

-----  
CITY OF SEDRO-WOOLLEY  
-----

Regular Meeting of the City Council  
May 8, 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, Grandy and Anderson. Staff Members: City Attorney Hayden, Clerk/Treasurer Nelson, Planner Hallberg, Engineer Barnet, Police Chief Cooper and Fire Chief Klinger.

Mayor Dillon noted changes in the agenda. Item #4 will be an introduction and #5 is a Proclamation which didn't get on the agenda.

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Vouchers #45524 to #45619 for \$57,255.55 (Voided Warrant #45526 and #45542)
  - Payroll Warrants #28844 to #28934 for \$124,450.28
- Waiver of Fees – Community Center
- Lakeside Asphalt Contract
- Waiver of Fees – Community Center

Councilmember Anderson requested the waiver of fees be looked into. He stated the Community Center was built for the citizens of the City of Sedro-Woolley and believes waivers should be for in town non-profit organizations, unless it benefits people in town. Councilmember Grandy concurred.

Councilmember Storrs moved to approve the consent calendar A through F. Seconded by Councilmember Miller. Motion carried.

Introduction

Mayor Dillon announced the retirement of Waste Water Treatment Plant Foreman, Dale Velasquez on April 30, 2002. Dillon introduced Debbie Allen as the new Waste Water Treatment Plant Foreman. Debbie is a Sedro-Woolley resident and has been a long time employee of the Waste Water Treatment Plant. Congratulations!

## Proclamation

Mayor Dillon read a proclamation for Walk -n- Roll 2002 declaring the following Fridays be observed as Walk-n-Roll days in 2002: May 17, June 21, July 19, August 16 and September 13. The proclamation encourages Sedro-Woolley residents, visitors and employees to participate in the events by bicycling, walking or busing to work and by registering at one of the seven stations that have been organized.

Stoney Bird – organizer of the Walk-n-Roll event addressed the Council. Bird noted that Mount Vernon and Burlington are also adopting similar proclamations, and that it is also expected that Anacortes and Skagit County will be adopting the proclamation. Bird presented background information on the organization of this event.

## Public Comment

Connie Grandy – 1317 Jameson St., questioned who is the customer, the developer or the neighbor? She noted her opinion that she believes it's the neighbor who lives here, who pays taxes and lives and supports the City year after year. She noted developers are here for a moment and then gone. Grandy questioned if the rules the same for everyone and requested the Council to vote on the sidewalk issue on Jameson St. Grandy also addressed the square footage discrepancy within the codes and encouraged the City to have a clear development plan.

Craig Cole – General Delivery, questioned Council regarding knowledge of what City Employees are doing. He also requested clarification from Mayor Dillon on a quote in the paper and commented that historically City Hall has been the Center of the City.

Mayor Dillon noted that Council is aware of Staff actions and clarified her quote for Mr. Cole.

Teena Brown – 1105 Fidalgo St., questioned an engineering/architect fee on the Mayors Brochure regarding the proposed City Hall costs.

Mayor Dillon noted that if approved the City would then be required to go to bid for all services.

Councilmember Anderson requested to go on record that he does not know everything that staff does and does not know everything that's going on.

Engineer Barnet – clarified the Mayor's statement that the RCW's do not allow architectural, engineering or surveying services to be based upon a low bid. State law prohibits choosing based on price.

## **PUBLIC HEARINGS**

### Development in the Unincorporated UGA/Infrastructure

Attorney Hayden summarized staff comments and clarified that we are not talking about a moratorium on development in the City or the UGA. He stated the topic is 3 or 4 issues that define how the City deals with development of infrastructure and infill in the City and UGA. The questions before the Council is whether to 1) continue to allow short plats without putting in full infrastructure 2) shall the City require annexation as a precondition of development and subdivision 3) should the City continue to allow people to develop without infrastructure relying on ULID waivers of protest, and 4) should the City continue to allow shadow platting. Hayden noted this is a money issue, infrastructure is the single most expensive thing the City does. Hayden presented background information on the City's current development practices. He stated the bottom line is either the developer puts in infrastructure or the City taxpayers and utility rate payers put in infrastructure. Hayden noted there are grants available but they are usually for larger projects with regional benefit and not site specific benefits. He noted the need to reexamine our policies and as the Planning Commission begins to look at new development codes and revising the comp plan shall they be given the direction by staff to bring forward to the City Council either a temporary interim ordinance or a permanent ordinance that would require developers to provide infrastructure for all development or does Council want to continue to have exceptions. If Council chooses to have exceptions, there is a need to figure out how to pay for them. We don't have a plan that works right.

Planner Hallberg noted that the purpose of tonight's hearing is to hear from the public. Hallberg noted she had extra copies of the background papers for anyone that is interested.

Engineer Barnet spoke on impact fees and the County regulations on prohibiting the collection of impact fees in the UGA. Barnet addressed the financial losses to the City and the unfairness between developing on property within 50 feet of each other within the City limits and the UGA. Barnet also noted that if the property was required to be annexed, the playing field would become level.

Councilmember Meamber expressed his feelings on the necessity of annexing property before development occurs.

Mayor Dillon opened the public hearing at 7:32 P.M.

John Lee – site development manager for Coach Corral, expressed concerns over using methods outside of zoning to control or prohibit growth. Lee encouraged Council to take a path that is considerate of property owners. Lee pointed out the “they” people always refer to in developing are our families, perhaps a daughter or son coming home from college wanting a decent place to live or a brother that has retired from a company in a larger city and returning to a slower quality of life. He stressed not placing a moratorium on development as a means to slow growth.

Connie Grandy – 1317 Jameson St., encouraged Council to make developers keep to the zoning requirements. Grandy addressed lot size and the need for backyards for children to play in.

Teena Brown – 1105 Fidalgo St., addressed the need for set guidelines and encouraged placing a moratorium if necessary to clear up the “gray” areas.

William Stiles III – 601 Virginia Ave., stated the issue of extending sewer to areas outside the city limits has been addressed over the years. Stiles recalled the sewer treatment plant has received federal funding for building and upgrading and noted that the federal funding includes areas outside the city limits as part of the service area. If the City refuses to allow those areas that were included within the federal government loan there would be a risk of obtaining future federal funds. Stiles also spoke on the requirement of infrastructure being put in is in effect placing a moratorium on development. He also encouraged the use of shadow-platting on a limited scale and encouraged Council to come up with a method utilizing shadow-platting for small developments.

Keith Padgett – 15472 Bow Hill Road, Bow, questioned why sewer extension and development couldn't be handled like other utilities in that when there's enough people to pay for the extension, then it would be put in.

Mayor Dillon noted a new development would need some way to get rid of their waste, whether by septic systems or sewer. If sewer isn't extended at time of development you are then forcing people to abandon working septic system to connect to sewer. It is much better to require sewer extension at time of development.

Attorney Hayden noted the issue is complex and that every area is different. Hayden noted the short answer is once home are built and sold, it is very difficult for staff and Council to extract the cost of full street improvements and sewer improvement from people who've build and already have their financing in place. To go back later as staff is required to do under the provision we've adopted for growth management act compliance and say you get to pay again because the developer wasn't required to put it in is difficult and frustrating. The City is looking for a way of providing for these things at the time of development, otherwise either the City pays for it or we have to get it from people who have already bought their houses with loans in place. Both are very difficult. Staff needs Council direction on the extent to which they want us to shift these requirements, either to the time of development or to later.

Planner Hallberg requested to correct a misconception in the statement that ULID's are illegal. She noted that ULID's are still legal. The legal dilemma is with waivers of protest to annexation. The petition method of annexation was tossed out approximately a month ago, the court said it wasn't fair, however, it doesn't address what to do if no one lives on the property and the owner wants to annex.

Mayor Dillon closed the public hearing at 7:54 P.M.

Hayden noted we are not talking about single family residences on existing lots. We are talking about sub-divisions where people take a piece of land that is not fully developed, cut it up into smaller lots and sell it as separate home sites. The person who already owns a legal building lot that is over 12,500 sq. feet probably does not have an issue of what we're proposing, speaking in

general terms. The discussion is about sub-division, short plats, binding site plans, condominiums and sub division of property in general and putting in infrastructure.

Council discussion was held on whether 4 lot short plats should be required, sewer issues, delaying the decision until conflicts in codes are completed, installing infrastructure at time of development and comparisons to neighboring City's requirements,

Councilmember Anderson noted he was leaning toward Option 2, but requested to go on record that after a public hearing and the ordinance is considered he does have the right to change his opinion.

Councilmember Grandy requested the conflicting ordinances and gray areas be brought forward in a list to compare and review.

Mayor Dillon noted that staff will gather the requested information and bring it back to Council for further review and discussion.

## **OLD BUSINESS**

### Garden of Eden Sanitary Sewer

Engineer Barnet presented background and the final report for the Sewage Facilities Feasibility Study for the Garden of Eden Road Area. He noted that it was his intention to request Council to approve the Feasibility Study as presented however, he noted that there are financial issues that Alternate 2A will create that have not been adequately reviewed to receive input from the Council. He requested Council to begin the process of sighting the pump station as he believes the location of the pump station is appropriate and the cost of the pump station is not going to change. There is a fair amount of work to be done requiring rights of way and geotechnical work for the location of the pump station. He also requested Council direct staff to come back with the financial consequences of all three alternatives and how they will impact future revenues and available funds to be used on other capital facility projects. This would allow the project to move forward in the design and location of the pump station and Council will then to be able to evaluate the alternative sewer lines with economic data as well as development scenario schemes. Barnet noted that the change is as a result of the worksession.

Councilmember Storrs moved to direct staff to proceed with the placement of the Pump Station in the F & S Grade Road area and bring back financial alternatives for the different scenarios. Seconded by Councilmember Meamber. Motion carried.

## **NEW BUSINESS**

### Solid Waste Issues *Discussion Only*

Engineer Barnet noted this item was discussed at the worksession held the previous night and it is his understanding that there is no information, discussion or necessary decision to be made.

Councilmember Meamber commented on the exceptional worksession that was held and the detail of explanations of the Solid Waste Issues.

#### Vacation of Alexander Street

Attorney Hayden stated this request was a technical correction of a legal description set forth in the Alexander Street Vacation Ordinance. He noted it only changes the legal description. The owner went out and had the surveyor define the right of way so it was parallel with the boundary of his lot rather than parallel with the street. The difference is only 1 or 2 inches. The purpose of the original vacation ordinance was to give the City a survey of the vacated right of way which would have value to the City. Hayden stated surveys of 200 feet that are off 1 or 2 inches are not considered acceptable.

Councilmember Anderson moved to approve Ordinance #1423-02 An Ordinance Amending the Legal Description for the Vacation of a Portion of Alexander Street Right-Of-Way upon the Application of John Eades, Et Al. Set Forth in Ordinance No. 1410-01. Councilmember Meamber seconded.

Roll Call Vote: Councilmember Anderson – Yes, Grandy – Yes, Lemley – Yes, Storrs – Yes, Miller – Yes and Meamber – Yes. Motion carried.

#### Approval of Janicki/Lange/Flemming Development Agreement

Attorney Hayden reviewed background information on the development agreement for the Janicki/Lange/Flemming Development. Hayden stated the agreement has been approved by the Planning Commission but is subject to the approval of Council because of the financial impacts. Hayden noted the primary new component to the agreement is the \$1500 per unit additional fee towards road construction costs for improvement of McGargile Road.

Discussion and clarification of Background item II C. was held by staff.

Councilmember Storrs moved to execute the proposed development agreement as attached in the forsaidd agreement for the Janicki/Lange/Flemming Development. Seconded by Councilmember Miller. Motion carried.

Councilmember Storrs moved to allow a delay of connection, by application, to those who's septic systems are less than 6 years old. Seconded by Councilmember Meamber.

Councilmember Miller moved to table to the June 8, 2002. Motion carried.

### **COMMITTEE REPORTS AND REPORTS FROM OFFICERS**

Councilmember Lemley – commented on the illumination of the Street lights after the work has been done on them.

Councilmember Storrs concurred.

Councilmember Miller – commented of the nice work on Sapp Road.

Councilmember Meamber – noted he has received complaints of the condition of the alley entrance at Township and Alexander. Meamber also requested the picnic tables at the Train be unlocked and available to the public.

Fire Chief Klinger – noted the Fire Department was working on a grant through the Northwest Region EMS for the downtown to buy public CPR Kits to place in local businesses.

Police Chief Cooper – announced May 20 through June 2 the Police Department will be participating in the national “Click It or Ticket” campaign with emphasis on seatbelts. There will be some state grant money to pay officer overtime to exclusively work traffic to do seatbelt emphasis patrols. BUCKLE UP! June 10<sup>th</sup> the seatbelts become a primary offense.

Engineer Barnet – updated Council on the Curtis Street project and pre-construction meeting. He also noted the Township Street Sewer Project is out to bid with bid opening scheduled for May 15<sup>th</sup>. Barnet noted having difficulty getting an easement for Thompson Lane and announced the installation of a 4-Way Stop Sign to be placed at the intersection of Murdock and Ferry Street based on the request from Police Chief Cooper.

Planner Hallberg – expressed concern of using Impact Fees for projects that are not on the TIP because it affects how the City negotiates with developers.

Attorney Hayden – noted he is currently working on the ordinance for the re-districting but is waiting on the County to adopt the wards as their precincts.

Mayor Dillon – congratulated Rick Lemley and Lemley Chapel on being nominated as one of the Small Businesses of the Year for Sedro-Woolley.

**EXECUTIVE SESSION**

None

Councilmember Miller moved to adjourn. Seconded by Councilmember Anderson. Motion carried.

The meeting adjourned at 8:42 P.M.

ATTEST:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_