
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
March 12, 2003 – 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, Splane, Storrs, Pearson, Miller, Lemley and Anderson. Staff Members: City Attorney Hayden, Planner Hallberg, Clerk/Treasurer Nelson, Engineer Blair, Police Chief Cooper and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #48004 to #48118 for \$67,386.29
 - Payroll Warrants #30676 to #30766 for \$118,545.83
- Waiver of Fees – Community Center
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- Surplus Equipment – Street Department
- Year 2003 Capital Purchase – Cemetery
- Street Closure Request – Nelson & Third to Bennett & Third (Woodfest)

Councilmember Storrs requested Item H, Street Closure Request be moved to Old Business.

Councilmember Splane requested Item F, Surplus Equipment be moved to Old Business.

Councilmember Miller requested Item G, Year 2003 Capital Purchase also be moved to Old Business.

Councilmember Storrs moved to approve consent calendar items A through E. Seconded by Councilmember Miller. Motion carried.

Presentation – McIntyre Performing Arts Center Update

Mike Crawford and Joan Penny gave a presentation on the McIntyre Performing Arts Center. They provided an update on the fundraising campaign and noted there will be a groundbreaking ceremony on March 25, 2003. Penny fielded questions from the Council.

Special Presentation

Mayor Dillon made a special presentation to Dick and Connie Sizemore for their contributions to the City of Sedro-Woolley as they prepare to move to Idaho. Mayor Dillon proclaimed the Sizemore's as honorary citizens of the City.

Public Comment

Don Van Etten – 517 Fidalgo St., addressed the Council regarding the notification of the trial period for curb-side garbage pick up. Van Etten questioned how many Councilmembers had driven the alleys in the affected area. He noted the alleys are full of pot holes and believes it to be the City's responsibility for making the necessary repairs in order for the trucks to utilize the alleys for servicing.

Douglas Dills – 318 Hawthorne St., questioned the recent removal of the briars and the creation of a trail on the dead end street.

Max Alaways – 101 W. Woodworth, addressed the Council and requested he be given a written apology from several members of the City staff.

Louis Requa – Sedro-Woolley Rotary President presented an update on the progress of the restrooms and clock tower at Hammer Heritage Square. Requa noted a thank you should be given to Bell Pole of Conway for their donation of cedar poles for the construction of the restrooms.

Julie Anderson – 900 W. Hwy 20, requested the City reinstate their efforts for completion of the walking path along Highway 20.

Planner Hallberg noted that the project has been reactivated and progress is being made.

Don Van Etten – noted the Kiwanis Club was instrumental in the start of the trail and encouraged completion of the project.

Doug Wood – President of Loggerodeo, requested the use of the Gazebo for the Street Dance during the 4th of July celebration.

Kevin Loy – 128 Garden of Eden, announced the formation through cooperation of Skagit County for a girl's softball summer league in Sedro-Woolley. The season will run from June 16 through August. Loy encouraged the City to become involved with activities for children.

PUBLIC HEARINGS

Interim Ordinance No. 1442-03 Reducing UGA to City Limits

Mayor Dillon announced the County reserved their right to vote on the City ordinances until March 25, 2003. It was suggested public testimony be taken and the hearing be continued to the next meeting pending the County's decision.

Attorney Hayden reviewed the Ordinances which are to set up interim standards to prevent sub-standard development while the revision of the development code is being done. Hayden noted that the County has not adopted the City ordinances and the proposed Ordinance would be a anti-vesting ordinance reducing the Urban Growth Area to the City Limits. He also said this ordinance is only intended to go forward if the County refuses to adopt the other ordinances.

Planner Hallberg reminded Council that Sedro-Woolley remains the only City that had been allowing short plats on septic in the entire county and as that practice was analyzed, it was found that the practice was closing some options for the future by placing a large burden on the taxpayers of the City.

Mayor Dillon opened the public hearing at 7:20 P.M.

Louis Requa – 310 W. Bennett, representing the Northern State Recreational Task Force read a letter distributed to the Council regarding the ramifications of the future of the Northern State Recreation area if the decision to reduce the UGA area is adopted. Requa encouraged Council maintain areas designated as public that lies within the current UGA in the City's UGA.

Terry Carlson – 898 Carriage Court, stated he believes the UGA should be maintained as is and new development should be paid by developers and not become a tax burden to the citizens.

Jeff Ingman – 23611 Glenn Allen Place, Mt. Vernon, addressed some property that he owns on Wicker Road and the cost to extend services to small short plats. He supported signing waiver of protests and impact fees to cover some of the infrastructure.

Foster Fair – 19776 Parkridge Ln., concurred with Mr. Ingman's comments.

Gary Christensen – Skagit County Interim Planning Director, presented a brief history of the County Wide Planning Policies and each City's responsibilities. He encouraged Council to not reduce the UGA. He stated ways to reach common solutions to the issues should be explored.

Councilmember Anderson moved to continue the public hearing to March 26, 2003 at 7:00 P.M. Seconded by Councilmember Meamber. Motion carried.

OLD BUSINESS

Surplus Equipment

Councilmember Splane questioned the amount the City would receive for the equipment being surplussed. Engineer Blair noted the equipment would be surplussed for \$300-\$500 worth of work from Fab Tech. This was believed to be more equitable than scrap prices at a surplus sale.

Discussion of the equipment commenced with Councilmember Lemley requested the topic be tabled to a future meeting.

Year 2003 Capital Purchase

Councilmember Miller questioned the need for a front end loader being requested for the Cemetery.

Discussion followed on whether the back hoe or a front end loader were the more important implement at this time.

Councilmember Storrs moved to purchase the John Deere Loader with a 73 inch bucket. Seconded by Councilmember Splane. Motion carried.

Street Closure Request

Councilmember Storrs questioned the effect on emergency response should 3rd Street be closed as requested for Woodfest.

Lieutenant Wood noted that he believes there would be better options. 3rd Street is the main access street for emergency response to that area of town. Fire Chief Klinger agreed.

Councilmember Storrs recommended that we do not authorize the closure of 3rd Street.

Councilmember Meamber informed the Council of plans for a Trolley to be in town for Woodfest which will be sponsored by the Downtown Revitalization Committee.

NEW BUSINESS

Request for Release of Easement for Utilities in Vacated Street (Rick Myers)

Attorney Hayden reviewed the request for release of an easement for utilities in a vacated street on 11th Street. Hayden reviewed the history of the original street vacation and proposed plans for the property.

Lengthy discussion took place to include the process of past vacations, comparison with other requests, reduction in easement, estimated value and value to the underlying property.

Rick Myers – 1104 Jameson, addressed the Council and reviewed the history of the vacation process and the fees paid. He noted the recollection of the parties involved with the original vacation was that the easement ran east/west, not north/south. He stated sewer and gas come from the east & west and addressed existing easements and questioned the need for a north/south easement. Myers read a letter into the record from Eleanor & Joe Lange noting a 16 foot utility east/west easement shown on a map from the original easement and the price paid for easement.

Bruce Berglund – 17441 Lake Terrace Pl, Mt. Vernon, representing Ray & Hazel Baker, reviewed the Bakers role in the original street vacation. Berglund represented that the Bakers were unaware of a north/south easement.

Louis Requa – Skagit Surveyors & Engineers, 806 Metcalf St., represented the Lange's and Myers at the time of the original street vacation, reviewed his recollection of the intent of the easement at the time of the vacation. Requa also reviewed the original appraisal letter which states the appraisal is based on the fact that there is one east/west easement. He reviewed the meeting regarding the current vacation request he had with the staff.

Attorney Hayden reviewed Council options.

Councilmember Miller moved to reduce the north/south easement to a width of 10 feet on each side of the vacated 11th Street right of way while retaining the intersecting alley east/west easement.

Unidentified – noted the talk is disturbing of reducing the easement and in the opinion of the property owners, there is no easement to reduce.

Attorney Hayden noted the Ordinance language states the City reserves an easement over the entire width of 11th Street for utilities. The language is consistent with any ordinance for street vacations. Engineer Blair concurred.

Councilmember Storrs seconded Councilmember Miller's motion amending the motion to include a fee of 50% of the appraised value be charged.

Hayden stated the statute has been changed to 100% of the appraised value, however Council has the right to choose 50%.

Mayor Dillon restated the amendment to charge 50% of the assessed value of the property being vacated. Motion carried 4-3 (Councilmembers Lemley, Miller and Member opposed).

Mayor Dillon restated the motion to reduce the north/south easement to the width of 10 feet on each side of the center line of the vacated 11th Street right-of-way with a 50% assessed value charge put on the property.

Council discussion ensued to include assessed value, precedent and the need for the easement.

Unidentified – referred to the appraisal which indicates that the easement was initially paid for because the appraiser had no idea the easement was there. He stated it was appraised based on the east/west easement going down the alley.

Mayor Dillon again restated the motion and called for the vote.

Motion denied 2-5. (Councilmembers Splane, Meamber, Pearson, Lemley and Anderson opposed).

Councilmember Lemley moved that any easement or property vacation be taken on a case by case basis. The Myers, Baker's and Lange maintaining a 20 foot easement selling the 23 foot easement by the linear foot at \$1.00 per foot. Died for lack of second.

Councilmember Lemley questioned Debbie Allen, Sewer Department Foreman of the need for City use of the north/south easement. She noted that for sewer she does not see the need but can not speak for other utilities.

Louie Requa – stated he did not expect this to become this complicated and noted that there are city right of ways on both sides north and south of these lots. If other utilities are involved they will be coming off of Bennett, Jameson or Railroad streets.

Rick Pitt – 435 Spring Lane, suggested looking at vacating the easement entirely because old easements inhibit property development.

Engineer Blair proposed to the Council to look at the issue in two stages. First to reduce the size of the easement from 66 feet to 20 feet. This is what should have been done originally in 1986. Second, vacate the rest of the easement at 50% of the appraised or assessed cost. He stated the first step would set the precedent that you want a reasonable easement and the second brings you home in the fact that if you believe it will never be used you have the option of vacating it completely.

Discussion ensued.

Louis Requa – again addressed the original appraisal with a lengthy discussion on the appraisal and its intent.

Councilmember Anderson moved to vacate the entire easement from the north/south section of the property encumbered and charge a negotiated price for the easement.

Councilmembers Pearson and Miller seconded. Motion carried 6-1 (Councilmember Storrs opposed)

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Attorney Hayden – requested in the event the County does not adopt the City Ordinance on March 25th that an executive session for litigation purposes be held at the March 26th meeting prior to the Public Hearing.

Mayor Dillon – announced that she will let the Council know the County decision on Tuesday. She also stated that the intent for the next meeting is to keep the agenda short as Council has been invited to tour the Library.

Councilmember Storrs – announced the upcoming Job Corps Community Auction and Dinner.

Councilmember Miller – questioned the status of the school zone signs in the vicinity of Cascade Middle School. He also informed staff and Council of the use of an unmarked crossing at the north end of Cascade Middle School.

Discussion of mid block crosswalks took place.

Councilmember Lemley – announced that the Armstrong Appliance building has been placed on the market. Lemley noted he and Councilmembers Pearson and Meamber walked through the building and believes it to have a favorable assessment. He requested the Building and Structures committee look into the building for a possible tourism building.

Councilmember Anderson – questioned the status of the sewer line in front of his business. He noted he has been getting conflicting reports. Anderson also noted the mosquitoes at the detention ponds and requested some form of control be looked into.

Mayor Dillon noted the County Health Department is currently working on a plan and the City hopes to piggy back onto theirs once it is complete.

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

The meeting adjourned at 9:32 P.M.