
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
August 13, 2008 – 7:00 P.M. – City Hall Council Chambers

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

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: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Engineer Freiberger, Planner Moore, Police Chief Wood and Fire Chief Klinger.

Mayor Anderson added a request for a street closure by the Chamber of Commerce for the 2nd Annual Sample of Sedro-Woolley to be held at Hammer Heritage Square on August 25th from 3-9 P.M. They are requesting to close Metcalf Street from Ferry to Eastern. The Item will be added as Item F.

Consent Calendar

- Minutes from Previous Meeting (including August 5, 2008 Worksession)
- Finance
 - Claim Vouchers #64098 to #64238 in the amount of \$291,317.76
 - Payroll Warrants #43101 to #43207 in the amount of \$245,953.59
- Consultant Agreement with H.W. Lochner
- Bid Award – Police Truck
- Interlocal Agreement – City of Mount Vernon for Use of Garbage Trucks
- Street Closure Request – Chamber of Commerce – Sampling of Sedro-Woolley (*added*)

Councilmember Galbraith moved to accept the consent calendar Items A through F. Seconded by Councilmember Splane. Motion carried (7-0).

Public Comment

Upon opening the Public Comment period Mayor Anderson commented on the open mike policy at City Council meetings and noted for the record that the City has never disallowed anyone the opportunity to speak.

Annie Janicki – requested the City Council to not be intimidated by Deluxe. She referred to a letter received by the City with the threat of a law suit and noted that we shouldn't have to have something that we don't want just because of a threat of a lawsuit. She requested Council to pass a motion with the bottom line being to not place a facility as proposed across the street from the High School. She plead for the Council to align

themselves with the citizens of Sedro-Woolley and not be threatened by a lawsuit. She spoke of the County's willingness to help the City should there be a suit and pledged to stay put until a decision was made. Janicki's comments were met with a large round of applause from the audience.

Shelley Carroll Burgett – 415 Warner St., urged the Council to take the settlement offered and stated she would rather see her tax dollars spent fighting a lawsuit against a recycle center instead of living daily with the center next to the High School and believes it to be bad for economic development in the future. Burgett spoke of the proud heritage in Sedro-Woolley and her desire to continue to be proud of living in Sedro-Woolley. She addressed the process which she thought should have included a conditional use permit and examination of the whole waste management plan within the county. She noted she believes there to be a place for a recycle center however, it would be more compatible elsewhere and other economic entities would be better suited for the site.

Thelma Turillio – 939 Wicker Rd., thanked Annie Janicki for her efforts and civic interest in Sedro-Woolley. She stated that Sedro-Woolley is just beginning to bloom and encouraged the Council to consider the future of Sedro-Woolley with tourism. She encouraged everyone to think what the facility would do to the town long term and spoke of the dangers that come with industrial entities. Turillio encouraged everyone with the heart for it to pray for the City and community.

Steve McCartt – 815 Evans Dr., addressed the Council stating he is a teacher at the High School which neighbors the site and questioned the reasoning and representation of the Council to the wishes of the citizens. McCartt stated he believed himself to be a knowledgeable person with what is going on in the community and was surprised by how the process was a done deal before the community was made aware of the plan. He stated he agreed with Janicki and others and would rather give tax dollars to fight any lawsuit rather than see his tax dollars help build the facility.

Joe Toussaint – 831 Greenstreet Blvd. addressed the Council in agreement with previous people who have spoke and noted that the dump at the Ovenell Road is not a good thing and believes it to be a mistake to place it near a high school. Toussaint discussed the need for economic prosperity and the need to work on attracting clean businesses. He encouraged Council to do the right thing and start making some changes. Toussaint emphasized he wants to see action by Council that makes serious sense and considers the tax paying citizens, by waking up and making the right decisions.

Spud Walley – 827 Warner St., former Councilmember and Mayor addressed the Council and noted when he first became a Councilmember the first lesson he learned was to poll the people within his ward and vote with the majority. He encouraged the Council to look in mirror and ask “do I really want to have a garbage facility in Sedro-Woolley across from the High School”. Walley stated if the answer is “yes” then they shouldn't be on the Council.

Marsha Bilman – 535 Warner St., a resident of Sedro-Woolley for one year having moved from Concrete noted she was taken aback with the plans and felt there had been no information put out before the public. She spoke of the trucks and potential odors of this type of facility. Bilman also spoke of empty buildings and the need for new business but cautioned that new businesses will not want to locate here if there is a dump. She encouraged the Council to take the settlement.

John Janicki – 13563 Teak Lane, Clear Lake, addressed the Council and noted the pickle they are in with the zoning laws and process. He noted there might have been mistakes made but advised the Council that the community will back them if the right decision is made.

Susie Williams – 1058 Wedmore Pl., speaking as a resident and a Planning Commission member noted that no discussion that she was aware of was held at the Planning Commission level to date. She stated she has been careful to stay neutral on the issue in case it did come before the Planning Commission. Williams requested should the proposal be deemed to be fair to everyone involved that Council accept the offer. She noted she has no objections to a transfer station but believes the proposal to be in the wrong location and the other reason she would like to see the proposal accepted is because the citizens feel betrayed by the issue and by the Council, Mayor and Administration. Williams thanked Annie Janicki for her efforts and would like to see the healing of the community start.

Al Doorn – a resident of Railroad Ave for 60 years and spoke of a long history in the town. He stated the town has been very good to him and he has the opportunity to serve the City serving on both the City Council and Planning Commission and realizes the difficult decision the Council has to make. Doorn spoke of the days of driving on many gravel roads and potholes in City streets due to lack of funds and stated he was willing to do so again if there is no money for repairs but, he is not willing to have his children, grandchildren and great-grandchildren grow up in a town known as the garbage city. He encouraged the Council to take the settlement and do the right thing.

Bonnie Lang – 14370 Channel Dr., LaConner, a former resident of Sedro-Woolley with grandchildren in the school district stated she was mortified upon hearing of the plan to place a garbage facility next to the high school and urged the Council not to go through with the plans and to take the settlement.

Beverly Edwards – 536 Jameson St., speaking as a concerned citizen and home owner in Sedro-Woolley stated she is against Deluxe Recycling and Disposal within the City limits. She also noted concerns for the environmental impacts on the community and the Sedro-Woolley High School, foul odors, fumes, noise, rodents, increased truck traffic and decreased property values if Deluxe comes into the City. Edwards encouraged the Council to take the settlement and thanked the efforts of Annie Janicki.

Carol Bossart – 1316 Broad St., Mt. Vernon, stated she has been following along in the paper and was appalled that consideration would be given to Deluxe to be located near

the high school. She believes it to be demoralizing to the students for a facility to be located at the location chosen. She spoke of a trend of issues being decided with no public input and addressed the upcoming fluoride issue that is also in the news and will be forced upon the public. Bossart spoke on the issue of fluoridation and addressed the process of sustainable development which is a program to confuse people. She urged the Council not to go through with process.

Jim Kallio – 10110 Collins Road, addressed the Council speaking on behalf of the Board of Directors of Sedro-Woolley School District. He re-emphasized the board position and concerns. Kallio stated they have no concerns with the City, Deluxe Recycling or the concept of the project. Their main concern is the location. Kallio addressed a letter sent to Mayor Anderson which stated the Board's position and concerns. He noted they have 1200 students and staff at the high school and have concerns of an impact with noise and environmental issues with students 2 blocks away. He commented at the time of permit process these concerns were stated by the school and noted the school boards obligation to a good learning environment for the public. He noted they know that someday there will be something there but requested it be more compatible with the school environment.

Mayor Anderson addressed his response to Kallio's letter and the possible conflict with industrial properties located near schools. He questioned Kallio would the School Board be willing to sit down and review the properties for acceptable uses and possible rezoning of the properties if necessary.

Discussion ensued to include maintaining communication, needed tax base, compatibility and safety.

David Santana – 710 Ball St., a transplant from California spoke of living in Anderson, California and their use of co-generation plants within that town. He suggested the possibility of incorporating the proposed plan with another facility that would use it as a co-generation plant.

Dale Thompson – 1400 E. Jameson St., a lifelong community member, former school board member and hospital board member questioned what the ramifications would be should the agreement be signed and what are the ramification should it be continued on the course now.

Attorney Berg stated should Council not accept the settlement offer the case would continue along the present course with a judicial decision held at the Skagit County Courthouse, with a Snohomish judge presiding which is currently scheduled for October 10 at 1:00 P.M. Berg stated the issue at stake is the State Environmental Policy Act (SEPA). It is not an appeal of a City building permit, County Health Department permit or garbage site designation. None of those permits have been issued nor have any of those things have occurred. The only decision that has been made is the administrative decision regarding the applicability of SEPA and that is what is currently under appeal. Ramifications to the City if it proceeds to hearing and the Janicki appeal prevails there is no liability to the City. The applicant and developer will then have to deal with the

consequences of the court decision. The ramifications to the City if the settlement is taken and the Deluxe threats are followed upon are financial to the City as an entity, and to the individual decision makers and their wives.

Annie Janicki – spoke out against trying to let it ride and go on to the court due to the financial impact to both her as an individual and to the City. She noted it will cost thousands of dollars more and wants to stop all the court proceedings because Deluxe will appeal. Janicki requested the Council to make a motion and vote and be done with it.

Douglas Wilson – 802 A Rita St., noted his children have gone to school in Sedro-Woolley. He expressed concern of the disruption in learning due to the constant traffic and noise, especially with children with short attention spans. He encouraged Council to vote for it tonight.

Bill Stendal – 1035 Fidalgo Dr. Burlington, spoke of his deep roots to Sedro-Woolley having been a former school teacher and Mayor of Sedro-Woolley. He spoke of the important decision the Council has to make and emphasized that Council will have the support of the people and encouraged them to vote for the settlement.

PUBLIC HEARING

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Secret Harbor

City Supervisor/Attorney Berg reviewed background information. He noted a public hearing was held before a hearing examiner and a decision was made denying Secret Harbor's application. Following the decision Secret Harbor, through their attorney, provided new information regarding the proposed occupants at the facility which allows for protections under the law as "handicapped" as determined by law. Based on information provided, all of their residents fall under description as outlined by law. Berg cited court cases and decisions regarding the Washington State Housing Act and noted the City could not require special use permit. As a consequence of that opinion and the issues raised, staff is proposing a settlement agreement with Secret Harbor. Berg reviewed the agreement and recommended approval.

Councilmember Galbraith stated for the record that he had worked with Secret Harbor Schools, but has not had any contact in the past four years.

Councilmember Meamber also stated for the record that he knows one of the supervisors but has not had any contact with them in the last year or so.

Councilmember Requa moved to authorize the Mayor to sign the attached settlement agreement with Secret Harbor. Seconded by Councilmember London. Motion carried. (7-0).

Mayor Anderson stated earlier this evening an Executive Session was held to discuss litigation with Councilmember Requa absent from the session. Another session will be held following the remainder of the business which will be on litigation and personnel with possible action to follow.

Interlocal Agreement – Skagit PUD

City Supervisor/Attorney Berg reviewed background information on a proposed interlocal agreement with Skagit County PUD in conjunction with the Township project. He noted several instances of conflicts with the PUD water line and a City sewer line. It is believed to be more cost effective for the City's contractor to do the work with PUD reimbursing the City. Berg noted the proposed interlocal agreement will accomplish that and recommended approval with the final form to be approved by City Attorney at a later date due to the fact that the PUD Commissioners have not yet voted on the interlocal. The intent of the agreement will not be modified but some possible wording changes may be needed.

Councilmember Colgan moved to authorize the Mayor to sign the attached interlocal agreement with Skagit PUD 1 for construction work on the Township Sewer project in a final form as approved by the City Attorney. Seconded by Councilmember Requa.

Councilmember Meamber questioned the costs for asphalt. Engineer Freiberger stated the asphalt removal and replacement is included as part of the project so there is no proposal for PUD to share in the cost of asphalt. The final version will have traffic control, gravel base and other incidental costs. Those figures can be provided in final form. Motion carried (7-0).

Engineer Freiberger discussed plans for removal of the railroad hump on Township Street and Polte Road as part of the project. He also announced that there have been some press releases issued and more will follow as the project proceeds. Traffic control updates are also published on City website.

Ordinance – Sewer Subdivision Moratorium

City Supervisor/Attorney Berg reviewed background information on the proposed ordinance to reduce the duration of the existing sewer moratorium. He noted there are four sewer projects pending that will eliminate need for the moratorium. Staff recommendation is to adopt the ordinance with a revised date to end the moratorium ending September 30, 2008 in order to be cautious with the project timelines.

Councilmember Lemley moved to adopt Ordinance 1618-08 An Ordinance of the City of Sedro-Woolley Ending a Moratorium on Subdivision in Certain Areas Served by the Township Street and Metcalf Street Sewer Mains with the correction on Section 1 to September 30, 2008. Seconded by Councilmember Meamber. Motion carried (7-0).

Insurance Request for Proposals

City Supervisor/Attorney Berg reported that Finance Director Nelson, Councilmember Galbraith and he were the committee that reviewed the RFP's for insurance coverage. This was a follow-up as a result of the notice of cancellation authorized last year to our current carrier. They had reviewed the RFP's received and recommend to authorize the Finance Director to continue with CIWA with letter of a one year extension without the assistance of a broker and to authorize the City Attorney to give CIAW a 1 year notice of cancellation.

Councilmember Galbraith moved to have the Finance Director stay with CIAW for 1 year without a broker for the policy year of 2008/2009 and to have the City Attorney give a 1 year notice to leave the pool. Councilmember Requa seconded. Motion carried (7-0).

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Police Chief Wood – announced the addition of a new Police Officer who will start September 15th. He also stated that Officer Sorsdal has completed her FTO training.

Fire Chief Klinger – announced some upcoming training in the downtown area utilizing some of the buildings. He noted Janicki's have been kind enough to allow the use of the old City Hall building for this training.

Engineer Frieberger – reviewed the public works project report. He noted the Metcalf Street project has encountered some difficulties but should be back on track by tomorrow night and stated they have alternate plans in place for detours for the morning traffic should it be necessary. Communication continues with the downtown businesses and the contractor intends to get done as quickly as possible. Frieberger also gave an update on the Township sewer project which will start August 18th with traffic control and detours in place. He announced the approval of the concept design for the roundabout at F&S/ Skagit plant which means that DOT has given their permission to proceed with the design. Current plans are to have the project designed and bid this year with the construction to be in 2009. There will be public information meetings to follow. He also reported on a grant request to TIB for the intersection of Hwy 9 and Jameson St. as well as current negotiations by Solid Waste Foreman Leo Jacobs with the Department of Ecology for additional grants to expand the food waste recycling program.

Finance Director Nelson – announced the State Auditors have been on site and held their entrance conference. Each Councilmember will be receiving a copy of the report. Nelson noted their focus this year will be the Utility Billing process and they will be

issuing three reports 1) Financial; 2) Accountability; and 3) Federal Single Audit report, which comes as a result of the USDA loan for City Hall, upon completion of the audit. They will be conducting an exit conference at end of audit which will be sometime at the end of August or first part of September. Nelson also shared some pictures supplied by Sedro-Woolley Librarian Debra Peterson of several of the summer reading program events.

Mayor Anderson noted he was at the closing program for the summer reading program and was pleasantly surprised that there were over 6,000 books checked out during the summer by the children of Sedro-Woolley.

Councilmember London – welcomed the citizens to City Hall.

Councilmember Lemley – noted the street impact around his neighborhood with the construction hasn't been too bad but is glad to see it coming to an end. He also announced upcoming activities with the Founders Day celebration scheduled for September 13th and 14th.

Councilmember Galbraith – noted the presence of the Police is helping to slow traffic on Hwy 9. He also noted he has received comments concerning the City owned property near Janicki Cove in need of clean up.

City Supervisor/Attorney Berg noted the Parks department has been doing clean up in that area and it is looking better. More work will be planned and budgeted for in the 2009 budget year.

Councilmember Cogan – questioned the status on the new Parks building.

City Supervisor/Attorney Berg reported that substantial completion will be reached within a week with move in within a month. He noted site prep work will be taking place and announced the Lions Club will be painting shelter to match the new building. Berg commented that he is seeing more use of the Park with the addition of the facility. He also discussed the progress of the Police Evidence building with punch list items continuing to be addressed.

Councilmember Requa – reported on the Rotary funding of the Bark Park and noted that due to the painting of the Senior Center the board has decided funding request for the Bark Park needed to go back through process for the fencing and a work party. Requa noted that it has been approved for the funding but club members are currently tapped out on work parties and therefore at this time cannot commit to any work parties.

Kathy O'Hanlon – questioned any mechanisms for work parties for the Bark Park.

Councilmember London – questioned the progress on park at post office.

City Supervisor/Attorney Berg noted after the survey work was completed the Post Office representative was no longer interested in donating the property to the City and he is currently working to get reimbursed for the survey costs.

EXECUTIVE SESSION

The meeting adjourned to Executive Session for the purpose of litigation and personnel at 8:34 P.M for approximately 45 minutes with a possible decision.

The meeting reconvened at 9:20 P.M.

Councilmember London moved to authorize the Mayor to enter into negotiations with a MOU with the Public Safety Guild to hire part-time firemen. Seconded by Councilmember Splane. Motion carried (7-0).

Mayor Anderson announced that Councilmember Requa requested himself during Executive Session due to a conflict of interest and left the meeting at 8:45 P.M.

Mayor Anderson announced the City is open to a settlement with all parties and the LUPA process will continue as our code directs and tomorrow staff will release a press release with details.

Councilmember Galbraith moved to adjourn. Seconded by Councilmember Splane. Motion carried (6-0).

The meeting adjourned at 9:20 P.M.