
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
January 24, 2007 – 7:00 P.M. – Community Center

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

Pledge of Allegiance

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Louis Requa, Pat Colgan, Hugh Galbraith, Rick Lemley and Dennis London.
Staff: Clerk/Treasurer Nelson, Attorney Berg, Engineer Blair, Planner Moore and Police Chief Wood.

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #59248 to #59346 for \$468,621.49 & #59347 for \$67,083.33
 - Claim Vouchers #59348 to #59445 for \$174,993.38
 - Payroll Warrants #39441 to #39532 for \$151,382.42
- Waiver of Fees – Community Center – Central Elementary Parent Group – March 2, 2007
- Waiver of Fees – Community Center – SW Cooperative Preschool – March 23, 2007
- Professional Services Agreement – ESM Consulting Engineers, LLC (*moved to New Business*)
- Appointment to Sedro-Woolley Planning Commission

Councilmember Meamber moved to approve the consent calendar as is. Councilmember Splane seconded. Motion carried.

Councilmember Requa requested Item E – Professional Services Agreement – ESM Consulting Engineers, LLC be moved to New Business.

Councilmember Meamber moved to rescind the previous motion.

Councilmember Meamber moved to approve the consent calendar Items A – F excluding Item E to be moved to New Business. Seconded by Councilmember Splane. Motion carried.

Mayor Anderson introduced the newest Planning Commission member Dr. Chris Bulcroft to the Council and audience.

Public Comment

Paul Ronk – 923 Polte Road, addressed the Council regarding driveway construction on Polte Road. Ronk listed numerous items he felt have not been done correctly including no public hearing regarding the project. He reviewed his understanding of the project and questioned the permits that have been issued. Ronk expressed concern on the way the project has been handled and the condition of Polte Road to withstand large trucks.

Mayor Anderson announced the topic of the Polte Road project to be discussed under New Business. He requested any further comments be taken at that time.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

City Hall Update

Clerk Treasurer Nelson reviewed the progress on the financing through the Rural Development Loan Program. She noted the pre-application has been completed and the required NEPA has been published, as well as the approval from SCOG has been received. A RFP (Request for Funding Proposal) is being put together for interim funding and will be sent out at a later date. Nelson noted she spoke with the Finance Director from the City of Lynden who has been through this program and noted their favorable comments of the process.

Mayor Anderson commented on the building side and stated that Police Chief Wood, Planner Moore and Mayor Anderson will be meeting with the architect on a bi-weekly basis once the bid is awarded.

Councilmember Requa questioned the time line for financing. Nelson stated that by mid-March the loan should be secure with a commitment, however we do not receive actual funds until the project is complete which is why the interim financing is necessary. Requa also questioned the timing of the permit. Attorney Berg noted the hope it that the funding and the permit will be ready at the same time. The processes are running simultaneously and staff is doing everything to keep it on track.

Planner Moore reviewed the status of the permitting procedures. He noted the SEPA is in process, construction plans have been reviewed for building code compliance with a letter sent to the architect requesting revisions in order to finalize the plan review. Also, because it's in the Central Business District the Planning Commission needs to perform their architect review which is scheduled for their next meeting.

Councilmember Requa questioned who will be in charge of compliance of the construction of City Hall. Moore noted it will be a joint venture. The architect will be supervising the project as part of their contract and technical building inspections will be done through the building department.

NEW BUSINESS

Ordinance – Park Use Fee Increases

Engineer Blair introduced the proposed ordinance for increases in the park use fees and reviewed the proposed fees.

Nathan Salseina, Parks Division of the Public Lands Department addressed Council questions to include comparison to other golf courses and campgrounds. Salseina noted that even with the increase we would still be lower than the other entities.

Councilmember Colgan moved to adopt Ordinance #1566-07 An Ordinance Amending SWMC 12.36 to Increase Certain Use Fees for City Park Facilities. Councilmember London seconded.

Council discussion ensued regarding green fees at the golf course.

Councilmember London moved to amend the Ordinance to state Monday through Thursday green fees would be \$12.00 and Weekend Fees \$15.00. Councilmember Galbraith seconded.

Mayor Anderson restated the amended motion. Motion carried.

Discussion ensued as to potential School Useage. Attorney Berg reviewed some language that would allow pre-arranged use of the course by Sedro-Woolley Schools.

Councilmember London moved to amend the motion that the fee not apply to the Sedro-Woolley School District with authorization of the City. Councilmember Meamber seconded. Motion carried.

Mayor Anderson restated the original motion. Motion carried.

Sewer Main Repair/Projects

Debbie Allen – Wastewater Treatment Plant Foreman, addressed the Council regarding repair projects identified by the city's wastewater collection crew. Allen introduced the collection crew to the Council and provided a list of locations and pictures of the pipes. She noted the areas could be corrected with the "cure in place" pipe as discussed at the last Council meeting. She then answered Council questions to include pricing vs.

quantity, request for transfer of funding, use of small works roster, prioritizing of list, budget amendment for 2007 and a motion to proceed.

Councilmember Galbraith moved to proceed to identify and repair the sewer lines up to \$200,000.00. Seconded by Councilmember Meamber. Motion carried.

Professional Services Agreement – ESM Consulting Engineers, LLC (moved from consent calendar)

Councilmember Requa had requested this item be moved from the consent calendar. He noted that he believes items as significant as this should not be on the consent calendar. Requa also questioned the fee structure for the consultant review and the work load of the Engineer/Public Works Director position.

Attorney Berg stated the code includes provisions to allow for this type of review as well as the cost recovery. What is before Council is not the concept of who reviews but is approval of a services agreement for that methodology.

Mayor Anderson noted that the topic was something that had been brought up to Council at the last meeting and he believed the process to be pro-active in moving projects along in a timely manner.

Requa requested a time-out on moving forward.

Attorney Berg stated that the process already exists to do what has been done and if the Council would like to review it, a worksession could be scheduled for the topic, the contract that is before Council doesn't change the process. It is an as needed, up to, not to exceed contract by agreeing to go into this contract Council is not boxing themselves into a particular service. Berg recommended that Council move ahead with the contract and review the process at a later time, if interested.

Requa then expressed concern of workload and how the firm was chosen.

Councilmember Lemley moved to authorize the Mayor to sign and execute the on-call agreement with ESM Consulting Engineers LLC in the amount not to exceed \$150,000.00. Seconded by Councilmember Colgan. Motion carried 4-3 (Councilmember Galbraith, Requa and Splane opposed).

Polte Road Discussion

Attorney Berg reviewed background information of the grant request and process. The project included two elements: 1) New access to Polte Road for the Truck Vault business and 2) Improvements to the Polte/Township intersection. Application was made first in 2004 and denied and reapplied for on June 13, 2005. Skagit County Public Facilities Project Review Committee did not recommended approval of the grant on July 25, 2005. The County Commissioner's approved this project on July 26, 2005. Council accepted

the funds in an interlocal agreement approved on the consent agenda on August 24, 2005. The project began on January 15, 2007 which brought forth citizen complaints.

Attorney Berg also noted that there was no legal requirement that the City hold a public hearing as part of this process. However, the Mayor's letter indicates that had he been Mayor at the time of the decision, he would have included a public hearing. Berg noted in reviewing the project there were no violations of law.

Mayor Anderson opened the floor for public comment.

Dick Joneli – Coffman Lane resident, stated he has lived on Coffman Lane for 48 years and this is the first time that a project has been done in his area without notification of the residents. Joneli reviewed the business history of the property and noted that he didn't believe it was appropriate for a residential area. He noted the area should be returned to the way it was with a buffer area between the commercial and residential area.

Peggy Ronk – 923 Polte Road, also addressed a buffer between commercial and residential property. She noted that the proposed driveway is more like a full size road and questioned who will profit from the improvement and why it is necessary. She then addressed the lack of communication to neighboring property owners and the destruction of property values due to the improvements.

Scott Wakeman – 24530 Polte Rd., addressed the Council regarding the condition of the road and the intersection of Township and Polte Road being a safety hazard. Wakeman questioned the rationale of not doing the intersection improvements first.

Engineer Blair reviewed the history of the grant application, approval process through the County, He noted the intersection at Polte was added to the grant to see what could be done there. Blair noted the intersection is problematic due to numerous issues.

Al Chandler – Truck Vault representative, addressed the Council and audience members. He stated that the idea was brought forward by himself representing Truck Vault. He noted the biggest issue for bringing this forward was the safety of individuals, primarily school children walking from the schools. He stated that during the initial request he had extended invitations to the news media and others to watch the activity when school lets out. Chandler described the issue of trucks trying to turn and the safety hazard it creates. He apologized for offending the neighbors and stated that Truck Vault wanted to be a good neighbor and has plans to gate the driveway which will be closed during off hours and on weekends.

Councilmember Lemley questioned the number and size of trucks that enter their business and which direction the trucks would enter and exit.

Chandler stated the trucks are of various size, some 50 foot and some tandem trucks which is why the road was made the width it was. He also stated there is approximately 30-40 trucks that come and go.

Councilmember Meamber questioned if there would be any late night deliveries or pick ups.

Chandler stated there would not be.

David Gustafson – 401 Coffman Ln., addressed the Council regarding his concern of City and County government and statements of being pressured into applying for the grant. He expressed his biggest concern being that the County is pressuring the City to do projects within the town without the Council knowing or remembering anything about them.

Attorney Berg – stated the source of the grant came from sales tax monies which are taxpayer funds and is assessed for rural economically distressed counties with the purpose being for economic development.

Councilmember Requa requested that the record show that when Engineer Blair stated he was pressured he did not indicate by whom.

Leona Anderson – 1035 Polte Rd., questioned if trucks would be traveling down Polte Road, who would be widening and improving the Polte Road. She noted there is no base to it now and they are always dealing with pot holes just from the cars traveling the road. She noted that safety features should be taken into consideration.

Elaine Wright – 24356 Polte Road, just outside City limits addressed the impact of the Rodeo and trucks running down the road during that time. She also noted the condition of the road not being up to standards to withstand the large truck traffic.

Bob Ireland – 50 year Polte Road resident, addressed the Council regarding the quality of the neighborhood. He addressed the trucks that would be traveling down Polte Road and stated it is poor planning.

Paul Ronk – again to the podium, noted the biggest problem at the Township Street intersection is the Dairy Queen and Smoke Shop. He also questioned the amount of the grant, the cost of the driveway, and what happens with the excess grant funds.

Engineer Blair noted the City will do as much as can be done towards the intersection improvements with the excess funds.

John Wright – lives just across the county line, noted that the project is encroachment of industry into the residential area. He expressed opposition to the continuation of the project.

Unidentified Audience Member – requested answers to two questions that were asked.
1) Who was the person applying the pressure and 2) Who will be responsible for improving the road.

Roy Duvall – Polte Road resident, expressed concern for the safety of the kids walking on Polte Road without sidewalks with large trucks traveling the road.

Wayne Moritz – 303 Jones Road, expressed concern of the situation not being handled right. He stated the process might have been done legally but believes Council has a moral right to notify residents. He also stated the intersection improvements should have been done first.

Peggy Ronk – again to the podium, clarified for the audience that Sharon Dillon was the Mayor at the time that the grant application was applied for. She noted that she had been in contact with the City numerous times regarding the project with no indication that any progress was taking place. She also noted that Ted Anderson was Commissioner at the time, and is a friend of the property owner, Ray Sizemore. Ronk then read comments from a news article regarding the project naming Anderson as the Commissioner which also states the intersection first and then the driveway.

Attorney Berg noted that if any citizen is interested, the records are of public record. He also noted that at the County level the record would be the Board of Commissioners minutes. Berg again stressed that there was no evidence in the file of any attempt to hide any information during the process.

Unidentified Audience Member – questioned if there were plans for upgrading the road.

Audience comments ensued regarding the width of the road, history of the road and rodeo activities.

Councilmember London commended Mayor Anderson for his action with sending the letter to the residents and allowing them to comment.

Council discussion ensued to include Council dismay with no update of the project prior to moving forward, disappointment with the order of the project, lack of a public hearing, review of project description from the grant application, contact with outside agencies, access to Truck Vault off Township, change order to sewer project, need to show progress on grant, time limit on grant, impact to residents, safety concern of ponds on either side, closure of access off Township, contact with the railroad, questioning of types of permits needed and the timeline.

Mayor Anderson stated that he and Council are in agreement that something went wrong and would like constructive ideas as to a solution.

Audience discussion ensued to include notification of railroad personnel and the railroad's lack of knowledge of project.

Councilmember Galbraith suggested the topic is too broad to cover tonight and recommended it be carried over to a worksession.

Discussion continued to include reshuffling of February worksession topics to be able to address the topic in a timely manner.

Councilmember Galbraith moved to move the discussion on Polte Road to the workshop in February. Councilmember Colgan seconded.

Councilmember Requa requested contact with Burlington Northern/Santa Fe Railroad to obtain their opinion with the design of the intersection at Polte and Township with respect to the railroad right-of-way.

Councilmember London requested a stop work order be placed on the project until a resolve can be reached.

Attorney Berg suggested to include a change of location for the worksession within the motion.

Mayor Anderson called for the vote. Motion carried.

Councilmember Galbraith requested information on cost estimates for the upgrade of Polte Road be available for the worksession, as well as cost estimates for placing the land back to its original condition.

Councilmember Requa requested the amount spent on the project to date to include construction and design.

Attorney Berg reviewed the requests for information to be available at the worksession to include:

- Cost estimates to upgrade Polte Road
- County Assistance
- Cost estimate to remove the current project and return to original condition
- Costs spent to date.
- Engineering standards to make the road to service the type of traffic under discussion.
- Truck Vault's investment into the project.
- Buffer between residential and commercial, what is required and what can the City do to offer one.

Berg noted that he will also put together a packet of the records regarding this project for Council and it would also be available to interested citizens through the public records request.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Mayor Anderson – noted the pot holes on State Street being filled.

Planner Moore – questioned the method in which Council would like to receive the Permit Tracking Spreadsheets. Councilmembers indicated they prefer to receive them in their Council packets to allow review time.

Clerk/Treasurer Nelson – clarified the question regarding use of grant funding that arose during the Polte Road discussion. Many times different projects appear on the same billing when done by the same vendor or contractor. She noted that bills are coded according to funds and it is very clear as to what project the bill or portion thereof is going to.

Councilmember Meamber – thanked staff for seeing that the potholes in the tracks at State Street were fixed.

Councilmember Galbraith – readdressed the rough spot on Township noting that it has not been fixed. Galbraith also noted the increased use of Jake Brakes from trucks traveling Highway 9 once again.

EXECUTIVE SESSION

Mayor Anderson adjourned the meeting at 9:05 P.M. to executive session for the purpose of potential litigation and real estate with a possible decision anticipated. It was noted the session was expected to last approximately 30 minutes.

The meeting reconvened at 10:25 P.M.

Mayor Anderson requested Council discussion on the proposed “Four” position which is a movement towards a Fleet category for the City vehicles. Discussion ensued to include incorporation of the Solid Waste foreman/Fleet Manager into one position, number of vehicles for individual departments tracking, affect on budget and departments being territorial regarding City buildings. Councilmember Splane noted his opposition towards the position.

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

The meeting adjourned at 10:30 P.M.