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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
April 9, 2008 – 7:00 P.M. – City Hall Council Chambers

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

A humorous recorded Council introduction was presented courtesy of Kirk Tollefson of KAPS Radio.

Pledge of Allegiance

ROLL CALL: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Louis Requa, Pat Colgan, Hugh Galbraith, Rick Lemley and Dennis London. Staff: Finance Director Nelson, City Attorney/Supervisor Berg, Engineer Frieberger, Planner Moore, Police Chief Wood and Fire Chief Klinger.

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Vouchers #63018 to #63155 for \$788,004.07
  - Payroll Warrants #42268 to #42364 for \$227,816.52 (Voided Warrants #42263 – 42267)
- Supplemental Agreement 6 to David Evans & Associates, Inc.  
Local Agency Standard Consultant Agreement

Councilmember Meamber moved to approve the consent calendar. Seconded by Councilmember Colgan. Motion carried (7-0).

Swearing in of Firefighters Andrew Vander Veen & David De Vries

Mayor Anderson administered the Oath of Office to Firefighters Andrew VanderVeen and David DeVries.

Public Comment

Bill Fusselman – noted he was at the Council meeting to try to understand the workings of the Solid Waste Governance Board.

Mayor Anderson stated this item was on the agenda and they will cover Fusselman's questions during that time.

## **PUBLIC HEARINGS**

### Sewer Rate & Fee Ordinance (continued to April 23, 2008)

City Attorney/Supervisor Berg noted the final documents for the Sewer Rate & Fee Ordinance were not quite ready and recommended the public hearing be opened, testimony be taken, and the Public Hearing continued to the April 23, 2008 Council meeting.

Mayor Anderson opened the public hearing at 7:12 P.M.

Councilmember Colgan moved to continue the public hearing to the April 23, 2008 meeting. Councilmember Meamber seconded. Motion carried (7-0).

### Reenactment of Interim Zoning Control Ordinance

City Attorney/Supervisor Berg reviewed background information on the proposed Reenactment of Interim Zoning Control Ordinance. He noted that currently there are two projects that will cure the need for the ordinance in the near future.

Mayor Anderson opened the public hearing at 7:14 P.M.

Councilmember London moved to close the public hearing at 7:15 P.M. on the reenactment of Interim Zoning control Ordinance. Seconded by Councilmember Lemley. Motion carried (7-0).

Councilmember Requa questioned the status of the Metcalf Line. Engineer Frieberger noted it is anticipated to go to bid in April with construction to start in June and completion in August. Frieberger explained the process of the trenchless construction.

Requa also questioned the status of the design for the Township Street project from Polte to McGarigle. Frieberger noted the design is approximately 30% complete with anticipation of going to bid this spring.

Councilmember London questioned the ability of lifting areas of the moratorium. The process for lifting of the moratorium was reviewed by City Attorney/Supervisor Berg.

Councilmember Colgan moved to approve Ordinance No. 1608-08 An Interim Ordinance of the City of Sedro-Woolley Amending and Extending 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. Councilmember London seconded. Motion carried (7-0).

## **UNFINISHED BUSINESS**

### City Hall Update

City Attorney/Supervisor Berg noted there was nothing new to report but the Council can expect a full report with final change orders and MPR's at the next meeting. Final completion is still on track.

Berg also gave a brief reported on the progress of the Police/Evidence Storage and Parks Buildings.

### Sign Ordinance Revision

Planner Moore reviewed the requested sign ordinance revision to allow white backlit signs. Moore noted this is the second reading of the ordinance. He stated the both the Planning Department and the Planning Commission recommend denial of the proposed revision.

Council discussion ensued to include 2004 references to Darius Kinsey guidance and several other reference books, requirement of the Central Business District (CBD) and murals.

Councilmember London moved to accept the Planning Commission's recommendation for denial of the proposed sign ordinance amendment. Seconded by Councilmember Splane. Motion carried (7-0).

### Solid Waste Interlocal Agreement

City Attorney/Supervisor Berg reviewed background information regarding the four concerns raised by the Council to include voting structure, inclusion of the Comprehensive Solid Waste Management Plan (CSWMP), additional language in 13.1.6 to tie the budget to the level of service and additional language in 13.7 to clarify the veto process. Berg then reviewed changes initiated by the County which included additional language in 2.6 to limit/define system costs, additional language in 9 to tie the system costs to a defined level of service and additional language in 13.1.2 to tie the site designation to the CSWMP.

Berg reviewed the proposed structure of the governance board to consist of representation from each City as well as the County.

Council discussion ensued to include veto power, Sedro-Woolley Council's challenge, cost, site clean up, arbitration, final draft, the necessity to get the agreement right, intentions of other parties and questioning the urgency of the document.

Unidentified Audience Member – questioned why there was not any County Commissioner representation at the meeting.

It was noted by Mayor Anderson that Commissioner's Dillon and Munks had been in attendance at previous meetings as well as other County staff regarding the proposal.

Councilmember Requa moved to table the topic to a workshop to study the plan and get more input from people. Seconded by Councilmember Galbraith.

Berg noted that the Council should identify the items to be discussed at a worksession. At the request of Council Berg reviewed what would happen should the agreement not be approved by Council. He noted that the agreement needs all entities to approve in order to become effective and spoke of intergovernmental relationships.

Further discussion ensued regarding the purpose of holding a worksession and compromises within the agreement.

Councilmember Galbraith called for the question to the motion on the floor. Mayor Anderson restated the motion. Motion denied 2-4-1 (Councilmembers Meamber, Colgan, Lemley and London opposed, Councilmember Splane abstained).

Councilmember Meamber moved to authorize the Mayor to sign the attached interlocal. Councilmember London seconded.

Councilmember London spoke of the need to act either for or against this agreement and move on to other items. He also noted the compromise of the agreement and the intent of the other municipalities. London noted the last thing he wants is people to think that the reason we are opposed to the agreement is because of the City's willingness to look at recycle.

Councilmember Requa spoke against the motion due to the fact of the present agreement in place, the unwillingness of the County and the future affect on the rate payers. Requa also noted the agreement has nothing to do with the current application for recycle in Sedro-Woolley.

Council discussion ensued regarding the decision making process under the current agreement and potential capabilities in 2013 when the agreement expires.

Councilmember Galbraith noted his opposition to the agreement because of the veto process within the agreement.

Councilmember Requa noted the current process to amend the Skagit county Solid Waste Plan.

Berg clarified there are amendments in process and under the current agreement the County Commissioners (two people) get to decide on those amendments without our input and that would become the our Solid Waste Plan for the City. Under the proposed agreement the County would no longer have the ability to adopt on its own the

Comprehensive Solid Waste Plan. The Solid Waste Governance Board would be the body that would make that final decision.

Councilmember Meamber called for the question.

At the request of Councilmember London, Attorney Berg clarified Council procedures which were passed by Resolution on the situations where Councilmembers may abstain from a vote.

Mayor Anderson restated the motion by Councilmember Meamber to authorize the Mayor to sign the attached interlocal. Councilmember London seconded. Motion carried 4-3 (Councilmembers Splane, Requa and Galbraith opposed).

## **NEW BUSINESS**

### Refinancing of Sewer Revenue Bonds

Finance Director Nelson reviewed background information on the Wastewater Treatment Plant bonds and noted we are at a point where it is allowable to refinance those bonds. She stated refinancing would result in an estimated savings of \$25-30,000 per year. She noted we have been working with Lindsey Sovde of Northwest Securities and Nancy Neraas of K/L Gates who were both involved in the original bonds and reviewed the process that has been taken to date to include information given to the Council Finance committee and a bond rating call with Standard & Poors. She noted it is anticipated the City's bond rating will remain the same. Nelson referred to a draft ordinance included in the packets for Council review and announced that Nancy Neraas will be attending the April 23, 2008 meeting to review the final ordinance and answer any Council questions.

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

Police Chief Wood – announced an upcoming meeting to be held on Monday, April 14 at Mount Baker Middle School in Mount Vernon to begin discussing the new proposed jail. Wood encouraged Councilmembers to attend and addressed the need for a new facility. He also noted the graffiti abatement team is doing a good job.

Fire Chief Klinger – noted a staff memo regarding the EMS Delivery system in Skagit County. He stated the memo is for informational purposes only and more information will be forthcoming. He also noted the completion of the new fire truck.

Engineer Frieberger – updated Council on the SR20/F&S Grade Road intersection project. The agreements with the major owners has been obtained and the City is ready to proceed with the intersection design. He noted the supplemental agreement approved tonight will allow conceptual work for a larger intersection at Cook/Ferry/SR9. Frieberger also reviewed a meeting with the Brickyard Creek Sub Flood District who are proceeding with a couple of projects in the Sapp Road/Logan Park area. They have also agreed to participate with the update of the Sedro-Woolley Stormwater Management Plan

and reported at the next meeting he will have a task order for approval of an On-Call agreement with Reichhardt & Ebe for a capacity analysis and study on Fruitdale Road for a dry sewer line.

Discussion ensued regarding the plans for the Cook/Ferry/SR9 project, potential for grand funding and plans for Fruitdale.

City Attorney/Supervisor Berg – added that the County did award \$500,000 in Economic Development funds but they are interpreting the project quite literally. They may not wish to give is the funding if we don't build both round a bouts as proposed in the conceptual grant application. Berg noted the previously authorized agreement will not be signed until were comfortable we will get the funding and issues will be addressed with the County in trying to work out a solution.

Engineer Frieberger addressed some of the difficulties and possible solutions and noted more information will be forthcoming to Council in the near future.

Finance Director Nelson – noted the annual impact fee report in the back of the Council packet. She also noted the annual report from the School District on school impact fees. She also spoke of new audit requirements regarding Council involvement with the annual audits such as attendance at the entrance and exit interviews, reporting and possible Council contact during the audit. Nelson noted because of the building of the New City Hall we will be subject to the Federal Single Audit Act which will add about two weeks to the audit time.

Councilmember Splane – questioned the status of the abandoned trailers on Third Street.

Police Chief Wood noted there has been some action by the Code Enforcement Officer and he will check on the current status.

Councilmember Lemley – reported a pothole in the vicinity of Wicker Road.

Councilmember London – noted his observations of the abandoned trailers as well. He also addressed the appearance of abandoned cars parked behind the bowling alley near the hardware store with two vehicles not having current tabs.

## **EXECUTIVE SESSION**

The meeting was adjourned to Executive Session at 9:01 P.M. for the purpose of personnel, litigation and real estate for approximately 30 minutes with a possible decision.

The meeting was reconvened at 9:40 P.M.

Councilmember Meamber moved to adjourn. Seconded by Councilmember Lemley. Motion carried (7-0).

The meeting adjourned at 9:40 P.M.