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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
April 27, 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: Clerk/Treasurer Nelson, Planner Lahr, Engineer Blair, Police Chief Wood and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Vouchers #54225 to #54358 for \$228,656.44 (Voided Warrant #54226)
  - Payroll Warrants #35459 to #35550 for \$123,542.40
- Reduced Utility Rates Application
- Public Works Supplement Agreement – Lee Johnson & Sons
- Contract – Professional Services – Carletti Architects, P.S.
- Public Works Trust Fund Loans
- Setting Public Hearing – Captial Facilities Plan Update – May 11, 2005
- Setting Public Hearing – Subdivision Moratorium – May 25, 2005
- Upper Skagit Indian Tribe – Solid Waste and Recycling Services

Councilmember Anderson requested the minutes be more verbatim with the Councilors' voting statements included. He also questioned Consent Agenda Item E – Contract – Professional Services – Carletti Architects, P.S.

Councilmember Splane expressed concern for approving funds without a public hearing. Mayor Dillon noted that the plan will be done in phases and the process can be stopped at any time. Splane also questioned the review of the firms.

Councilmember Anderson requested a public hearing be scheduled for input on the plan for the Public Safety Building addition.

Councilmember Storrs moved to approve the consent calendar Items A through I. Seconded by Councilmember Colgan. Motion carried.

## Proclamation – Native Plant Appreciation Week

Mayor Dillon reviewed a proclamation declaring the week of May 1, 2005 as Native Plant Appreciation Week which encourages all citizens to learn more about our native plants, how to protect them and to enjoy and appreciate our native flora's value and beauty.

## Public Comment

Michael Lowe – 1214 Independence Blvd., expressed concern regarding the lack of sidewalks and wheelchair ramps in the vicinity of Highway 20 and Township Street.

Julian Pavesi – 519 Sapp Road, encouraged the City to look into a noise ordinance to control noise coming from cars.

Mayor Dillon noted that the City does have such an ordinance. Mayor Dillon and Police Chief Wood encouraged Mr. Pavesi to call 911 when the noise is happening.

Randy Starkey – 721 Brickyard Blvd., questioned the status of widening of Sapp Road. Starkey noted that when the apartments went in approximately 5 years ago, discussion was held as to the widening of Sapp Road to handle the increase in traffic and parking. He did note that the City has done a good job policing the parking in that area.

Mayor Dillon stated it is still in the plans but funding is an issue.

Julian Pavesi – questioned the status of Sapp Road and Highway 20.

Engineer Blair noted that the road has reopened on a temporary basis to provide access during the construction of Garden of Eden/F & S Grade Road.

Louis Crookshank – 7<sup>th</sup> Street, discussed the alley between 7<sup>th</sup> and 6<sup>th</sup> Streets. Crookshank noted flooding in the heavy rains since the alleys have been graveled. He also questioned what action is being taken with hedges and trees for vision clearance.

Susie Williams – 1058 Wedmore Pl., discussed the drainage on the golf course in connection with the Sauk Mountain View Estates housing development and requested it be on the record that there is a problem with drainage.

Louis Crookshank – discussed the numerous potholes throughout the City and the cross drains recently repaired.

Mayor Dillon noted the cross drains were PUD and they are supposed to be coming through soon to finish the repair. The City will try to put some pressure on PUD.

Councilmember Meamber questioned if the drainage issues on the golf course would be fixed with the road upgrade to McGargile Road.

Engineer Blair stated that drainage on McGargile will be improved and as part of that it is possible there would be improvements to Brickyard Creek. He noted no specifics can be given because the project has not been designed.

Mayor Dillon also stated the City will work with the Skagit County Sub Flood Control in an effort to make it better for everyone in that area.

## **PUBLIC HEARINGS**

None

## **OLD BUSINESS**

### North Township Street Sub Area Transportation Plan

Planner Lahr reviewed background information, noting after a public hearing the discussion was moved to a worksession for further review. Lahr noted at Council direction the plan was modified to include only that portion of the City north of Sapp Road. The other direction the Council had given staff was to modify the proposed right-of-way lines to ensure they don't go through anyone's homes. She stated aerial photos were used and a power point presentation would show the most recent map.

Engineer Blair noted that the cul-de-sacs at Bassett, Beachley, Alderwood and Shoeshel did not show up on the map. They were intended to be shown on the map that was mailed out.

The Mayor opened the floor to the audience members wishing to give comment.

Herb Ershig – 22 Sherwood Drive, Bellingham, representing Betty Garling of 944 Beachley Rd., questioned whether this was a public hearing.

Mayor Dillon noted the public hearing was previously held however, the Council always takes public testimony and encouraged Ershig to continue to speak.

Ershig questioned the City policy regarding notification of interested parties for this type of hearing.

Mayor Dillon stated that for normal agenda items it is not the policy to send out notification, however, the City chose to send notification because of the previous interest in the plan. Ershig stated not everyone on Beachley was notified and questioned the timeliness of the notification.

Mayor Dillon emphasized that the topic is not a public hearing. The notification was sent as a courtesy to the neighborhood.

Mr. Ershig noted that not all were extended the courtesy to which the Mayor apologized.

Ershig then submitted two letters, letters from Betty Garling and Ronald Jepson of Ronald Jepson Associates. Mrs. Garling expressed a strong objection to the extension of Beachley Road through her property. The proposed plan goes within a few feet of the Garling house. Ershig questioned a statement from the February 23, 2005 meeting regarding acquiring property through eminent domain.

Engineer Blair stated eminent domain would not be enforced with the exception of a small piece in the Alderwood location where it may be necessary. He also stated the Garling property is a large piece of property with a lot of development potential. The road, while it may not be built next year, 20 years, who knows when, will still be a necessary link in the transportation system.

Ershig stated it is their and some of their advisors belief it is not a necessary link. He addressed confusion of undated exhibits and suggested dating maps in order to keep track.

Mayor Dillon stated the plan is a conceptual plan and development driven. If development does not occur the road will not be put in.

Ershig stated as a matter of record what he understands is there will be no Beachley Road connector built without the approval of the effected landowner.

Tina Dykema – 719 Brickyard Blvd., stated that Brickyard Boulevard residents were not notified of the meeting and they will be directly affected if a road is extended from Bassett Road. She stated she does not want the proposed road on the books and also noted that Brickyard is not a true Boulevard, it is just a residential street. She stated storm runoff issues have not been addressed on Brickyard Blvd and questioned how it would be handled. She requested Brickyard Boulevard be excluded from the City's transportation plan based on the fact there have been no impact studies.

Meridian Huggins – 1011 Alderwood Ln., addressed a letter on behalf of her husband, Patrick Huggins. Huggins stated she does not believe it to be proper to be discussing the plan if the cul de sac information has not been provided to the community ahead of time. She then read a letter which requests the Council reject the transportation plan as it appears in the draft dated April 20, 2005. The letter gave history of Alderwood Lane which Huggins states was never designed nor intended to be used a collector/connector street. Huggins addressed other concerns within the transportation plan with proposed road placement and he encouraged the City require developers to be responsible for street infrastructure and again requested Council reject the transportation plan.

Myra Martin – 708 Brickyard Blvd., addressed lack of notification of the proposed plan and also questioned Engineer Blair regarding statements made in the newspaper regarding the plan being binding yet flexible.

Engineer Blair noted that some of the statements in the paper were paraphrases. The binding part of the plan shows a link from point A to point B. The actual location of the road is what is flexible.

Martin emphasized she is opposed to the road going through Brickyard Creek.

Helge Andersson – 928 Beachley Road., spoke of use of a common sense approach. He addressed the lack of notification and questioned funding of any road that may be built. Andersson addressed the measurements of a cul de sac and interference of existing homes and upgrade to street standards. For the record Andersson confirmed that the developers of the golf course would develop up to Mrs. Garling's property line with no intrusion to her property.

Engineer Blair noted that is the case until such time as Mrs. Garling's property would be developed.

Andersson then questioned the proposed traffic light at near the existing Bassett Road in regards to funding of the light, responsible jurisdiction and timing of installation.

John Lange – 1288 Fruitdale Rd., developer of Sauk Mountain View Golf Course, noted he has been on record against the proposed transportation plan. Lange stated he is still not pleased with the plan and presented a handout for Council review. Lange noted that as a developer they do not support any alterations to Beachley or Alderwood Ln. He stated the plan is actually driven by the Washington State Department of Transportation and the City of Sedro-Woolley, As a developer it means they have to build more roads and connect the properties to development in the area. Lange stated in the development, they do support the extension of Portabello Road east which was previously agreed to be built with the City to develop the area and a connection point on Highway 9, not through any of those neighborhoods but through property that could be developed in the future. Lange stated they support paying for the road, paying into the signal and support that as a hub for development. Internally he stated the same issues that any property owner has, that is, the City is proposing access points and streets that they believe will be years and years to be built but that they may never be built. As a developer the public will want them to connect and pay for roads that will never be built. Lange reviewed his handout and noted his objection to building a road that he believes will never be used. He stated that he is willing to dedicate the land but opposes to building the road. If the City maintains that Beachley Road will be connected to their road system they are willing to leave a stub in their road systems to do so and request that it be located anywhere along the west property boundary. Lange encouraged Council to look at who owns the property and who might develop.

Kristie McMoran – 1018 N. Township, questioned the comment regarding development discussions southeast of Alderwood.

Planner Lahr pointed out on the map the parcels of property that have been to the City for pre-application meetings regarding development of property.

McMoran stated the plan still shows parts of her house and property affected by the plan. She stated it was her understanding that it would only happen if she chose to sell her property or develop, but questioned what would happen if neighboring properties develop. She commented on the notification process and the short time line and also questioned the need for the plan. McMoran presented a history of the property and ownership and knows first hand some of the growth and issues that go with it. She stated that many of the properties were family owned for many years. She also addressed environmental impacts to ravines and salmon streams with the plan and stated she has a hard time understanding why a plan that may never be in effect has to be.

Councilmember Lemley asked for a point of clarification with regards to property development.

Engineer Blair clarified that if McMoran does not develop, the planned cul de sac would not go in. He stated the illustration shows there's only one access onto Highway 9 that covers four or five properties. Development would have to occur in a way to make that happen. Blair noted that he understands the emotional ties to property by people but in the past people have made the same statements and then turned around and sold to a developer.

Councilmember Galbraith questioned if Alderwood and Beachley were left intact would the State not allow a road coming off Portabello where the stop lights are shown.

Engineer Blair stated that is correct. He cited the F & S Grade project as an example. The goal of the plan is to have something on record and to keep it from getting worse. By closing Alderwood and Beachley it is a safety improvement for those people in those neighborhoods. The plan is intended to make things better. Blair stated the long term goal is safety, efficiency and a planned system with limited intersections.

Councilmember Anderson questioned the status of Shoeshel.

Blair noted parcels that are already preliminary platted in the vicinity of Shoeshel .

Councilmember Galbraith questioned the road alignment of the road and Alderwood Ln.

Engineer Blair noted the goal is to close Alderwood to the highway.

Louis Crookshank – addressed safety as a priority. He encouraged keeping interchanges onto Highway 9 to a minimum.

Councilmember Galbraith noted his complaint is with the “temporary” issue of Alderwood.

Fire Chief Klinger explained the reasoning for two accesses and the safety of the homes.

Ray Avery – 924 Beachley Rd., spoke against the proposed plan. He noted it didn't make sense to go three miles out of the way to get emergency access to his home when you can go directly up Highway 9 and onto Beachley. He discussed the impact of a recent cul de sac of 16 homes that have access onto Highway 9. Avery also addressed water run off from Alderwood, since the development of the property behind him. He again stated he was against the proposed plan.

Councilmember Lemley questioned the possibility of having Alderwood being an ingress road only.

Gary Kruger – 935 Beachley Rd., spoke on the previous input of the public hearing and noted he did not see that there have been any changes since the previous plan. He stated it gives the appearance of going through the process and that the public is not being listened to. Kruger spoke of two different standards for road development. He encouraged Council to look the plan over carefully and take into consideration what the peoples wishes are. He stated if the proposed plan does take effect he believes that they deserve some improvements out of it. Kruger appealed to the Council to listen to those who placed them in office and to come up with something that looks good, works good and people can support.

Helge Andersson – questioned if the City has a design review board and commented on the advantages of a design review board which can look at the design of desirable housing developments and takes into consideration the environment. Andersson spoke of development requirements in California where a developer is required to finish one project prior to the start of another.

Planner Lahr noted design review is handled at the Planning Commission level.

Velma Huggins – 726 Northern, who also has property on Alderwood Ln. questioned the term “temporarily use Alderwood Lane” and the length of time for approval from the State for a stop light.

Engineer Blair noted that it takes approximately one year for approval of a stop light, however if the State pays for it the process is longer. Blair also stated that with the knowledge of interest in development in that area the assumption is that “temporary” will be short term.

Herb Ershig, again to the podium stated he is confused by what is being said and what he is hearing. He referred to a statement that the Beachley Road connector would only be built if somebody wanted to develop that strip of property. Ershig noted all the connector does is provide a huge cut through a rocky hillside and cut the property into two pieces. He stated he failed to see how that facilitates developing the property. Referring to an aerial photograph at the public hearing he said that made sense because there was a dog leg at the end of Beachley which provided access for future development of that strip. He request Council consider erasing that connector which doesn't accomplish anything other than destroy a developable piece of property. He stated if you looked at the terrain it will

be a hard cut and when you make a hard cut you'll have retaining walls and construction problems. If the notion is to facilitate future development it's not the way to do it. He requested to seriously consider looking at the aerial photograph and put that in the plan and erase the connector.

George Sloniker – 723 Shoeshel, questioned the access points to Moore Street and asked since limiting access points to Highway 9 will the City also be limiting access points to Highway 20/Highway 9 on Moore Street.

Engineer Blair stated yes, although Highway 20 is a different access classification. Highway 9 is a higher classification of road than Highway 20.

Sloniker – pointed out Shoeshel Dr. is a private road and the proposal would put the road at the edge of a cliff. He also stated he owns most of the property west in between the two roads. He questioned if he developed his property would he have to follow the proposed plan. The plan would make it so he couldn't get out unless he used the existing Shoeshel Drive. Sloniker also noted wetlands on the extreme western edge of his property. He stated he does not like the plan and thinks it needs a lot of work prior to adopting.

Kathy Tucker – 23984 Bassett Road., noted the plan shows a dead end being proposed on Bassett Road. She stated that is her driveway and where she lives. The road shows coming through her backyard and questioned what transportation will be provided that it would be necessary to have a road through her property.

Engineer Blair said responsibly the City has to try to set a plan otherwise bad things happen.

Discussion on the Bassett Road intersection ensued to include it being a high accident intersection, questions on statistics and studies, WSDOT studies and inclusion on their list and Bassett being in the Urban Growth Area.

Margaret Martin – 705 Brickyard Blvd., spoke of children from Brickyard, Reed and Sapp with no place to play other than Brickyard Blvd. She expressed concern of the plan showing a street coming and diverting traffic into her neighborhood. Martin requested the proposed street be removed from the plan. She spoke of the impacts of the plan and the addition of more traffic in the neighborhood and noted her neighborhood has supported other developments but believes the plan to be wrong.

Kelly Bett – 701 Brickyard Blvd., addressed Council adding that there are so many children in their area and that come to the area that on Halloween they close the road. She stated there are over 300 children that come through the neighborhood and requested Council to reconsider the plan.

David Hough – 17483 W. Big Lake Blvd., Mt. Vernon, addressed the Council representing Richard Johnson. Hough stated Mr. Johnson would like to go on record as

being in favor of the proposed general location of the connection between SR 9 and Bassett Road. They believe it to be a reasonable alternative because of the sub standard roads currently in the area.

Todd Snyder – 1023 Alderwood Ln., stated he moved from Mount Vernon because of the increase in development. He bought on Alderwood because of the cul de sac and believes the City should not be affecting the existing houses to get access for Lange's property. He reviewed a proposed plan suggested by Mr. Lange. He also questioned the temporary use of Alderwood and does not believe it to be a good plan.

Engineer Blair noted that details have not been worked out and it would be possible for a right in and right out only.

Snyder questioned if the State was mandating that another access can't be added to Highway 9 and movement of Alderwood.

Engineer Blair stated the State requires reasonable access and they are trying to avoid multiple access onto Highway 9.

Snyder stated he understands trying to avoid multiple access in undeveloped properties but Alderwood is already set up with what they thought was a horseshoe.

Engineer Blair noted it was a complex issue and the State won't allow the signal unless Alderwood is closed. He also stated the driving factor behind plan is to have a link between Highway 9 and Fruitdale Road.

Dick Lemley – 1019 Alderwood Ln., a 20 year resident of Alderwood, addressed the Council and discussed site distance impairment between Beachley and Alderwood Lane that already exists. He questioned with the addition of temporarily placing access of 200 homes down that street if the State Highway department would want to and would even approve the plan.

Engineer Blair stated details have not been worked out and noted a temporary signal would have to be placed or making it right in right out.

Lemley encouraged that if there's going to be an access further north why doesn't the City and Developers get together and have that before attempting to connect Portabello. He urged the Council to look at the plan and consider the light as a prerequisite to any development on the northern part of the area.

Roger Coon – 924 Alderwood Ln., stated that the plan sound arbitrary and it doesn't sound like there has been any planning. He noted he appreciated the limitations in terms of legal issues but questioned if there were any other alternatives. He stated it sounds like the City is headstrong in going with the plan with lack of answers and it is a diconomous statement to say it's a dangerous turn but were going to put 200 homes worth of traffic down that road for who knows how long.

Engineer Blair stated it would be done in a way that it would not be an increase in an unsafe condition.

Coon refuted noting the City has no idea how long temporary will be and it is not acceptable.

Julian Pavesi – stated he would like to have the sub area transportation plan rejected as it stands. He noted even in temporary state it is no good. He stated in relationship to Brickyard there should be no connections into Brickyard at all. Pavesi encouraged consideration of making the connections laterals to 9, no connections to Brickyard.

Jeff Wood – 1102 N. Township, had previously requested to be withdrawn from the map. Wood spoke of a distance of 10 feet to a 80 foot drop off to the creek. He addressed a 14” water run off on Shoeshel and 16 feet off of the north side of his house. He noted there is no physical way to build a road and encouraged Council not to accept the plan.

Councilmember Storrs moved to table the N. Township Street Sub Area Transportation Plan to a future worksession. Seconded by Councilmember Splane. Motion carried.

Councilmember Meamber thanked everyone for their comments and agreed that the plan was a mess.

Councilmember Galbraith also thanked everyone for their comments and assured them that the Council does listen and heard everything they said.

Unidentified Audience Member – questioned notification for upcoming meetings on this topic. Also noted that she had not received notification for this meeting.

The meeting took a five minute recess at 9: 07 P.M.

The meeting reconvened at 9:17 P.M.

## **NEW BUSINESS**

### Resolution – Granting Final Approval for Sauk Mountain View Estates North Phase III

Planner Lahr reviewed the proposed resolution for a total of four (4) lots subject to conditions of the staff report for Application No. 161, conditions of the annexation agreement dated January 9, 2002 and conditions of the development agreement dated March 26, 2002.

Councilmember Anderson moved to approve Resolution #716-05 A Resolution Granting Final Approval to Sauk Mountain View Estates North – Phase Three Planned Residential Development (PRD) Application No. 161. Councilmember Meamber seconded. Motion carried.

### Howard Koozer Annexation – Notice of Intent

Planner Lahr reviewed the Notice of Intent to annex by Howard Koozer. The request is to annex property located at 1020 Hodgins Street. Lahr stated the property was recently added to the Urban Growth Area by Skagit County which was completed the first part of April. Skagit County designated the property as Urban Reserve Commercial/Industrial. The equivalent City land use designation is Mixed Commercial (MC).

Lahr reviewed the steps for annexation which will include public hearings.

Howard Koozer – 1020 Hodgins St., addressed the Council and spoke on the current use of the property. Koozer noted the property is currently for sale and until it sells they will continue to use the property as their grading plant for grading eggs from their new farm as well as processing waste from their composting system.

Councilmember Anderson questioned property zoning and a proposed road through Koozer's property.

Planner Lahr stated as part of a previous sub area transportation plan a connection between Cook Rd and Highway 20 is necessary at some point. The City has purchased property on the west side of Janicki Fields for a potential transportation location. As part of a pre-annexation agreement it has been suggested the Council asking for a right of way dedication ½ street width from Mr. Koozer on the North side of the property for future use.

Koozer expressed his opinion that street design should wait until a development is proposed.

Councilmember Colgan moved to accept Howard Koozer's property annexation request to move forward, to accept the geographical areas of the proposed annexation, to determine that the property will become subject to the City's Comprehensive Plan and zoning designation upon annexation; and determine that the property will be subject to the City's existing general indebtedness. Seconded by Councilmember Splane. Motion carried.

### Larry Prentice – Request to Reduce Sanitary Sewer Connection Fee

Mayor Dillon introduced the request to reduce Sanitary Sewer Connection fee for Larry Prentice. This was brought back by Council direction from the April 13, 2005 meeting request of Mr. Prentice. The proposed ordinance would amend the effective date of Ordinance No. 1501-05. The change would also affect one other permit applicant.

Councilmember Galbraith moved to adopt Ordinance No. 1505-05 An Ordinance Amending the Effective Date of Section 1 of Ordinance 1501-05 From March 21 to April 18, 2005. Seconded by Councilmember Anderson.

Roll Call Vote: Councilmember Meamber – Yes, Splane – No, Storrs – No, Colgan – Yes, Galbraith – Yes, Lemley – No and Anderson – Yes. Motion carried 4-3.

Councilmember Anderson noted that his decision is on a case by case basis. Councilmember Meamber and Galbraith concurred.

#### Setting Public Hearing – Public Safety Building Addition

Councilmember Anderson moved to set a public hearing for May 11, 2005 to discuss the new proposed Court/Council Chambers addition to the Public Safety Building. Councilmember Lemley seconded. Motion carried 6-1 (Councilmember Storrs opposed).

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

Engineer Blair – announced the success of obtaining the Public Works Trust Fund loan for the design phase of the sewer projects. He noted the legislature moved funding from the Trust fund to the General fund which means there is less funding available. He also noted he believes our project to important enough to obtain funding.

Planner Lahr – noted the legislature has also sent a bill to the Governor for signature allowing jurisdictions that are not GMA compliant, that did not meet the 2004 GMA deadline to be able to apply for Public Works Trust Fund monies.

Mayor Dillon stated she had sent a letter to Governor Gregoire requesting her not to sign the bill.

#### **EXECUTIVE SESSION**

The meeting was adjourned to executive session at 9:39 P.M. for approximately 15 minutes for the purpose of discussion of personnel with no decision anticipated.

The meeting reconvened at 9:56 P.M.

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

The meeting adjourned at 9:57 P.M.