
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
February 14, 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 Lemely and Dennis London. Staff: Clerk/Treasurer Nelson, Attorney Berg, Engineer Blair, Planner Moore, Police Chief Wood and Fire Chief Wood.

Consent Calendar

- Minutes from Previous Meeting (including January 2, 2007 Worksession)
- Finance
 - Claim Vouchers #59446 to #59620 for #303,487.37
 - Payroll Warrants #39533 to #39624 for \$208,648.45
- Waiver of Fees – Riverfront Park – SWHS Alumni Association – July 7, 2007
- Waiver of Fees – Community Center – Skagit County Health Department – March 27, 2007
- Waiver of Fees – Community Center – Trailblazers 4-H Club – Misc. Wednesday Dates
- Waiver of Fees – Community Center – PUD No. 1 of Skagit County – February 20, 2007
- Sewer Agreement – North Cascades Gateway Center
- Interlocal Agreement – Joint Purchasing Agreement with City of Mount Vernon
- DOE Grant for Solid Waste Division (*moved to New Business*)
- Agreement for Conveyance – Hodgin Street Right-of-Way (*removed from agenda*)

Councilmember Splane requested Item I – DOE Grant for Solid Waste Division be moved to New Business.

Councilmember Meamber moved to remove Item J from the Consent Calendar. Seconded by Councilmember London. Motion carried.

Councilmember London moved to pass the consent calendar Items A through H (*Item I moved to New Business*). Councilmember Galbraith seconded. Motion carried.

Public Comment

Jordan Smith – 829 Cook Road, addressed the Council and read a prepared statement regarding access to property he owns on Cook Road which he bought for development purposes as an investment. He addressed difficulties he has been having with requirements of the Planning & Engineering departments. He stated he is willing to work with in reason for a solution.

Brett Smith – 7159 Smith Drive, addressed Council in support of his son, Jordan regarding the difficulties he has run into. Smith spoke of development alternatives that he believes not to be in the best interest of the City.

Ginny Good – 24250 Alexander St., addressed the Council on behalf of the Sedro-Woolley Farmers Market. She noted it is time to start planning for the upcoming season and addressed several questions to the future of the Market.

Council discussion ensued to include a request that the Market Committee draw up a sketch of their proposal to present to Council for consideration, utilization of the sidewalk, closing off the street and movement of the picnic tables and benches.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

City Hall Update

Police Chief Wood announced the bid opening for the proposed new City Hall. He noted there were five bids received and the bids all came in under the architect's estimate. The apparent low bid was \$2,888,000.00. Wood addressed alternates listed on the bid sheets and discussion ensued as to the timing of the decision for the alternate items.

Councilmember Meamber addressed Carletti Architects positive comments regarding the apparent low bid contractor.

NEW BUSINESS

Revisions to SWMC 9.46 Criminalizing Repeated Violations of the Noise Ordinance

Attorney Berg reviewed the proposed ordinance which adds a criminal penalty for repeat offenders of the City's noise ordinance.

Some discussion ensued to include cars with boom boxes, noisy mufflers, officer discretion and times for construction. Discussion also took place as to the procedure of the two time ordinance reading rule.

Councilmember Meamber moved to put Item 6 – Revisions to SWMC 9.46 Criminalizing Repeated Violations of the Noise Ordinance on the February 28, 2007 Council agenda under New Business. Councilmember Splane seconded. Motion carried.

Interlocal Agreement – SRIP Request to Participate in Additional Funding

Mayor Anderson reviewed the request from SRIP for additional funding in the amount of \$2,500.00. The requested amount is for an additional review of the previous consultant's work. Anderson reviewed some of the possible advantages to Sedro-Woolley.

Engineer Blair stated there are two versions of hydrology and the review would verify or refute the PIE study of which the City has already paid their proportionate share.

Discussion was held regarding payment of the second study, commitment to the cost, unified front on the issues, process of decisions within SRIP and simultaneous studies.

Councilmember Galbraith moved to table Item 7 – Interlocal Agreement – SRIP Request to Participate in Additional Funding. Seconded by Councilmember Colgan.

Councilmember Meamber cautioned the Council of the effect of United General Hospital which is within the flood area.

Discussion of County involvement with SRIP and possible litigation ensued.

Mayor Anderson called for a vote. Motion carried.

Contract Amendment – 2006 Sidewalk & Wheelchair Ramps Program/Schwetz Construction

Mayor Anderson reviewed a request for a contract amendment with Schwetz Construction for the 2006 Sidewalk & Wheelchair Ramps Program. He noted the bill came in over the contract amount which cause him to research what happened to cause it to go over the contract amount. Anderson reviewed his review of the project with a representative of Schwetz Construction and City staff and recommended to Council to authorize the amended contract amount with Schwetz Construction.

Councilmember Galbraith moved to authorize the amended contract amount with Schwetz Construction Incorporated in the amount not to exceed \$70,614.03 including taxes. Councilmember Colgan seconded. Motion carried.

Contract Amendment – Sterling and Township Sanitary Sewer Improvement/Ram Construction

Engineer Blair reviewed the request of Ram Construction to allow a contract amendment to bond in place of the 5% retainage currently held by Banner Bank, Bellingham, WA.

Councilmember Lemley moved to authorize the Mayor to accept the contract amendment and bond in place of the 5% retainage currently held by Banner Bank, Bellingham, WA to Ram Construction. Seconded by Councilmember Galbraith. Motion carried.

Tree Source Plan to Place Restrictive Covenant Under Portion of Jameson Street

Attorney Berg gave an informational update on the Tree Source process to obtain a “No Further Action” (NFA) letter from the Department of Ecology. He noted that initially DOE requested the City place a restrictive covenant on Jameson Street. Upon review with the help of environmental attorney, Kim Johannessen, it was determined the City should not place such a covenant because it is owned in fee to the centerline by the adjacent landowners. DOE indicated they would issue the NFA to TreeSource if they place the restriction, and the City needed to be informed. Berg noted there was no action necessary by the Council. The topic was for informational purposes only.

Tree Source Offer to Purchase City Owned Land

Attorney Berg reviewed a purchase and sale agreement for a small triangular shaped piece of property in the TreeSource parcel. It is a piece of property that is landlocked. The City has been approached by Tree Source, the property has been appraised with a fair market value of \$7,300.00. TreeSource has offered to purchase the property for \$7,300.00 (net to the City). Berg also noted that TreeSource has stated this is a critical component for them in selling their land to be redeveloped and the deed being offered as part of the purchase and sale agreement is a quick claim deed.

Councilmember Requa moved that TreeSource be allowed to purchase the property for \$7,300.00 (net to the City) and that the Mayor be allowed to sign. Councilmember Splane seconded. Motion carried.

FEMA Grant

Attorney Berg reviewed documents for FEMA grant aid as a result of the November 2006 Flood Disaster Declaration. Berg noted and apologized for the short timeline for the paperwork to be submitted. The due date is February 28, 2007.

Councilmember Meamber moved to authorize the designation of authorized agents as identified in the Mayor’s letter and authorize the agents to sign the attached Grant Agreement and related documents with FEMA and the Washington State Military Department. Seconded by Councilmember Colgan. Motion carried.

Councilmember Meamber expressed concern of the last minute nature of the topic.

Attorney Berg again apologized for the last minute nature of the subject and explained the documents were a result of a meeting with FEMA personnel which was held the previous day and the short timeline for submitting the documents. He noted he is well aware of the Council’s preference on late items but in this case there was no other option.

DOE Grant Solid Waste Division –(Moved from Consent Calendar at the request of Councilmember Splane)

Leo Jacobs, Solid Waste Forman addressed the Council on a potential grant for equipment which would help the Tribe and local commercial customers for a yard waste and food waste program. He noted they would use existing budgeted funds for the match. Jacobs reviewed the grant and explained the program. He then answered Council questions to include containers for collection, details of the two-part grant, self supporting program, separation from regular garbage, container size, staffing, looking to the future of the recycling program within the City, review of Seattle's program and yard waste.

Councilmember London moved to authorize the Mayor to sign the attached contract with the Department of Ecology. Seconded by Councilmember Splane. Motion carried.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Police Chief Wood – reported on the final testing of the Reserve Police Officers. He noted should they pass the test they would then be brought onto the force and would be sworn in at the next Council meeting. Wood also reported on their monthly department meeting and invited interested Councilmembers to attend.

Councilmember London – questioned the status of the Memorial Park Shelter.

Engineer Blair stated the shelter is being rebuilt as it was in order for the insurance to cover the replacement.

Councilmember Colgan – questioned the status of the Township Street paving.

Engineer Blair noted the weather is still a factor. Discussion followed to include completion date and inclement weather.

Councilmember Requa – announced his absence from the next two Council meetings due to a required continuing education course and personal vacation time.

Councilmember Meamber – requested to be included in any meeting regarding the Smith's earlier request.

EXECUTIVE SESSION

The meeting adjourned to executive session at 8:35 P.M. for the purpose of land acquisition and potential litigation for 30 minutes with a possible decision.

The meeting reconvened at 9:30 P.M.

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

The meeting adjourned at 9:30 P.M.

ATTEST:

APPROVED:
