
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
August 12, 2009 – 7:00 P.M. – City Hall Council Chambers

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

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

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #66933 to #67033 in the amount of \$207,128.92
 - Payroll Warrants #44576 to #45837 in the amount of \$231,229.98
- Final Acceptance – McGargile Sanitary Sewer Improvements Project
- Morgan's Espresso Agreement – F&S and SR20 Intersection Project

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

Public Comment

Dennis O'Neil – 109 Talcott St., addressed the Council regarding a comment in the local paper on the fuel surcharge. He also questioned why the fire truck is being used to make inspections at downtown businesses.

It was noted the fuel surcharge would be addressed under agenda item #5. Fire Chief Klinger responded on O'Neil's question regarding use of the fire truck. He noted that the vehicle they use is an aid car and the inspectors are also on call for aid calls. Should they receive a call they respond from their current location. Klinger reviewed staffing and the inspection schedule and also noted the newer firefighters have also been doing training during the daytime hours.

Carl Lundstrom – 387 Carter St, addressed the Council regarding the extra traffic due to the construction project within the area. He noted that initially they were told the traffic would be directed to other areas. He reviewed the car counts that he has taken, and noted in excess of 100 cars during a ½ hour period. He also addressed the speed of the cars traveling down the street. Most of the cars seem to be coming from the Northern State and Wildflower area and requested something to be done to reroute traffic as well as more police visibility to help slow the traffic.

Larry White – 826 McLean Dr. addressed the Council regarding the truck traffic on Highway 9 and the use of air brakes.

Councilmember Galbraith noted that there had been previous enforcement attempts and thought perhaps it is time to be done again. Discussion ensued regarding contacts with the State Patrol, Skagit County Sherriff and Sedro-Woolley Police and possible use of the radar trailer. Councilmember Splane questioned the wording of the signage regarding the use of air brakes located on Hwy 9.

PUBLIC HEARING

Solid Waste Rate Increase Proposal

City Supervisor/Attorney Berg reviewed the proposed rate increase for solid waste. He noted that the Solid Waste Governance Board has recommended and voted for a rate increase of tipping fees to be effective January 2010. The tipping fees will be going from \$82.00 per ton to \$86.00 per ton. Berg reviewed the consequences to the City and noted there is already nothing to cut within the department's budget. The fuel surcharge was reviewed and he presented the background on the implementation of the charge and the proposal to eliminate the fuel charge and put as part of the base rate. He also reviewed a category of a fuel surcharge which could be placed or removed based on the price of fuel.

Council discussion ensued regarding the lack of conversations with the County. Berg reviewed the history of the Solid Waste Governance Board and the voting power based on percentage of population. He noted there had been no discussions of cutting costs or streamlining operations at the County Transfer Station with the proposal to the Skagit County Commissioners.

Councilmember London spoke of his attendance at the meeting where the vote was taken and noted Sedro-Woolley was the only City to vote against an increase. He stated there were also no discussions regarding increase in productivity or streamlining operations.

Discussion again ensued to include potential upgrades of the transfer station. It was noted the City is committed by way of interlocal agreement through 2013.

Leo Jacobs – Solid Waste Forman, reviewed some of the discussions from the SWAC level, noting there are some bond studies that are currently being conducted. He noted the current bond will be expiring. More discussion took place on the current portion of the tonnage price that is going towards current bond, off site long haul of waste from the County and the current recycle markets.

City Supervisor/Attorney Berg reviewed the highlights of the proposed ordinance changes.

Councilmember Lemley left the Council bench at 7:35 P.M.

Mayor Anderson opened the public hearing at 7:36 P.M.

Carl Lundstrom – 387 Carter Street, questioned the fuel charge and whether there would be a certain date the charge was implemented. who would monitor the pricing and how citizens could keep apprised of the City fuel charges.

Dennis O’Neil – discussed the fuel charge currently on the bill. He stated he objected to having the current charge rolled into the base charge. He addressed his bill and noted the bill has increased by 21% over the past 4 years. He encouraged Council to leave the fuel charge listed as it is so people know what they are paying for.

Discussion ensued as to the break down of the bill to include stormwater, sewer and garbage. The basic philosophy of rates was reviewed which should cover all costs of operation. The surcharge as proposed would cover unusual costs of fuel.

Finance Director Nelson noted that the most customers complain about the fuel charge and have indicated their preference to include it within the normal rate.

Dennis O-Neil – again to the podium, discussed the labeling of the surcharge and stated the need to show it like it is.

Phillip Murray – 223 State Street, addressed the Council stating he would like the option of hauling his own garbage or for the City to contract out the garbage service.

Mayor Anderson closed the public hearing at 7:53 P.M.

Mayor Anderson noted this is a first read with no action necessary.

Discussion ensued regarding the fuel charge with the consensus of leaving a base fuel charge rate as \$1.00 for over \$2.00 per gallon and an additional surcharge to kick in at \$3.00 per gallon.

Discussion also took place regarding how privatization of services would work and how it would affect the City.

Leo Jacobs – addressed the Council regarding privatization of services and noted the costs are passed on to the consumers and there is an annual CPI fee included. Jacobs also addressed the differences in customer service and the overall costs per ton for pick up with Waste Management and addressed the differences in commercial vs. residential.

Discussion ensued to cover actual cost per ton for residential pick up, yard waste and recycle centers.

Beth Larson – 700 N. Reed #69, addressed the cost of service for Burlington and Mount Vernon. Larson noted she felt the proposed rate for a 32 gallon container was too much.

Discussion ensued regarding the City's imbalance of commercial vs. residential service. Jacobs noted that in most cities the commercial subsidizes residential services.

UNFINISHED BUSINESS

Ordinance – Fireworks – Code Modification

Mayor Anderson opened discussion on the proposed fireworks ordinance; he noted it was a second read for Council consideration.

David Santana – 710 Ball Street, stated he was in favor of the proposed ordinance being proposed for a ban on fireworks. He noted he lives near the community center and people use the parking lots for displays. He also discussed the impact of fireworks on pets and the increase of pets being lost during that time. He addressed aerial fireworks and the fear of trees catching on fire. He again encouraged a total ban on fireworks and suggested neighborhood watches for enforcement.

Councilmember Lemley returned to the Council bench at 8:04 P.M.

Kathy O'Hanlon – 710 Ball Street, stated she supports the complete ban on fireworks. She discussed the impact on pets and noted they have had to clean aerials out of their rain gutters after the 4th of July and sees no reason for allowing them when there are community fireworks displays available.

Carl Lundstrom – stated he supports a total ban on fireworks. He noted his area is like a war zone especially around the school.

Dennis O'Neil – 310 Talcott, noted his support of a total ban on fireworks. He noted there weren't a lot of fireworks until the 4th and then all broke loose. He encouraged consideration of a minimum fine to cover police time. O'Neil noted he doesn't think a partial ban will work and questioned if any of the Councilmember's have a vested interest in fireworks stands.

Mary O'Neil – addressed the Council and noted as a business owner she is concerned over the aerial fireworks and encouraged Council to place a complete ban.

Frank Martin – 929 Summer Meadows Ct., addressed the Council regarding the safety concerns of fireworks and expressed concern over someone getting hurt. He noted the wonderful fireworks display that is put on by Loggerodeo and encouraged a total ban.

Dave Santana – 710 Ball Street, again to the podium, noted he is a retired x-ray tech and has seen first hand the dangers that can happen. He noted that kids are usually the ones that use the fireworks and are using them just for the thrill, not necessarily to celebrate what the holiday stands for.

Councilmember Splane moved to adopt Ordinance No. 1647-09 an Ordinance banning fireworks in Sedro-Woolley except for sponsored affairs. (Option #1).

Motion died for lack of a second.

Council discussion ensued regard results of the Councilmember's poll, enforcement issues, liability of the City and affect of the debris on the storm drains.

Police Chief Wood upon the request of Councilmember Galbraith discussed enforcement. He noted the partial ban would be even more difficult to enforce. He noted the overwhelming amount of different types of Fireworks and the use of them during the 4th of July. Wood reviewed the number of complaints noting the majority of complaints are because of the noise factor.

David Santana – addressed the calls to 911. He stated he and his wife are always hesitant to call on fireworks because it's not a life threatening situation.

Mayor Anderson addressed the enforcement of either ordinance and commented that the message that is being put out is that we are trying to control it and any ordinance will need to be enforced. Enforcement will be the key to maintaining control.

Dennis O'Neil– 109 Talcott, suggested setting aside an area for people to go and set off their fireworks.

Discussion ensued to include block parties, aerial fireworks and safe and sane booths for non-profit fundraisers and a permit fee for public displays.

Terry Carter – 8868 Garden of Eden Rd., questioned what would happen to the Fireworks booths currently selling in town.

Discussion ensued to include the standing of the current ordinance with no action, allowances within the current ordinance, the Auburn model ordinance, penalty being a misdemeanor vs. civil infraction and current response to complaints.

Councilmember Galbraith moved to adopt Ordinance #1647-09 An Ordinance Amending SWMC 8.28 Limiting Certain Types of Fireworks in the City of Sedro-Woolley and Making Possession of Those Fireworks a Crime. Seconded by Councilmember Member.

Discussion as to what would be allowed, all non-aerial. Motion carried (4-3) (Councilmembers Splane, Lemley and London opposed).

City Supervisor/Attorney Berg reviewed the final list of what would be banned based on the passage of the ordinance.

Resolution – Personnel Policies – Accident Prevention

Engineer Freiburger reviewed the proposed personnel policy on accident prevention to promote safe practices among City employees.

Councilmember Storrs moved to adopt Resolution No. 807-09 A Resolution Adopting Certain Personnel Policies. Seconded by Councilmember Lemley. Motion carried (7-0).

NEW BUSINESS

Ordinance – Interim Revisions to Chapter 13.36 Stormwater Management & 13.40 Stormwater Maintenance

Engineer Freiburger reviewed the proposed interim ordinance. He noted the City's Western Washington Phase II Municipal Stormwater Permit contains a number of deadlines for implementation of the Phase II stormwater requirements. The City is required to have an enforcement program in order to preserve and improve the waters of the state as well as an update of the stormwater management section which deals with construction stormwater and a section for stormwater maintenance which deals with systems once they are constructed in order to maintain flows. The deadline for all three areas is August 16th. The City has enlisted Attorney, Patrick Hayden to rewrite certain sections of the code. Freiburger reviewed the instructions given to Mr. Hayden on the re-write which ultimately is updated to reflect the 2005 Stormwater Management policy adopted by the State. He noted the interim ordinance will allow the City to present the updates to the Department of Ecology for review and comments. Future tweaking on the documents will be necessary based on any Department of Ecology comments. He also reviewed some of the details of the plan and the financial impacts to the City for management of the Permit requirements. Freiburger requested approval and the scheduling of a public hearing to be held August 26th.

Discussion was held on development to include Sedro-Woolley's reputation of being the toughest City. It was questioned whether this action would make things tougher and was noted that it should make the playing field more even.

Patrick Hayden – addressed the Council noting that the adoption of the 2005 Manual is being adopted by Mount Vernon and all Cities within the State are required to adopt the 2005 Manual as minimum standards. The only issues the Council has to decide is regarding how to fund. Hayden then reviewed the ordinance.

Discussion ensued regarding the one acre limit, DOE standards, developer knowledge, mechanism for enforcement and the recommendation to adopt.

Councilmember Galbraith moved to adopt Ordinance #1648-09 Amending SWMC Chapter 13.36 Stormwater Management Standards and Chapter 13.40 Stormwater Maintenance. Seconded by Councilmember Meamber. Motion carried (7-0).

Mayor Anderson asked for clarification for the press regarding the Council's vote on the fireworks ordinance. Councilmember Lemley commented his vote was due to the enforcement issues and Councilmember London commented that most of the people he talked to wanted a complete ban.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Councilmember Meamber – at the request of Councilmember Meamber, City Supervisor/Attorney Berg reviewed the USDA Fire Apparatus grant package to purchase a new fire engine and a new ladder truck. Berg reviewed the City's current 21 year rotation on engines due to insurance points and reviewed previous discussions in favor of a ladder truck. He addressed the bond posed to the voters with a 57% approval rate, just short of passage and stated they have been looking at other options including USDA grants available. Berg stated initially the grant that was being sought was through the government ARRA program but the priorities of the program changed so the funding was repackaged through another funding source with the City's initial commitment to be \$100,000. The addition of the ladder truck will allow the city to become NFPA compliant for response for certain buildings in town. Berg reviewed the funding.

Discussion ensued to include insurance rating, the Public Safety Committee's request for Council to ratify the documents, loan agreements, loan authorization and the truck's ability to carry its own water.

Councilmember London temporarily left the Council bench.

Councilmember Meamber moved to ratify the Mayor's signature of the letters of intent and requests of obligation of funds signed earlier today for the grant/loan package offered by the USDA for the purchase of a new ladder truck and fire engine. Seconded by Councilmember Splane. Motion carried (6-0) (Councilmember London was absent for the vote).

Councilmember London returned to the Council bench.

Councilmember Galbraith – requested police presence during early morning hours along Highway 9.

Police Chief Wood noted after checking with the night Officers he reported that they have been policing that area. The officers will continue to try to monitor the situation.

Councilmember Galbraith also questioned a possible resolve for the Carter Road situation and the completion date of the sidewalks. Engineer Freiburger noted that the best thing at this point will be to get finished from Hwy 9 to Carter along McGargile. McGargile will be torn up and the road will be closed at that time. Freiburger also address the notification process and discussed challenges with the utility companies. The sidewalk project should be completed within about 2 weeks. He noted the best resolve is to get the job completed.

Councilmember London – questioned the top soil for the 3rd street project that has been relocated from the Street project. London addressed the need for dust control.

Councilmember Meamber – addressed the location of Secret Harbor and the previous concerns of neighbors. He noted he spoke with a supervisor of the home and was told the oldest participant was 11 years old and things were going well.

City Supervisor/Attorney Berg – announced the receipt of a grant from the Washington State Library Association for Librarian, Debra Peterson to attend the National Rural and Small Library Conference in Gatlinburg, TN at no cost to the City. Berg requested on behalf of Peterson to allow her out of state travel authorization for the conference in September.

Councilmember Storrs moved to approve Debra Peterson's out of state travel. Councilmember Lemley seconded. Motion carried (7-0).

Engineer Freiburger – reviewed project list and detailed the F&S/Roundabout project schedule.

Fire Chief Klinger – updated Council on the Fire Station grant which is in for technical review and the City is still in the running. He also announced this weekend is the Phoenix Burn Foundation camp on Samish Island.

Police Chief Wood – reported that the department was unsuccessful in obtaining the COPS Grant. The Officers have been doing good things and commented the downtown bar situation has improved. He noted what a good group of Officers the City has. Wood addressed the Carter St. situation. also noted that they will put an emphasis on the Carter St. patrols.

The meeting adjourned to Executive Session at 9:43 p.m. for the purpose of discussion of possible litigation for approximately 20 minutes with no decision anticipated.

Mayor Anderson announced an opening on the Library Board.

The meeting reconvened at 10:00 P.M.

Councilmember Colgan moved to adjourn. Seconded by Councilmember Galbraith Motion carried (7-0).

The meeting adjourned at 10:00 P.M.