
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
May 24, 2006 – 7:00 P.M. – Community Center

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

Pledge of Allegiance

ROLL CALL: Present: Mayor Sharon Dillon, Councilmembers: Ted Meamber, Tony Splane, Louis Requa, Pat Colgan, Rick Lemley and Mike Anderson. Staff Present: Clerk/Treasurer Nelson, Planner Rozema, Attorney Hayden, Engineer Blair, Lt. Tucker and Asst. Fire Chief Olson.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #57359 to #57471 for \$810,988.61
 - Payroll Warrants #37886 to #37982 for \$145,006.93
- Waiver of Fees – Riverfront Park – Skagit Widowed Support Services – August 15, 2006

Councilmember Lemley moved to approve consent calendar items A through C. Seconded by Councilmember Meamber. Motion carried.

Proclamation – Safe Boating Week – May 20-26, 2006

Mayor Dillon read a proclamation which proclaimed May 20-26, 2006 as National Safe Boating Week urging all those who boat to “Boat Smart, Boat Safe, Wear It” and practice safe boating habits.

Proclamation – Hire-A-Veteran Month – June, 2006

Mayor Dillon read another proclamation which proclaimed the month of June 2006 as Hire a Veteran Month in the City of Sedro-Woolley and urged all citizens to join in the special observation.

Public Comment

Jim Robinson – 313 N. Reed, addressed the Council regarding some changes to current ordinances he would like to see implemented. The changes addressed 4 wheel vehicles on private property, quads and small bikes. He stated the original ordinance has been in effect since 1998 encouraged Council look to update it, keeping the kids in mind.

PUBLIC HEARINGS

Adoption of Brickyard Creek Sub-Area Plan

Attorney Hayden presented background information regarding a proposal to enact an interim Brickyard Creek Sub-Area plan to support the IAC/WWRP-RP grant application. Hayden stated that when the Council passed the critical area ordinance last year the last section stated a specific plan would be passed for Brickyard Creek that deals with the area more intensely. He noted the wording was a result of a meeting with the Department of Ecology and was a trading point to avoid adopting 300 foot buffers on Brickyard Creek. Hayden also reviewed the grant application and funding as well as the possible donation of 6 acres from a developer. He pointed out that Brickyard Creek is subject to the jurisdiction of the Department of Fish and Wildlife and the Army Corps of Engineers with stormwater issues and fish.

Hayden reviewed the points of the proposed plan which brings forward three things and recognizes Brickyard Creek will serve different values.

1. It will serve flood and stormwater conveyance.
2. It will preserve fish and wildlife habitat values
3. It will provide some type of recreational value.

Hayden reviewed the plan and noted it would be a starting place and the grant would allow funds to gather data necessary to plan a concept. The project would be a long-term project over a period of 20 plus years.

Planner Rozema stated there is a lot of opportunity and is a good use of grant resources.

Engineer Blair noted that at the time of surveying and taking an inventory of what we have we should also map the 100 yr. floodplain to be able to identify the effects or to reduce the effects with mitigation.

Jim Johnson – 587 Carter St., Planning Commission member and also a board member of the Skagit Fisheries Enhancement Group, addressed the Council regarding the compromise with the Department of Ecology based on fisheries enhancement, stormwater and flow to have some flexibility with the buffers. Johnson noted the importance of floodwater conveyance and believes the need of a compromise with buffer zones and trails along Brickyard Creek for salmon habitat, walking path and conveyance for stormwater.

Susie Williams – 1058 Wedmore Pl., Planning Commission member addressed the Council and stated she agreed with Johnson to work out a compromise for Brickyard Creek. Williams also expressed concern of the flood control issues at the part of the creek that runs along the golf course. She addressed restrictions placed on the property by the Army Corps of Engineers.

Mayor Dillon opened the public hearing at 7:33 P.M.

Doyle Assink – 84637 Fruitdale Rd., stated he was directed by the County Commissioners to talk with Sedro-Woolley regarding flooding of his property and presented an overview of his flooding problems.

Bill Rimmer – 1887B Sulpher Springs Rd., Mt. Vernon, addressed the Council regarding property he owns on Jones and Sapp Road. He noted that Brickyard Creek meanders through the northwest corner of the property and showed pictures taken in September 2005 showing the creek being dry. He credited the City with challenging the 300 ft. setbacks and encouraged developing a plan to minimize the buffer, to maximize density and meet the needs of property owners.

Ahrn Thorene – 29517 S. Skagit Highway, commended the efforts of Attorney Hayden in putting together a proposal. Thorene, president of Skagit Fisheries Enhancement Group and a past commercial fisherman addressed the importance of projects like the one proposed. He also addressed the educational benefits to schools by hands on learning versus book learning and spoke of the added property value for a salmon stream as well as the well being of the community.

Bob Ruby – 310 Cascade Pl., Burlington, property owner in Sedro-Woolley noted his opposition to a 300 ft setback concept. He applauded the City staff in their proposal and requested the City be very specific within the proposal in order to clarify and develop a workable plan for the developers.

Rod Hall – 17160 Coho Ct., Big Lake, general manager of Skagit Ready Mix which currently leases the property for the business of which Brickyard Creek covers a small portion of the property, encouraged looking at the creek with a practical view. Hall questioned the viability of the creek as salmon bearing because most of the year the creek is dry at their site.

Doug Crouter – 402 Burrows Ln., expressed concern of any type of buffers along the creek and the impact to his property. He noted that the creek is dry from June to December and is full of stormwater during the other months. He stated there should be more concern of the run off. Crouter spoke in opposition of a nature trail going through his property and addressed the lack of maintenance on a nearby bridge and briars growing along the creek.

Ardell Payatte – 17129 Lakeview Blvd., Mt. Vernon, property owners at 211 Rowland Rd., presented a brief history of the drainage ditch and the transition to a creek. She also addressed a previous building addition and required plantings which were subsequently destroyed by cleaning of the area. She noted her confusion as to the status of whether it's a ditch or creek.

Gael Rowland – 812 Dana Dr., operates the truss plant on Rowland Road noted that if the setbacks are put into place, their business would not be able to be there. He stated he did

believe the area to be a drainage ditch and not a salmon spawning stream and grant money could be better used on something else. He cautioned Council to think of the impact to the homeowners and businesses along the creek.

Ken Rowland – 305 Garden of Eden Rd., gave a brief history of the creek and the implementation of the County taking the creek over as a ditch district. He noted that the area is dry seven months out of the year and questioned how it can be a salmon creek.

Joel Doornenbal – 24238 Alexander St., co-owner of the Skagit Ready Mix property expressed concern of the setbacks. He stated a 25 foot setback should be adequate with a 200 foot setback being excessive.

Mary Holmes – 23361 Jones Rd., noted that a 300 foot setback would destroy their property and expressed concern of losing their privacy should a walking trail be implemented. She also spoke of the ditch being used as a site for dumping garbage and her family's efforts to try to clean it up and monitor the illegal dumping.

Susie Williams – 1058 Wedmore Pl., questioned the setbacks in connection with the ability of equipment for maintenance of the creek.

Attorney Hayden stated the initial step is to find out what exists in terms of easements and existing setbacks. Currently each point on the creek has a different restrictions. He noted the sub-flood control district owns easements of varying widths along the creek and there are physical limitations based on the location of houses, existing industry and roads. The initial goal of the plan is to find out what exists. He cautioned that if the City does not take the first step of the inventory, other agencies will impose limitations on the area. He also stressed that at the present time the City does not have a detailed inventory of Brickyard Creek.

Williams noted her support of any revitalization of the creek as long as it can provide for both areas of stormwater and salmon habitat.

Engineer Blair noted that a programmatic HPA for maintenance should be added to any approved plan. He stated the current permitting process is overwhelming and any plan should include a maintenance program so that maintenance can be done which is not happening at the present time because we cannot obtain the permits necessary.

Jeraldine Rowland – 812 Dana Dr., encouraged Council to keep in mind all the property owners in the vicinity of Brickyard Creek and the impact to them, whether they be individual homeowners or industrial property owners.

Frank Holmes – 2355 Jones Rd., addressed the impact on his property if the setbacks were imposed and spoke of the creek being dry. He also addressed the taxes paid for the drainage ditch.

Mayor Dillon closed the public hearing at 8:11 P.M.

Councilmember Requa made numerous comments regarding the proposal to include the responsibility of the sub-flood maintenance, ditch improvements, sub-flood control district, creation and original purpose of the ditch, concern of wording of Brickyard Creek being attached to a sub flood control drainage ditch and the need for a study of how the designation of Brickyard Creek began.

Councilmember Requa moved that the action be tabled until we can get the facts straight on Brickyard Creek.

Councilmember Anderson questioned what agencies are responsible for the designation of whether the area is classified as a drainage ditch or a creek.

Mayor Dillon and Engineer Blair noted that the City has no control over the classification. The area is classified by Washington State Fish & Wildlife, Department of Ecology, National Marine Fisheries Service and the Army Corp of Engineers.

Discussion ensued to include concern of not doing anything to improve the drainage, the donation and use of the 6 acres, review of the plan goals to include flood storage or conveyance, being a plan to make a plan, strategy of multiple values within a program, effect on current businesses with regards to setbacks and surveying requirements.

Councilmember Meamber seconded the motion made by Councilmember Requa.

Discussion continued as to regulatory agencies authority, how the fish appeared, purpose of the creek, priority rating of the creek, wording of the ordinance and the progression of the project.

Mayor Dillon restated the motion to table the issue previously made by Councilmember Requa and seconded by Councilmember Meamber. Motion failed 3-3 (Councilmembers Colgan, Lemley and Anderson opposed).

Councilmember Requa recommended that answers to the questions that were brought up in the discussion be found.

Council adjourned for a 10 minute break at 9:01 P.M.

The meeting reconvened at 9:13 P.M.

Six-Year Transportation Improvement Plan (TIP) – continued

Mayor Dillon introduced the Six-Year Transportation Improvement Plan (TIP) for Council review. She reminded Council that in order to get any type of outside funding it is necessary to have projects listed on the TIP and prioritized.

Engineer Blair reviewed the listing of projects.

Mayor Dillon opened the public hearing at 9:16 P.M.

Mayor Dillon closed the public hearing at 9:16:30 P.M.

Council discussion ensued to include widening of Highway 20.

Councilmember Meamber moved to proceed with the 6-year TIP and bring a resolution back at the next Council meeting. Seconded by Councilmember Splane. Motion carried.

UNFINISHED BUSINESS

None

NEW BUSINESS

Grant – Department of Ecology Phase II Agreement No. G0600306 (Municipal Stormwater)

Engineer Blair reviewed the background information for an agreement with the Washington State Department of Ecology to receive a \$75,000 grant earmarked for NPDES Phase II communities. Blair stated the purpose of the grant to establish a plan to implement a program to manage stormwater City wide. Once a program is in place it is likely that the Brickyard Creek sub-flood control zone can be dissolved and incorporated into the City program.

Discussion of funding of a program in the future ensued.

Councilmember Colgan moved to authorize the Mayor to sign and execute the attached agreement, and authorize the Mayor to authorize Staff signature authority for the direct administration of the contract itself. Councilmember Requa seconded. Motion carried.

Correction of Ordinance No. 1539-06 (SWMC 8.04.075)

Attorney Hayden reviewed the need to correct Ordinance No. 1539-06 in order to correct typos which set the due date for past due solid waste bills.

Councilmember Lemley moved to adopt Ordinance No. 1548-06 An Ordinance Restating SWMC Section 8.04..075 As to Charges For Refuse and Garbage Collection Fees and Due Dates for Past Due Accounts, Resolving Possible Inconsistencies Between Ordinance No. 1350-05 and Ordinance No. 1539-06. Councilmember Colgan seconded.

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

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Mayor Dillon – announced that she will be on vacation during the next worksession scheduled for June 6, 2006. She stated the worksession will consist of meeting with the respective committees and appropriate department heads. Dillon also announced the upcoming Memorial Day services to be held at the Sedro-Woolley Union Cemetery. Immediately following there will be a dedication of a plaque for Nathan Nakis at Hammer Heritage Square. She also reported on the first day of the Farmer's Market held today.

Councilmember Meamber – commented on behalf of the Downtown Revitalization Committee of the mural that was moved from the Stiles building to the side of the Overflow Tavern building. Meamber noted that the mural has great visibility and is a nice addition as you come into town on Ferry Street.

Councilmember Lemley – announced the upcoming Blast from the Past event to be held Friday and Saturday, June 2nd and 3rd and reviewed some of the activities planned.

Councilmember Anderson – noted he had attended the Farmer's Market and thought it was great. He also announced the Outdoor Movies to be held during the month of July.

Planner Rozema – congratulated the Sedro-Woolley High School welding team that received a third place finish at the Welding Rodeo held at Bellingham Technical College.

Asst. Chief Olson – stated the Fire Department is in the process of accepting applications for new volunteers up to June 2nd with testing to be held on June 3rd. He also announced Lacey's Day at Bob's Burger & Brew to be held all day on June 3rd with a portion of the day's profits going to the Lacey Klinger Memorial Scholarship Fund.

Lt. Tucker – stated the newest officer is out on the road and is half way through his field training and will be on his own around the first of July. An offer has also been made to another candidate for the position of Police Officer who would attend the academy beginning in July.

Nathan Salseina – reported on the progress of the golf course. He noted there was a soft opening on Saturday and since that time approximately \$700 has been taken in green fees. He noted it is taking a lot from the Parks Department to keep up but believes it will be good in the long run.

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

The meeting adjourned at 9:48 P.M.