will campaign against passage of a bond.

Mike Crawford – 20675 Rocky Ridge Ln., spoke to the Council and addressed the difficult task and the need for a new facility. Crawford suggested implementing a Blue Ribbon Committee to look at 2-3 options and bring back for an advisory ballot. Crawford suggested looking for leased space for a temporary location.

Louie Requa – 806 Metcalf St., Skagit Surveyors & Engineers, questioned statistics given at the last meeting regarding anticipated growth. Requa also noted the testimony given was not 50-50 as stated but 16 against and 7 for of people who testified or submitted letters. He spoke on validation requirements and the feeling of the community which will lead to disaster and will make it hard to pass another time. Requa addressed taking the proposed site off the tax rolls and the potential of commercial jobs. Requa encouraged Council research an idea to build a City Hall on the parking lot located at State and Murdock Streets, tearing down the current City Hall and making it into a parking lot to replace lost parking and agrees with Crawford's idea in implementing a Blue Ribbon Committee to explore options. He noted progress is being made on the Northern State Playfields which has the endorsement of the Army Corps of Engineers with the schedule for construction in 2003.

Terry Karper – N. Murdock St., doesn't understand the animosity and why this is so high profile. He stated Council can't make a decision on behalf of the entire community they can do leg work and make recommendations. Karper encouraged Council allow the people of Sedro-Woolley to have their say. Karper stated he has his own opinion of where City Hall should be but is prepared to accept what the rest of the community would vote for in a democratic type situation.

Kevin Loy – 128 Garden of Eden, noted he has spoke with numerous people in favor of the proposal. Loy noted that you tend to get the answer you put out and believes it to be short sighted to take the only large open space in downtown and waste it. He noted Sims comment that in 50 years he wants to see a building. He said in 50 years the open space will mean a lot more than it does today and by taking the only open space available, 50 years from now people will look back and wish it hadn't been done.

Dewey Hyatt – 215 N. Reed St., addressed credibility and believes if the proposal goes to vote and is turned down, the Council will lose credibility. Hyatt encouraged Council to think long and hard, and noted the hard times that the business community is having.

Wayne Moritz – 303 Jones Rd., spoke against the proposal and encouraged people to speak out. He addressed the current economic status and encouraged Council to look at other options.

Councilmember Anderson noted that the idea spoke of for building City Hall on the parking lot at State and Murdock streets was not his idea as he is being credited for. He credited Attorney Hayden or whoever thought of the idea.

Councilmember Storrs noted some restrictive covenants on that property that preclude it from being used for anything but a parking lot.

Councilmember Anderson noted that something might be able to be worked out.

Dave McLaughlin – Skagit Surveyors, agrees that the Forest Service building is not the best location for a City Hall. He said he would not like to see commercial property be put into public service and taken off the tax rolls and believes there to be a lot of revenue potential for the City with the building. He suggested if the decision would be to go to a vote, requested wording to a statement for, against and rebuttal. He stated he believes the overall opinion to be not against the building of a new City Hall but against the Forest Service location.

Mayor Dillon stated she looked at this plan was because we need a new City Hall and need it desperately. She realized there are people who believe the present building is fine and the employees don't deserve better. She noted that she is very conservative and when the Forest Service building became available, thinking wisely, she thought using the best bang for the buck and believes it to be a good investment. To be able to purchase 5.5 Acres of land , three out buildings and with the potential to bring City Hall, Police, Parks, Solid Waste and Street Departments all under one place she thought was a great idea. A lot of thought went into weighing the cost of building a new City Hall vs. the Forest Service Option. Dillon noted that due to prevailing wage requirements, it would be impossible to build a new building for less than 3.3 million and she believes the citizens of Sedro-Woolley have the right to vote. The 9,000 people who live in Sedro-Woolley deserve the right to vote and have their say.

Mayor Dillon restated the Motion made by Councilmember Storrs and seconded by Councilmember Lemley to Adopt Ordinance No. 1420-02 An Ordinance Authorizing the Mayor for the City of Sedro-Woolley to Acquire by Negotiation and/or to Prosecute an Action in the Superior Court of the State of Washington in and for Skagit County Under the Right of Eminent Domain For Acquisition of Certain Real Estate for the Purposed of a City Hall and Other City Buildings, And For The Taking And/Or Damaging of Said Lands Consistent With These Purposes; And Declaring The Taking Of Said Land, Properties, Interests, And Rights Herein Described To Be For A Public Purposes And Use.

Roll Call Vote: Councilmember Anderson – No, Grandy – Yes, Warner – No, Lemley – Yes, Storrs – Yes, Miller – No, Meamber – Yes. Motion carried (4-3).

Attorney Hayden stated in the above action the Council has just authorized the Mayor to negotiate a price or agreement or to condemn the Forest Service property. He said the Eminent Domain Ordinance is a formality in the process of acquiring real estate and the next step is to make a written proposal to the property owners. Hayden spoke of an Option Agreement previously negotiated and noted that he would, should Council approve, try to negotiate the Option Agreement again which obligates the City to go ahead to put this on the ballot. Hayden noted the next step is for Council to authorize the Mayor to present a signed option agreement to the sellers in the form presented with the date changes to correspond to the May 21, 2002 bond election, and then pass the bond ordinance changing the date to May 21, 2002. Hayden noted that should the option not be accepted by the sellers, there is still another Council meeting in which the Election ordinance can be withdrawn and the election can be cancelled.

Councilmember Anderson noted the ordinance in the packet did not show the address on it as the last one did. Hayden stated the official Ordinance files would reflect the address.

Councilmember Meamber questioned the referendum format. Hayden stated that he believes that can be accomplished and would work with the County Auditor on the wording.

Councilmember Anderson questioned the type of ballot that would be used, the cost and the amount spent to date on the building.

Attorney Hayden stated it would be a mail in ballot and will run approximately \$5-10,000. To date approximately \$6,500.00 has been spent for an appraisal, architects survey and engineering studies of the building.

Mayor Dillon clarified that all expenditures for the studies of the building were all spent with Council approval.

Councilmember Storrs moved to authorize the Mayor to execute an option agreement with Sonland Enterprises and submit to the sellers. Seconded by Councilmember Meamber. Motion carried 4-3 (Councilmembers Anderson, Warner and Miller opposed).

Attorney Hayden reviewed the bond election ordinance which would be the third step.

Councilmember Anderson questioned if the dollar amount and effect to the voter can be incorporated into the ballot.

Attorney Hayden stated he did not believe that informational mailings can be done with the ballot. It will become the responsibility of the City Council to provide that information to voters through various informational mailings and other sources.

Councilmember Lemley moved to adopt Ordinance #1421-02 An Ordinance Providing for the Submission to the Qualified Electors of the City of Sedro-Woolley at an Election to be Held on May 21, 2002 of a Proposition Authorizing the City to Issue Its General Obligation Bonds In the Aggregate Principal Amount of Not to Exceed \$3,500,000.00 for the Purpose of Financing the

Acquisition of Land and a Building, and Construction of Improvements to Such Building for a City Hall located at 2105 SR20. Seconded by Councilmember Storrs.

Roll Call Vote: Councilmember Meamber – Yes, Miller – No, Storrs – Yes, Lemley – Yes, Warner – No, Grandy – Yes, Anderson – No. Motion carried 4-3.

Attorney Hayden noted the official documents will be available on Friday for Council to review with the appropriate changes. He stated he will also have available at the next Council meeting costs for an opinion response about the ball field and other related issues.

NEW BUSINESS

New City Hall Building – Architect Selection Process

Because of the previous action by Council this topic was dropped from the Agenda. It will be brought back at a later date should the need arise.

Call for Bids – Township Street Sanitary Sewer Project

Engineer Barnet requested Council approve a Call for Bids for the repair of the Township Street Sanitary Sewer Improvements. Barnet presented a brief history and background on the project.

Councilmember Warner moved to authorize the Public Works Department to Call for Bids on the Township Street Sanitary Sewer Project. Councilmember Grandy seconded. Motion carried.

Northern State Funds

Attorney Hayden requested this topic be tabled to the next meeting due to some last minutes changes.

Louis Requa – Northern State Task Force representative spoke on the suggested changes to add the Skagit County Public Works Department to the agreement.

Councilmember Meamber questioned if the funds noted in the proposed agreement were those that former Councilmember Pearson suggested a couple of years back.

Mayor Dillon noted they were the same funds and the paperwork is to satisfy the State Auditor requirements.

Road Use Request

Attorney Hayden noted a local citizen requested use of City Right-of-Way for private use, not for development. He requested use of a back road from Fruitdale to the Cemetary ball field as access to his property.

Councilmember Meamber moved to execute an agreement with Mr. Fair for the use of a City right-of-way. Councilmember Miller and Lemley seconded. Motion carried.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Councilmember Warner – thanked Engineer Barnet for the improvements to the audio equipment tonight. Warner also questioned the Alexander vacation as he has noticed white stakes out on the property.

Attorney Hayden noted the condition of the vacation was that he survey the property and come back with a survey and appraisal.

Councilmember Lemley – noted the Chamber DOL will be up and running beginning tomorrow.

Councilmember Storrs – announced the Job Corps Auction and Spaghetti Feed to be held at the Community Center tomorrow evening. The proceeds benefit the scholarship fund.

Councilmember Meamber – questioned the status of the F & S Grade and Skagit Plant Intersection.

Engineer Barnet said he had received a letter from the owner withdrawing from the project. Barnet said they have met and it appears they have a alignment for the road that would meet his needs that would allow for one intersection which would be the lighted F & S and SR20 Intersection. Should it meet with his approval he will request in writing to join forces again.

Fire Chief Klinger – updated the Council on EMS Services. Klinger noted there has been a vote by the EMS Council to go ahead and starting in January 2003 to take over advance life services (ALS Services). The process of setting up the new EMS Council that will oversee the building of the new entity is currently taking place. The next step will be to go out for an operations director and then start putting the system together. Costs are unknown at this time and no decisions have been made of where the ambulance services will be housed. Klinger expressed concern that the costs may not be known at budget time.

Lieutenant Wood – announced the department has a senior volunteer, Joan Buchanan who is helping in the office. She is enjoying her time and helping out the records clerk a great deal.

Engineer Barnet – announced the Curtis Street Bid opening scheduled for Thursday. Barnet thanked Clerk Treasurer Nelson for researching grants and loans available to help out some of the Curtis Street residents. The Chamber of Commerce will be placing Tulip Barrels throughout town tomorrow. The Parks Department will be helping to unload them but will not be responsible for maintaining them. Barnet also reported on the progress of Hammer Heritage Park.

EXECUTIVE SESSION

None

Councilmember Miller moved to adjourn. Seconded by all Councilmembers.

The meeting adjourned at 10:18 P.M.