
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
April 14, 2004 – 7:00 P.M. – Community Center

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

Pledge of Allegiance

ROLL CALL: Present: Mayor Dillon, Councilmembers Meamber, Splane, Storrs, Galbraith, Lemley, Colgan and Anderson. Staff: City Attorney Hayden, Clerk/Treasurer Nelson, Engineer Blair, Planning Tech Lahr, Police Chief Cooper and Fire Chief Klinger.

Mayor Dillon shared an award received from the State of Washington Territorial Commission in recognition of Sedro-Woolley's role in Washington Territorial history. This is in commemoration of the 150th anniversary of the Washington Territory.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #51113 to #51270 for \$236,139.19
 - Payroll Warrants #33095 to #33184 for \$163,472.33
- Waiver of Fees – Community Center – SKAGIT 9-1-1 – May 13, 2004
- Waiver of Fees – Community Center – Wildcat Steelhead Club – Sept. 19, 2004
- Waiver of Fees – Community Center – Old Time Fiddlers – December 4, 2004
- Contract – Skagit Domestic Violence and Sexual Assault Services at Court
- Contract Extension – BMR Design & Advertising
- City Hall Office Lease – Kirk Pearson
- Contract – Lee Electric
- Contract – Avaya (Phone Services)

Councilmember Storrs moved to approve the consent calendar items A through J. Seconded by Councilmember Meamber. Motion carried.

Public Comment

Louie Requa – 310 W. Bennett, representing the Sedro-Woolley Rotary Club presented an update on the Hammer Heritage Square restroom project. Requa noted the project is complete with the exception of minor touch ups. On another note, Requa requested that agenda item 8 Final Plat Approval – Park Cottages PRD be moved up on the agenda prior to the public hearings to accommodate those involved with their time.

Councilmember Storrs also requested the change of item 10 Curtis Street/Mobile Home Park Sewer Connection be considered before item 9 Amendment of Facilities Improvement Charge for Sanitary Sewer for Multi-Family Units.

All requests were agreed upon.

Final Plat Approval – Park Cottages PRD

Planning Tech Lahr reviewed background information on the Final Plat of Park Cottages PRD located at 1006 North Township. Lahr noted preliminary approval was granted on May 29, 2003 for the request to divide 4.95 acres into 16 single family units. The applicant has constructed and/or bonded for improvements required as part of the preliminary plat approval and based upon the application and submitted plans, staff recommends that the City Council approve the final plat application.

Council discussion took place to include the dedicated park land access and lot sizes.

Councilmember Anderson moved to approve Resolution #697-04 A Resolution Granting Final Approval to Park Cottages, A Planned Residential Development (PRD), Application No. 1003. Councilmember Splane seconded. Motion carried.

PUBLIC HEARINGS

Alexander Street Annexation

Planning Tech Lahr reviewed the request for annexation of property located south of Alexander Street. She noted Kendall Gentry, aka Commonwealth LP I, Richard and Joy Suryan and Skagit County are the petitioners of the annexation request. Lahr reviewed the staff memo and the request, as well as some of the concerns that have been brought forward by the public.

Attorney Hayden reviewed the filing of the petition and the method of annexation. Hayden cautioned the Council to not pre-judge the application outside of the administrative context which it would be considered. He reviewed any appeal process on the subsequent development application.

Mayor Dillon opened the public hearing at 7:17 P.M.

Robert Woolsey – 933 Alexander St, addressed issues of fill and grade material that was brought into a portion of the property being considered for annexation. Woolsey also addressed the cost of street development along Alexander Street which would be a burden to the property owners. Woolsey cautioned the Council that the potential flood loss and liability to the City would be greater than the gain.

Bill Knuth – 24230 Alexander St., also addressed the fill and grade material which he referred to as an illegal landfill. He discussed the hydraulic effect which he believes

caused greater damage to Riverfront Park during this year's flood. Knuth also addressed the liability of flooding in the area.

Fran Shewmaker – 1016 Alexander, showed pictures to the Council of flooding in 1991 as compared to the flooding in 2003. She noted the flooding is getting worse and cautioned the Council to think carefully of their decision.

Karl Shewmaker – 1016 Alexander, questioned the financial impact to the residents should the property be annexed. He noted the property owners are satisfied with the street the way it is. He also questioned the funding for the lower section at the ballfields. Shewmaker addressed the use of City property at the Suryan site and the amount of taxes missed by the City.

Ginny Good – 24250 Alexander, questioned the Council on the area requested for annexation, flood plans, removal of rip rap, enforcement of moratorium for logging in place and railroad grade consideration.

Ray Knuth – PO Box 772, Sedro-Woolley, addressed property encroachment, street vacation history, fill of a reservoir, annexation of property already owned by the City, fill and grade and previous street vacation requests.

Gloria Abrahamson – 1616 11th Pl., noted the annexation request is similar to one that was turned down by the City Council five years ago due to what the City determined to be too much liability. She stated if the property is annexed, the City will have improperly filled, unstable and dangerous land abutting a raging river at times. She also discussed the evacuation in the area of Alexander in the recent flood.

John Eades – 1703 Township St., expressed neighborhood concern of the problems in the flood area should the property in questioned be annexed. He presented a handout to the Council regarding his concerns. Eades encouraged the Council to do the right thing and vote against the annexation.

Kendall Gentry – Commonwealth LLC, addressed the Council on what he believes would be in the City's best interest. He stated in the past the Suryan's who are one of the applicants have not wanted to participate in annexation. The difference now is they are wanting to sell their property and would like to be included. Gentry addressed the required improvements through development. He noted 2 acres of the property is developable. The other is in the floodway and should not be developed. Gentry noted that through the annexation process the city limit line was clarified to be the eastern line of Graves Avenue. He also addressed the alleged fill on the Commonwealth property and stated there was no fill dumped it was just cleaning up the site.

Fran Shewmaker – 1016 Alexander, noted that Suryan was interested in annexing in the past. She also passed out copies of topographical maps showing homes in the floodplain.

Kendall Gentry – clarified during the last annexation request the Suryan’s were initially interested in annexing and then withdrew their petition.

Ray Knuth – P.O. Box 772, Sedro-Woolley, again to the podium, made reference to a letter regarding the alleged fill on the Commonwealth property written by Ryan LaPossa of Skagit County Public Works.

Mayor Dillon announced for the record 11 other people who signed up to speak at the public hearing have chosen not to speak.

Mayor Dillon closed the public hearing at 8:07 P.M.

No action was taken by the Council.

Attorney Hayden stated he would research if the Council was obligated to do some sort of vote, if a motion is required it will be brought back at the next meeting.

A five minute recess was taken at 8:07 P.M.

The meeting reconvened at 8:18 P.M.

Resolution and Possible Mending Ordinance – Pipeline Setbacks

Mayor Dillon introduced background information for the Pipeline Setback public hearing. She noted the ordinance would require marking of pipelines and would allow for public awareness.

Mayor Dillon opened the public hearing at 8:24 P.M.

John Lange – 1288 Fruitdale Road, owner of Sauk Mountain View Golf Course, noted their unique situation in that they have both a Cascade Natural Gas pipeline and Williams pipeline go through their property. Lange addressed other alternatives to be considered such as depth indicators within the current easement setbacks, installation of fencing at time of construction or development and limitation of type of developments. He encouraged Council to explore other alternatives utilizing the existing setbacks.

Council discussion ensued to include current easement width and setbacks.

Wayne Moritz – 303 Jones Road, noted there needs to be rules for use within the GMA. He also stated natural gas is one of the safest gases around. He addressed the safety of gas stations and gasoline trucks, varied sizes and depths of pipelines and the responsibility of citizens and property owners to call before digging. He encouraged Council to leave things as it is.

Dan Meredith – Cascade Natural Gas, 222 Fairview, Seattle, addressed the Council and stated that Cascade Natural Gas takes safety very seriously. He did note that one of the

most important things is third party damage and encouraged calling before you dig. He indicated that includes all other utilities which can be just as dangerous. He cautioned that the wording of the ordinance suggests that only the location of the hazardous pipeline needs to be established where state law requires that all utilities be located. He addressed the new integrity management rules and the strong pipeline safety oversight in the State of Washington and expressed concern in not limiting the product to new homes and industries and noted this type of ordinance could make the cost prohibitive to new developments.

Katie Hansen – Washington State City/County Pipeline Safety Consortium, an organization that grew as a result of the Bellingham rupture, stated the consortium provides support to cities and counties and addressed pipeline safety. She indicated the Consortium supports Sedro-Woolley in the action they are taking to provide pipeline setbacks

Kenneth Klinger – 9575 Padilla Heights Road, Anacortes, addressed the Council and presented a history of his property located at the corner of E. Jones Road. He spoke of the financial impact on his lot due to the proposed ordinance.

Dennis Klinger – 707 F & S Grade Rd., opposed the taking of additional right of way on his property co-owned with his brother. He reviewed activity near and around the existing pipelines.

Larry Lintz – 705 Jones Road, questioned the size of the gas lines in the Jones Road area and the effect of the ordinance.

Wayne Moritz – again to the podium addressed the moving and placement of the lines within an easement.

Councilmember Meamber questioned the pipeline representatives on placement of lines within the easement.

It was indicated that the lines are not always placed in the middle of the easement and sometimes there can be more than one line within an easement. The City's reference to the 25 feet is from the edge of the easement, not from the pipe placement.

Gael Rowland – 812 Dana Dr., business owner off of Jones Road addressed the Council and asked for statistics to support the proposed ordinance. He questioned if the proposed ordinance is reasonable.

Jim Mars – 7456 Wheeler Road, Maple Falls, questioned Section 4 of the proposed ordinance and described the pipeline corridors. He noted that it would make more sense to go 30 feet from the pipeline placement. He also noted that the main concern is that people will hit the pipeline, not report it and then it can become a hazard several years down the road.

Discussion was held on marking of the pipeline and wording of signs.

Paul Hieb – 8646 Westerman Road, questioned the width of current right of way and reviewed the placement of the line. Hieb expressed concern for the effect the proposed ordinance would have on his property and encouraged leaving things as they are.

Geraldine Rowland – 812 Dana Dr., expressed compassion for the homeowners and property owners along the effected area. She noted as a business owner she believes it to be discouraging to businesses to take away property and believes the City should be encouraging business. She also stated should there be a taking of property there should be compensation. It should be everyone's responsibility to be careful, rather than having the proposed ordinance forced on them.

Kenneth Rowland – 305 Garden of Eden Rd, noted the pipeline borders his property, and the existing easement has served all parties well. He stated he there should be compensation should the City enforce an increase in distance and does not believe it justified to add additional ground.

Mayor Dillon closed the public hearing at 9:14 P.M.

Mayor Dillon reviewed Council options.

Council discussion ensued to include the effect on property owners and marking of the pipeline.

Councilmember Anderson moved to adopt Ordinance #1467-04 An Ordinance Repealing Interim Ordinance No. 1466-04, Regarding Safety Set-Backs From Hazardous Pipeline Corridors, Following A Public Hearing. Seconded by Councilmember Galbraith.

Roll Call Vote: Councilmember Anderson – Yes, Lemley – Yes, Galbraith – Yes, Colgan – Yes, Storrs – Yes, Splane – Yes and Meamber – Yes. Motion carried.

OLD BUSINESS

Annexation of Janicki (Stanislaw) Properties/HWY 20 East

Mayor Dillon introduced the annexation request and announced that there are two Councilmembers who own property within the annexation area. The property is not of significant value and therefore it has been determined that there is no need for them to step down from discussion and voting.

Some discussion was held on the Councilors involvement.

Planning Tech Lahr reviewed the background of the request for annexation from Janicki Industries (a/k/a Stanislaw Properties), as well as the notification process and neighborhood meetings held.

Attorney Hayden discussed the process of setting the public hearing date.

Councilmember Anderson moved to accept the annexation petition for only those properties who signed the Notice of Intent, as illustrated on the provided map, requiring simultaneous adoption of the comprehensive plan, require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed and direct staff to publish notice for a public hearing upon receipt of sufficient petition signatures. Seconded by Councilmember Storrs.

Discussion was held regarding the status of Carter Road.

Police Chief Cooper commented that straight boundary lines would be very helpful for the public safety departments. He noted it makes it easier for responding to emergency situations.

Councilmember Anderson called for the question. Mayor Dillon restated the motion. Motion carried.

NEW BUSINESS

Final Plat Approval – Park Cottages PDR

See Above

Curtis Street/Mobile Home Park Sewer Connection

Engineer Blair reviewed the proposal for the sewer connection of the Curtis Street Mobile Home Park. The proposed agreement would enable the owners Sadaomi and Phyllis Oshikawa to connect their 21 units mobile home park to the Curtis Street sewer. They seek to make payments to cover the cost over three years (36 equal payments) at a rate of 6.5% interest. The balance would be secured by a note and deed of trust.

Councilmember Anderson moved to direct the Mayor to execute an agreement including the developer extension agreement with Sadaomi and Phyllis Oshikawa to allow the connection to sanitary sewer for the Curtis Street Mobile Home and allow them to pay over three years and if any of the mobile homes are modernized or changed they will pay the current rate at the time, with credit for the contract rate paid.

Discussion ensued to include upgrade in mobile homes and punch list terminology.

Seconded by Councilmember Lemley. Motion carried 4-3 (Councilmembers Meamber, Splane and Storrs opposed).

Amendment of Facilities Improvement Charge for Sanitary Sewer for Multi-Family Units

Engineer Blair reviewed the proposed amendment of the Multi-family units charge for sewer hook up. Currently multi-family units are charged at 63% of the single family rate. The proposal would bring the rate to the current single family rate of \$3,300.00 for each unit.

Discussion on the impact of the increase to affordable housing and usage comparison ensued.

Councilmember Storrs moved to adopt Ordinance No. 1468-04 An Ordinance Amending the General Facilities Charge for Connection to the City of Sedro-Woolley Sanitary Sewer System, SWMC 13.16.035, to Provide for a Full “Equivalent Residential Unit” Charge for Multi-Family Residential Unit Connections. Seconded by Councilmember Colgan.

Roll Call Vote: Councilmember Colgan – Yes, Storrs – Yes, Splane – No, Meamber – No, Galbraith – Yes, Lemley – Yes and Anderson – Yes. Motion carried 5-2. (Councilmembers Splane and Meamber opposed).

Code Amendment – Infraction Penalties for Dog at Large

Attorney Hayden reviewed the proposed amendment to update the penalty for violation of SWMC Chapter 6.08 (Dogs).

Councilmember Storrs moved to adopt Ordinance #1469-04 An Ordinance Which Amends the Penalty for Violation of SWMC Chapter 6.08 (Dogs) to Provide For a Civil Infraction Penalty Rather Than a Criminal Penalty for Most Offenses Under That Chapter. Seconded by Councilmember Lemley.

Roll Call Vote: Councilmember Anderson – Yes, Lemley – Yes, Galbraith – Yes, Meamber – Yes, Splane – Yes, Storrs – Yes, Colgan – Yes. Motion carried.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Mayor Dillon – announced that she will be looking into trying to do something about motorized scooters.

Councilmember Meamber – questioned the status of the “No Left Hand Turn” request at the parking lot in the vicinity of Pacific Northwest Bank. Discussion ensued with Councilmember Storrs suggesting to make the alley a one way alley. He believes this would be a reasonable solution to the problem.

Councilmember Meamber – requested Council information be given in a more timely manner with no last minute packets being handed out. He noted he will no longer

consider anything given late that he has not had the opportunity to sufficiently review prior to the meeting.

Mayor Dillon clarified tonight's information packets were from citizens speaking this evening and not part of staff presentations.

Fire Chief Klinger – announced that the Fire Department is in the final running for a USDA grant to help with the Training Site. He stated the decision should be announced within the next two weeks.

Police Chief Cooper – announced the hiring of a new police officer effective May 1, 2004. He will be starting the academy June 2, 2004 with a graduation date of October 7, 2004 he will then go through the field training program and be on the street January 1, 2005.

Mayor Dillon – announced on May 1st a small dedication will be held at the Metcalf Street ballfield. More information will follow.

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

The meeting adjourned at 10:01 P.M.