
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
July 10, 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, Police Chief Cooper and Fire Chief Klinger.

Mayor Dillon announced the addition of consent agenda items two waivers for the Community Center and a waiver for part of the parking lot between State and Murdock Streets.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #46060 to #46169 for \$149,366.55
 - Payroll Warrants #29216 to #29311 for \$115,301.03
- Authorization of Manual Warrant for L & I Lien
- Waiver of Fees – Community Center
- Parking Lot Closure (Partial) between State & Murdock
- Waiver of Fees – Community Center

Councilmember Warner moved to accept the consent calendar A through F. Seconded by Councilmember Miller. Motion carried.

Loggerodeo Presentation

Doug Wood – President of Loggerodeo addressed the Council thanking them for the support that the City gives to the annual Loggerodeo Festival which just completed another successful year. Members of the Loggerodeo committee presented the Council and Mayor with the 2002 Commemorative Poster for display in City Hall and mugs for each Councilmember. Wood commended the efforts of the Street, Parks and Sanitation Departments for their help throughout the event. He also thanked the Council for their continued support with the Hotel/Motel Tax the organization receives.

Mayor Dillon commended the volunteers of Loggerodeo for making the event a Family event. Councilmember Anderson also commended the Street Department for their efforts in cleaning the streets after the event. He noted several merchants complimented how clean the street was after the parade.

Public Comment

Mark Nysether – P.O. Box 67, Everett, WA, representing Skagit Industrial Park, addressed the Council on a recent fire at the Industrial Park. Nysether gave thanks to the great efforts of the Fire Department. He commented on the response from Burlington with their ladder truck and expressed support for the need of a ladder truck for the Sedro-Woolley Department.

Louie Requa – representing Sedro-Woolley Rotary, announced the support of Rotary with the construction of the restrooms at the Hammer Heritage Square. Requa stated Rotary will provide funding and work parties to build the restrooms and clock tower. He noted that Gary Hanson will take on the roll of chairman of the Rotary committee and will work under the direction of the Hammer Heritage Square Committee supervisor for construction with the hope to have it completed before Christmas.

Dave McLaughlin – 4558 State Route 9, member of the Mount Baker Motorcycle Club, spoke on an upcoming dirt bike competition. McLaughlin noted that there will be approximately 200-250 riders coming into the area for the 2-day event and requested consideration in future support for their club.

Craig Cole – General Delivery, Sedro-Woolley, again questioned Council about his pending lawsuit, and whether the Council has sufficient information. Cole questioned each Councilmember individually as to their knowledge and asked if they support the City's action.

Councilmember Warner stated he found Mr. Cole's line of questioning inappropriate and requested the Mayor to have Mr. Cole finish his process.

Cole continued to question Councilmembers. He expressed his opinion of the present City Administration.

Paul Peustick – 304 State Street, owner of Choice Auto Repair, addressed the Council on their recent decision to close Murdock Street in August. He noted the inconvenience and impact to his business by the street closure.

PUBLIC HEARINGS

Continuation of Hearing Examiner System for Six Months

Planner Hallberg presented background information on the temporary ordinance for the use of a Hearings Examiner for land use actions in place of the Planning Commission. Hallberg noted this was done due to the fact that there were several new members to the Planning Commission as well as the large task of updating of the Comprehensive Plan and Development Regulations. The new Planning Commission is currently meeting twice a month. Hallberg reviewed the four issues the Hearings Examiner has reviewed requested continuation of the Hearings Examiner for another 6 months to give more time for further evaluation.

Mayor Dillon opened the public hearing at 7:29 P.M.

June Johnson – 725 State Street, member of the Planning Commission, stated she has served on the Planning Commission prior to having a Hearings Examiner. She noted that previously her experience had been a “learn as you go” and since the implementation of the Hearings Examiner, it has given time to do an in-depth study of the codes, regulations and goals for the future. Johnson recommended continuing with the Hearings Examiner to give the Planning Commission more learning time.

Mayor Dillon closed the public hearing at 7:31 P.M.

Councilmember Lemley questioned the impact to the budget.

Planner Hallberg noted funds are currently being taken from their consultants line and the funding for this year is there. A request would be made within the budgeting process for 2003 should Council continue with the Hearings Examiner.

Councilmember Miller questioned what the funds quoted are used for.

Hallberg noted it is for services for C. Thomas Moser to serve as Hearings Examiner. She stated the hourly fee is \$60.00 per hour and to date have spent approximately \$2,000.00 on the four cases.

Discussion was held on funding, the purpose of the Hearings Examiner, the role of the Planning Commission, qualifications of Hearings Examiner, and the benefits of a Hearings Examiner.

Councilmember Storrs moved to approve Ordinance No. 1426-02 An Ordinance of the City of Sedro-Woolley, Washington, Continuing Office of Hearing Examiner, Created by Ordinance No. 1419-02 to Hear Land Use Actions in Lieu of the Planning Commission and Board of Adjustment, to be Effective for a Period of Six Months, and Declaring an Emergency. Seconded by Councilmember Lemley.

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

6-Year Grace Period for New Septic Tanks

Attorney Hayden noted this topic was on the agenda at the request of the Council and reviewed several options that the Council had previously discussed in worksessions. Hayden reviewed the proposed ordinance which allows a 6 year grace period for new septic tanks.

Councilmember Anderson reviewed the original vote for setting of the Public Hearing and discussed the lack of an indefinite grace period ordinance for review.

Attorney Hayden noted that the ordinance in question was provided at the last meeting when this was discussed. Hayden noted he was directed to type the ordinance with the 6-year grace period as Council already had been provided with the indefinite grace period ordinance copy.

Councilmember Meamber also noted his request for both ordinances. Discussion followed on the documents.

Mayor Dillon opened the Public Hearing at 7:49 P.M.

Janell Thompson – 725 Sapp Road, requested the topic be held over to the next meeting so that the public can review the documents and be able to make an opinion.

At the request of the Council, Mayor Dillon closed the public hearing at 7:50 P.M.

Lengthy discussion was held on the issue of monitoring connection on sale of homes, recording of documents, impact of financing sewer, latecomer's agreements and the affects on sewer revenue.

Councilmember Storrs moved to adopt Ordinance #1427-02 An Ordinance Providing A Process for Granting a Six Year Grace Period from Connection to the Sanitary Sewer by Recorded Agreement.

Motion withdrawn by Councilmember Storrs.

Councilmember Anderson moved to reinstall the old ordinance #1234-95. Seconded by Councilmember Meamber.

Councilmember Warner addressed the health issues of septic systems versus a functioning sewer system. He noted the City relies on new hook ups to be able to continue operating that system. It's an important reason for City health.

Mayor Dillon restated the motion changing the Ordinance number as follows:

Councilmember Anderson moved to adopt Ordinance #1427-02 An Ordinance Providing for an Indefinite Grace Period to Connect to the Sanitary Sewer by Recorded Agreement. Seconded by Councilmember Meamber.

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

Interim Development Standards for Subdivisions (Sewer & Street)

Attorney Hayden presented background information on the complex issue of whether the City should allow subdivision, short plats, planned developments and binding site plans without full infrastructure – sanitary sewer and streets. Hayden noted that the primary issue this question raises is not just development inside the City limits but development outside the City limits in the Unincorporated UGA. He stated there is far more opportunity for development of short plats in

the UGA than inside the City limits. The significance to the City is primarily economic. Hayden reviewed the economic impact to the City and the proposed ordinance.

Planner Hallberg reviewed a map showing proposals and applications for short plats within the UGA to illustrate that short plats are not a minor thing that happens now and then. It's the predominate way of land sub-division.

Engineer Barnett cited the Thompson Lane area as an example of the result of not requiring infrastructure at time of development.

Mayor Dillon opened the public hearing at 8:29 P.M.

Mary Anne Manville-Ailles – 806 Metcalf St., Skagit Surveyors & Engineers, addressed the Council and noted that the majority of their clients for sub-division are non-developers who wish to sub-divide their property to support themselves in their retirement or are children of elderly people who need to be able to care for those people. She stated by passing the proposed ordinance it will not hurt developers but will hurt the non-developers who have only 1 acre. Manville-Ailles cited cost estimates for a 2 lot short-plat for improvements. She also noted the impact to the local businesses that work for those people helping them with their short plat. Manville-Ailles addressed the emergency situation as stated within the proposed ordinance and requested Council to not pass the moratorium.

Bob Roedell – 9399 Thresher Ave, stated he was looking into sub-dividing a piece of property and addressed the impact of the proposed ordinance. Roedell also addressed other noted requirements coming from his pre-application meeting and requested the City show some empathy and common sense.

June Johnson – 725 State St., encouraged Council to be progressive and require infrastructure at time of development. She also noted to have consideration for the young people raising families with their sewer rates and not just the people who need to hook up to sewer by passing it on to the ratepayers. She encouraged support for the proposed ordinance.

Dave McLaughlin – Skagit Surveyors & Engineers, 806 Metcalf St., noted that he has been labeled a developer. He stated he works at Skagit Surveyors and did a short plat on the Garden of Eden Road, has been surveying for 25 years and is a licensed professional for 12 years. He noted the reason he did the one short plat was to help his daughter get a house. He addressed the growth that was allowed within the County without extending infrastructure and the City also allowed some as well. There is now a huge number of homes between the existing City Limits boundary and the developable land in the UGA. He noted developers do not object to building infrastructure within their own development. McLaughlin addressed the results of shadow-platting and encouraged Council to vote against the proposed ordinance.

Louie Requa – 806 Metcalf St., Skagit Surveyors & Engineers, spoke to the Council on the “other” side of the story. Requa reviewed the history of short plats, GMA property rights and the issue of Public Utilities and services which addresses minimum standards. He noted there are minimum standards set by the Skagit County Health Department which has adopted the state

sewage code. Requa addressed concurrency, realistic levels of service, infill, City Ordinance #1333, no-protest agreement and shadow-platting and half-street improvements. Requa noted passage of the proposed ordinance would halt the development of short plats and cited statistics on half-street improvements, sanitary sewer, water line and annexation. Requa noted that there won't be any short-plats because the costs will far exceed the amortization of the lots.

Mayor Dillon closed the public hearing at 9:07 P.M.

A five minute recess was taken.

The meeting reconvened at 9:13 P.M.

Councilmember Lemley moved to table this with the passage of Ordinance 1427 in order to discuss further at a worksession.

Discussion was held on the reasoning for tabling and the relevance and correlation of Ordinance 1427.

Motion died for lack of second.

Hayden clarified a comment of the impact of Council decision not to require connections to sewer to existing houses actually makes our current policy in the UGA more severe. Because each short plat being developed in the UGA does not have to hook up to sewer if it goes in and so each new short plat out there without sewer is four more houses that don't have to connect to sewer when it goes in.

Council held further discussion.

Councilmember Warner moved to adopt Ordinance #1428-02 An Ordinance of the City of Sedro-Woolley, Washington, Amending SWMC Chapter 16.16, to be Effective for a Period of Six Months, and Declaring an Emergency. Seconded by Councilmember Grandy.

Roll Call Vote: Councilmember Meamber – Yes, Miller – Yes, Storrs – No, Lemley – Yes, Warner – Yes, Grandy – Yes, Anderson – No. Motion carried (5-2).

OLD BUSINESS

Closure of Murdock Street

Councilmember Lemley noted that after discussions with local businessmen, Council discussed a waiver of the closure of Murdock Street and moving the car show to Eastern Street along the railroad right-of-way.

Les Huggins – Owner of Sedro-Woolley Auto Parts, believes that there is a precedent being set by closing streets for any function. He believes street closures should be left for community wide functions. Huggins listed other options for holding individual type of events rather than

closure of the streets. He also suggested an ordinance be written designating street closures and the type of functions.

Councilmember Lemley moved to rescind the closure of Murdock Street given at the last Council meeting with an option of allowing the cars to use the right-of-way on Eastern Street. Seconded by Councilmembers Meamber and Miller. Motion carried.

NEW BUSINESS

Sedro-Woolley Public Safety Guild

Clerk/Treasurer Nelson noted the Contracts for the Sedro-Woolley Public Safety Guild that were ratified by the Guild on July 9, 2002. She stated there is one agreement for the Police Department Commissioned Employees and Firefighter Classification and another agreement for the Police Department Support Employees. Nelson stated the contracts were updated according to what was presented to Council during Executive Session by Rich Sokolowski. Nelson noted any discussion or questions from Council would need to be addressed in Executive Session, if Sokolowski had answered all questions, Nelson recommended Council authorize the Mayor to sign the two agreements.

Councilmember Miller moved to sign the two collective bargaining agreements with the Commissioned Officers and Firefighters and Support Staff. Councilmember Grandy seconded. Motion carried.

Police Chief & Fire Chief Employment Contracts

Mayor Dillon introduced the Police and Fire Chief Contract topic. She noted the contracts are as discussed and are for a 3-year period. She noted any discussion on the contracts would need to be done in Executive Session.

Councilmember Storrs moved to execute the employment agreements for the Fire Chief and Police Chief. Councilmember Warner seconded. Motion carried.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Councilmember Anderson – reported on a meeting with Jeff Morris and their discussion on the Cities Health Insurance.

Councilmember Warner – requested a three minute time limit be added to the agenda under public comment so citizens understand how long they have to speak.

Councilmember Lemley – requested the time limit be amended to five minutes. Councilmember Warner was in agreement with the five minute time limit.

Councilmember Storrs – noted how great the town looked for the 4th of July. Storrs also noted the LDS Church held their annual clean up project prior to the 4th and requested a thank you letter be sent to them.

Councilmember Miller – commented on visitors comments from the mid-west on the great parade. He also questioned the access lane at the Railroad Trestle.

Engineer Barnet noted the lane was for access to a drainage ditch the City maintains. The ditch used to be accessed from a field that is now becoming duplexes.

Councilmember Anderson – commented on the Great Parade but noted one entry that came through twice.

Fire Chief Klinger – announced a practice burn in the 300 block of Nelson Street on July 20th, the burn will start around 6:00 A.M. with set up and fire to start around 7:00 A.M.

Engineer Barnet – in answer to a question from Councilmember Member on the Sebastian property on Thompson Lane, Barnet stated that there were a number of items Sebastian was requesting for the right-of-way easement. Barnet stated he wasn't convinced the only issue was the 25 feet. He noted Sebastian was unwilling to work with the City in trying to gain a legal access for the homes on Thompson Lane.

Attorney Hayden – noted an upcoming public hearing on the Fidalgo Commons Sub-division. He stated as the City grows and the issues become more pointed our procedures need to be more formal. The legal consequences are more serious and the parties are more sophisticated. Hayden noted a memo given to Council covering issues to help plan the hearing in an orderly manner. The following were the issues discussed:

Appearance of Fairness – Mayor Dillon and Councilmember Grandy live within 300 feet of the development and need to step down. Hayden noted the Attorney General's recommendation is that they leave the room. The hearing will be placed at the end of the agenda. Dillon's and Grandy's spouses would be able to speak.

Mayor Pro-Tem – Confirmation of the Mayor Pro-Tem is needed because Staff would like to work on procedure prior to the meeting. Councilmember Miller who is the designated Mayor Pro-Tem committed his attendance at the hearing.

Appeal Fee – Hayden noted the charge for an appeal is \$30.00. In the past staff has typed transcripts. He noted this is a long hearing and staff does not have time to type the transcript as well as keeping up with their daily duties. It is appropriate to hire the transcription out but there is no funding in the budget for payment. The cost will be between \$500 - \$1,000.00. Hayden questioned Council on how they want to proceed.

Councilmember Miller moved to transcribe in-house. Seconded by Councilmember Anderson.

Discussion ensued on staff transcribing the tapes and the time commitment.

Mayor Dillon restated the motion. Motion tied 3-3 (Councilmember Grandy abstained).

Councilmember Anderson moved to approve City payment for a legal transcript for the appeal. Seconded by Councilmember Lemley and Warner. Motion carried (Councilmember Grandy abstained).

Rules for Appeals – Hayden provided copies of the County’s appeal format and requested Council review over the next couple days. He stated from this, a proposal for adoption will be brought before Council at the next meeting. Hayden stated the appellant (Brown) has requested written rules to follow and the City does not currently have any. He noted the variance of those who can speak an at appeal. The proposal is to copy the County’s rules which would allow the appellant to speak, any other parties of record to speak as a respondent and the applicant to respond.

Mayor Dillon noted the procedures will be brought back at the next meeting.

Councilmember Grandy questioned representation of his ward in the case where he has to step down from the hearing.

Hayden noted that the role for the Councilmembers are like that of a judge in hearing the case. When sitting as an appellant body, Council is not representing Wards.

EXECUTIVE SESSION

None

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

The meeting adjourned at 10:06 P.M.

ATTEST:

APPROVED:
