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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
January 12, 2005 – 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, Colgan, Galbraith, Lemley and Anderson. Staff: City Attorney Hayden, Clerk/Treasurer Nelson, Engineer Blair, Planner Lahr, Police Chief Wood and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Vouchers #53218 to #53430 for \$632,294.91
  - Payroll Warrants #34729 to #34824 for \$130,658.14
  - Payroll Warrants #34825 to #34916 for \$179,445.89
- Waiver of Fees – Community Center – Cub Scout Pack 4067 – February 5, 2005
- Waiver of Fees – Riverfront – Cub Scouts
- Waiver of Fees – Community Center – Old Time Fiddlers – December 3, 2005
- Waiver of Fees – Community Center – SW Little League – Misc. Jan/Feb Dates
- Request for Out of State Travel – Fire Department
- Interlocal Agreement – Skagit County and SWFD for Confined Space Training
- Intergovernmental Cooperative Purchasing Agreement Revision – State of Washington
- Contract – Earth Tech
- Request to Surplus Part of Garbage Truck
- Appointments to Sedro-Woolley Planning Commission
- Interlocal Agreement – SR20 Bicycle/Pedestrian Trail Project with Skagit County
- Amendment #1 to Skagit County Interlocal RE: SR20/F&S Intersection
- Spillman Public Safety System Order Supplement
- Extension of Ernest Money Agreement on Trail Road

Councilmember Meamber questioned the Earth Tech Contract. Debbie Allen, Wastewater Treatment Plant Forman explained the circumstances behind the contract which was due to emergency repairs.

Councilmember Anderson addressed the use of local engineering firms.

Councilmember Splane questioned the Interlocal Agreement – SR20 Bicycle/Pedestrian Trail Project with Skagit County, he inquired about the costs of the trail and where the money was coming from.

Mayor Dillon explained the interlocal agreement was a result of the grant funding received. Dillon noted that with the use of federal funds the project needs to be monitored by certified agencies of which Skagit County has the certification. There is no cost for them to monitor the funds for the City.

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

Councilmember Anderson requested clarification on the Interlocal agreement for the SR20 Bicycle/Pedestrian Trail Project with Skagit County.

Engineer Blair stated the agreement allows Skagit County to act as the Certifying Agency (CA). He explained with the use of federal funding there is certain criteria to be followed and you need to be a pre-qualified CA, which the County is and the City is not. Therefore the agreement is to place them as CA to oversee the funding.

Councilmember Anderson questioned the timing of the project.

Engineer Blair reviewed the criteria of the grant funds which is for design work only. Blair also noted strict environmental issues that will need to be followed due to the federal funding.

Further discussion ensued to include construction agreements with the County, jurisdiction responsibility, requirements of federal funding and wetlands.

#### Public Comment

Julie Anderson – 900 W. State Route 20, addressed the Council regarding the SR20 Bicycle/Pedestrian Trail. She offered to spearhead a community group to complete the project. She noted the trail has been in the plans for over 10 years and believes it to be the time to see the project through. She also expressed her concern was with the portion of the trail along SR20.

Stan Pawlowicz – Sedro-Woolley, spoke of the land between State Street to Rhodes Road being wetlands. He also addressed the Bingham park area and the proposed road.

Louis Requa – 806 Metcalf, presented some history and addressed problems in completion of the SR20 Trail. He noted the basic problem is there is no gap between the

State and Railroad right of way. Requa also spoke of a contact with Burlington Northern Railroad that he would pass on to the City.

Engineer Blair noted the City has been working with Burlington Northern with some progress. He also noted that there had been some confusion between the City and County as to construction.

## **PUBLIC HEARINGS**

### Resolution – Extension of Interim Moratorium on New Subdivisions Served by Township and Metcalf Streets Sewer

Attorney Hayden reviewed the proposed resolution for the moratorium which needs to be reviewed every six months. He discussed the necessary reasons for implementation of the Moratorium.

Engineer Blair noted the proposed ordinance is an extension of a previous ordinance. He stated that there has been some progress with some emergency repairs which has allowed the moratorium area to be reduced.

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

Mayor Dillon reviewed a letter received from Daniel R. Madlung requesting the removal of the moratorium on subdivisions serviced by the Metcalf Street Sewer Main. The letter was placed into the record.

Louis Requa – Skagit Surveyors & Engineers, 806 Metcalf St., addressed the Council and noted his puzzlement between what is being reported in the media and past history. He also addressed a portion of Madlung's request that if the moratorium cannot be lifted, projects still be allowed to move forward to a certain point. Requa reviewed portions of the 1994 Sewer Comprehensive Plan which addresses a capital improvement plan and funding plan that lists the area within the moratorium. Requa requested consideration that the moratorium include that a project can move forward and be ready for public hearing at the time the moratorium is lifted. Requa stated that had the comp plan been followed the moratorium would not be necessary.

Debbie Allen – 433 Talcott, representing the City sewer department, addressed the Council in response to Requa's concerns and comments. She noted the Comp plan is taken very seriously by the department. She reviewed the improvement list and noted that the priority was the treatment plant. The City was operating a treatment plant that had equipment designed for 20 years and they were on year 25. In the comp plan it called for the treatment plant to be designed in two phases. She noted the Council agreed that it was in the best interest of the City to fund the whole treatment plant at the same time. The project was also moved out of the flood plain and when finished the cost of the treatment plant was 6.5 million. The financing package was for 5.6 million. She noted there has also been an additional 2 million spent on capital project in the treatment plant.

She reviewed other projects that have been moving forward and they have tried to concentrate on blending fixing old with moving forward and building new. Allen stated she believes they are making progress, good things are happening and the focus is being diverted to the bad.

Mayor Dillon closed the public hearing at 7.51 P.M.

Engineer Blair reviewed the status of the affected areas for completion. He noted much is dependent on coming up with the financing.

Discussion was held on breaking the development application up into component parts. Attorney Hayden reviewed the land use rules that make it difficult to do.

Councilmember Storrs moved to approve Resolution #710-05 A Resolution of the City of Sedro-Woolley Entering Findings of Fact in Support of a Moratorium on Subdivisions in Certain Areas Served by the Township Street and Metcalf Street Sewer Mains for a Period of Six Months and Requiring New Applications to be Accompanied by Confirmation from the Public Works Director That Line Capacity is Available, As Enacted by Ordinance No. 1494-04. Councilmember Colgan seconded. Motion carried.

## **OLD BUSINESS**

### Stanislaw/Janicki Annexation

Planner Lahr reviewed the progress on the Stanislaw/Janicki annexation request. She noted the next step would be to adopt the ordinance recognizing the agreement that was executed between the City and Skagit County for road and stormwater improvements. As part of the annexation, once the ordinance becomes effective those changes to the map will be made at the County level. At the state level an in-depth census still needs to be performed. That will take place within the next month. Lahr also addressed an upcoming agreement between the City and Fire District 8 in connection with the annexation.

Discussion was held regarding the inclusion of Carter Road, notification, public hearing, agreement with the County regarding road and stormwater improvements and funding for improvements.

Councilmember Anderson moved to pass Ordinance #1497-05 An Ordinance of the City of Sedro-Woolley, Washington, Annexing Real Property Contiguous to the Eastern Portion of the City, and Adopting a Proposed Land Use Zoning Regulation for the Real Property, and Subjecting the Property To its Pro-Rata Share of City Indebtedness. Seconded by Councilmember Splane.

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

## **NEW BUSINESS**

### Ordinance – Refinancing of Public Safety Bonds

Clerk/Treasurer Nelson presented background information regarding the possible refinancing of Public Safety bonds. She noted Seattle-Northwest Securities and Preston Gates & Ellis handled the original bonds and have expressed interest in handling the refinancing of the bonds should Council choose to move forward. Nelson stated the proposal is in an effort to save the taxpayers money. She introduced Nancy Neraas of Preston Gates & Ellis to review the proposed ordinance with Council.

Nancy Neraas – Preston Gates & Ellis, reviewed the proposed ordinance for the bond refunding. Neraas entertained questions from the Council to include the going interest rate, time limit for the ordinance, existing rate and volatility of the market.

Councilmember Lemley moved to adopt Ordinance No. 1498-05 An Ordinance of the City of Sedro-Woolley, Washington, Authorizing the Issuance and Sale of Unlimited Tax General Obligation Refunding Bonds of the City in the Aggregate Principal Amount of Not to Exceed \$1,700,000 to Refund Certain Outstanding Unlimited Tax General Obligation Bonds of the City; Authorizing the Appointment of an Escrow Agent and the Execution of an Escrow Agreement; Providing the Form and Terms of the Refunding Bonds; and Authorizing the Mayor to Negotiate the Final Terms and Sale of the Bonds. Seconded by Councilmember Colgan.

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

### Ordinance – Utility Tax

Mayor Dillon presented background information on the proposed ordinance for Utility Tax on solid waste services and cell phone services.

Attorney Hayden noted as a formality the sewer was also incorporated into the ordinance because sewer and garbage tax are billed together. It is appropriate to have the same ordinance govern all the city run utility taxes. He stated there is no change in rate or scope of coverage for the sewer tax. It is just a housekeeping matter.

Council discussion ensued to include tax on recyclables, recycling collection, cell phone tax and cell phone users.

Councilmember Storrs moved to approve Ordinance No. 1499-05 An Ordinance of the City of Sedro-Woolley, Washington, Adopting and Modifying the Utility Tax on Solid Waste Collection Services, Sanitary Sewer and Telephone Services (including cell

phones) within Sedro-Woolley and Procedures for the Implementation Thereof and Providing for Civil and Criminal Penalties. Councilmember Lemley seconded.

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

Councilmember Anderson moved to approve Ordinance No. 1499-05 An Ordinance of the City of Sedro-Woolley, Washington, Adopting and Modifying the Utility Tax on Solid Waste Collection Services (excluding recycling), Sanitary Sewer and Telephone Services (not including cell phones) within Sedro-Woolley and Procedures for the Implementation Thereof and Providing for Civil and Criminal Penalties. Seconded by Councilmember Meamber.

Roll Call Vote: Councilmember Anderson – Yes, Lemley – No, Galbraith – Yes, Colgan – Yes, Storrs – Yes, Splane – Yes, and Meamber – Yes. Motion carried. (6-1, Councilmember Lemley opposed).

#### Ordinance – 2005 Salary Ordinance

Clerk/Treasurer Nelson reviewed the proposed salary ordinance for the year 2005. She noted that most of the salaries are dictated by agreements with collective bargaining units or individual contracts that have been approved by Council.

Councilmember Storrs moved to approve Ordinance No. 1500-05 An Ordinance Establishing the Salaries and Wages for Elected Officials, Union (Guild) and Non-Union Employees of the City of Sedro-Woolley, Washington, for the Fiscal Year Beginning January 1, 2005. Seconded by Councilmember Meamber.

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

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

Mayor Dillon – announced the Council committee assignments. Mayor Dillon thanked the members of the Volunteer Fire Department for their help with the Christmas lights on the downtown buildings along with the Street Department. She also thanked City Staff for their participation with the Santa Breakfast, Joanne Lazon in her capacity of the Chair person for the Christmas Parade and thanked the Parks Department for their work in shoveling the snow and ice from various areas during the recent bad weather.

Councilmember Meamber – addressed comments regarding the wetlands along Highway 20.

Councilmember Storrs – thanked the responsible party for the Public Works Department Achievements notice given to the Councilmembers.

Councilmember Colgan – requested monitoring of the progress as sewer lines are upgraded and completed. He suggested something in the Engineering office for people to check.

Councilmember Anderson – requested Council worksession be held in a different location.

Councilmember Meamber – requested a “no right turn” to be placed at the stop light at Highway 9 onto Highway 20. Meamber noted this has been discussed in a Council worksession.

Engineer Blair stated the request has been forwarded to the Department of Transportation.

Councilmember Anderson – requested placement of a designated left turn light to be placed at Highway 20 and Trail Road.

Stan Pawlowicz – Bennett Street, discussed problems with the intersection at Third Street near the High School. He again discussed the wetlands and the trail.

Police Chief Wood – updated the Council on the progress within the Department to include installation of mobile data terminals, various applications for state grants for digital cameras, amber alert policy and procedures, all computers are now online with e-mail and internet, settlement of the collective bargaining agreement with support staff, completion of the initial rewrite of the operating manual, general order documentation, acquisition of a stop stick (tire deflating device), civil service rule update, future plans for updating the police capital facilities plan, department meeting schedule, DARE program and community outreach.

Engineer Blair – reported on the loss of a grant from Skagit County for the area within the mill area along Curtis Street.

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

The meeting adjourned at 9:05 P.M.

ATTEST:

APPROVED:

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