
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
January 13, 2010 – 7:00 P.M. – City Hall Council Chambers

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

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

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting (Including January 5, 2010 Worksession)
- Finance
 - Claim Vouchers #67875 to #68048 in the amount of \$881,307.22 (Voided Warrant #67915 & #67922)
 - Payroll Warrants #46716 to #46821 in the amount of \$165,849.49 and #46822 to #46930 in the amount of \$237,430.44
- Ordinance #1661-10 – Amending SWMC 2.04 Regarding City Council Meetings
- Planning Commissioner Appointments
- Housing Authority Appointment
- Fire Hose Testing Agreement 2010 – 2012 – National Hose Testing Specialties, Inc.
- Possible contract Award – ELXSI dba CUES – Remote Confined Space & Video Pipeline Inspections Equipment
- Amendment 1 to the On-Call Professional Services Agreement No. 2008-PS-09; Reichhardt & Ebe Engineering, Inc.
- Change Order #7 to construction Contract #2009-PW-02; G.G. Excavation, Inc.
- Library Board Appointment

Councilmember Meamber moved to approve the consent calendar with the voided warrants #67915 and 67922. Seconded by Councilmember Splane. Motion carried (7-0).

SWSD Levy Presentation

Superintendent Mark Venn addressed the Council and presented a power point presentation regarding the upcoming Sedro-Woolley School District's 2010 Replacement Levy for maintenance and operations. He also introduced Brock Stiles, Campaign Chair, Robin Miller of the District Office and Mark Nilson, Principal at Lyman Elementary School.

Venn emphasized the levy is a replacement levy and not for anything new. He noted the operation and maintenance levy has become the norm in the School District's budget and reviewed the breakdown of what the levy supports.

Brock Stiles, Levy Chair addressed the Council and audience members. He stated the upcoming election date is February 9, 2010. Stiles spoke on the importance to the community to pass the levy and spoke of personal experience of the difficult times when levy's weren't passed.

Public Comment

No public comment

PUBLIC HEARINGS

2009 Comprehensive Plan Docket

Planner Moore noted there were two written comments received and given to Council at their seats and also noted the Comp plan is a general guide document which highlights the City's direction. Moore reviewed the process which included public hearings and open houses for the public and noted that no action is anticipated this evening. The purpose of the review at this time is for discussion only with action to be at a later date.

Planner Moore reviewed in detail the following:

CPA-1-09 – Update of the Economic Development Element. Planning Commission recommendation to approve.

CPA-2-09 – Update of the Public Utilities Element. Planning Commission recommendation to approve.

CPA-3-09 – Update Formatting of the Introduction, Land Use Element and Chapter 9. Planning Commission recommendation to approve.

CPA-4-09 – Revisions to Zoning Map, Comprehensive Land Use Map, Land Use Element, Landscape Buffer Requirements and Zoning Code. Planning Commission recommendation to approve.

Mayor Anderson opened the public hearing at 7:53:30 P.M.

Jerry Lewellen – president of Fairhaven Hall questioned the zoning change and how it would affect the hall.

Morris Nilson – 23145 Gunderson Rd., Mount Vernon, addressed the rezone of property on West State from Industrial to CBD. He expressed opposition to the change and spoke on the dates of the meetings and a last minute change. He encouraged Council to allow his property to remain as Industrial zoning and addressed the conditional use permit process as a better way for non conforming uses.

David Gaines – representing Snelson, Inc. and SCI Properties also commented in opposition of the proposed zoning change along West State Street. He noted Snelson’s has no opposition to having an optometric office in the area but is opposed to the total area zoning being changed. Gaines noted that they are an industrial company and reminded everyone that those are the jobs in town and this change could be a detriment to any business expansion in the future.

Bob Ruby – 665 Cook Road, noted he has been involved in the Planning Commission process and stated his opposition to the rezone along Cook Road from the present R-15 zoning. Ruby said he has preliminary plat approval for housing and he has looked to try to attract commercial business to no avail. He stated his project will begin prior to the expiration of the preliminary plat approval and suggested three alternatives to what is proposed. 1. Leave the zoning as is. 2. Leave a strip which would run parallel to and south of Cook as commercial. 3. Zone as an Overlay, which Ruby noted is the most desirable option. Ruby stressed his wishes and opposition to a total rezone to mixed commercial.

Councilmember Meamber commented on Ruby’s alternative 2 and expressed concern of traffic in the area. Discussion ensued to include preliminary plat approval showing no need for a traffic signal, increase traffic with commercial, overlay process and affect on existing project with mixed commercial zoning.

Mayor Anderson excused himself from the Council bench and turned the meeting over to Mayor Pro Tem Colgan.

Bill Rimmer – 2216 Jasmine Pl, Mt. Vernon, addressed the Council regarding his request for rezone of 21 acres north of Les Schwab. He noted there is very little demand for industrial property in Sedro-Woolley and believes if it is zoned commercial there would be a better opportunity for property development.

Councilmember Meamber commented on his attendance at the Planning Commission meeting and questioned Rimmer’s plan along Sapp Road.

Councilmember Galbraith addressed one of the reasons for the round-a-bout project was to bring industrial businesses into the community. He noted that industrial property is

precious because there is very little. Galbraith noted that in order to become a better managed City with better money we need to develop industrial.

Mike Anderson – 900 W SR 20, addressed the Council regarding plans to expand his current mini storage and the requirement of a conditional use permit. He noted his expansion is consistent with the current use and does not understand why a conditional use permit should be required. Anderson requested a change to make storage to an allowable use or change the property to industrial.

Councilmember Meamber – addressed the possibility of a rezone of this area being discussed as an Urban Village overlay.

Planner Moore – noted that Anderson did come to the Planning Commission meeting and expressed his interest in the change and stated that the particular topic is not on the docket for this round but they are currently taking comments for the 2010 docket.

Mark Nilson – 24124 Old Day Creek Road, spoke regarding property on W. State Street and the zoning change recommendation from industrial to mixed commercial. He expressed his opposition to the change.

Mayor Pro Tem Colgan closed the Public Hearing at 8:34 P.M.

City Supervisor/Attorney Berg addressed the Council regarding direction to staff for changes they would like to see to the draft comp plan update for presentation at the next meeting.

Councilmember Meamber requested the buffers be looked at. Councilmember Splane concurred. Discussion ensued regarding mitigation to reduce the amount of buffer required.

Mayor Anderson returned to the Council bench with Mayor Pro-Tem returning to his seat as Councilmember.

Councilmember Splane expressed opposition to the recommended Skagit overlay. He addressed the advantages of the facility in leaving it zoned industrial. He noted the complex is about the only one North of Seattle ready for heavy industrial to move in and noted the advantages to leaving the property zoned heavy industrial because there are no houses within the area.

Councilmember Storrs moved [to instruct staff to update the draft document and] to leave W. State Street zoning as is. Seconded by Councilmember Colgan.

Councilmember Sandström noted the reasoning of the Planning Commission is that most of the properties in that area not being utilized as industrial.

Senior Planner Coleman noted that 10% of industrial property could be used for commercial so some of the current businesses have fallen under that interpretation.

Discussion took place regarding a development agreement for the Sunset Industrial Park which granted them leeway. It was noted under current zoning, without a development agreement, it would not be allowed.

Councilmember Meamber addressed the need for business in Sedro-Woolley.

Councilmember Galbraith called for the question. Motion carried (7-0).

Councilmember Splane moved [to instruct staff to update the draft document and] to remove the overlay from the Skagit Property. Seconded by Councilmember Sandström.

Councilmember Galbraith questioned the owner's stance on the change.

Berg noted that the owner is supportive and believes it to allow for a natural transition for changes.

Discussion ensued regarding overlays, percentage of industrial land and the need for industrial designation, advantages to the present Skagit Industrial site and overlay being the best of two worlds for developers.

Councilmember Galbraith moved to table the overlay topic. Seconded by Councilmember Colgan. Motion carried (7-0).

Council requested staff bring back a solid definition of an overlay, potential of an overlay and the affect on the city and residential. It was a recommended topic for the next worksession.

Bob Miller – noted he personally agreed with Mayor that once you start an overlay everyone is going to be wanting it. He noted the north property which is 85% occupied and many times the bare land is necessary for outside storage. With an overlay there is a different clientele which would create different traffic needs. Miller noted that the property has been industrial since 1910 and has provided many good paying jobs over the years.

Planner Moore noted an overlay does not change the industrial zoning, it does not prohibit industrial uses from locating or expanding within the area what it does is provides some flexibility to the owner for possible eventual conversion of some or all of the space.

Miller questioned buffer requirements. It was noted there would be none required because it would be industrial next to industrial.

Councilmember Storrs moved [to instruct staff to update the draft document and] to change designation of South Side of F & S to match the other side to mixed-commercial. Seconded by Councilmember Meamber. Motion carried (7-0).

Mayor Anderson noted that rezoning of property could affect financing opportunities for property owners.

Discussion took place regarding commercial along Cook Road.

City Supervisor/Attorney Berg requested clarification of Council's wishes regarding whether staff should prepare for continued discussion or action at the next meeting.

Council consensus was for continued discussion as long as necessary.

Solid Waste Rate Increases for 30 Yard Containers

City Supervisor/Attorney Berg reviewed the County's new tipping fees. He noted the rate forecast was based on \$86.00 per ton when in fact increase was \$88.00 per ton. Staff is recommending no change on residential rates but request a change in rates for roll offs from \$86.00 to the actual cost charged by Skagit County in addition to the rental and hauling fees.

Mayor Anderson opened the public hearing at 9:17 P.M.

No comments received.

Mayor Anderson closed the public hearing at 9:18 P.M.

Councilmember Galbraith moved to adopt Ordinance #1662-10 An Ordinance Modifying the Rates for 30 Yard Containers in the Solid Waste Collection System to Reflect Increased Tipping Fees at the Skagit County Transfer Station. Seconded by Councilmember Colgan.

Discussion ensued regarding self-haul of a demolished house or large amounts of trash and mandatory, compulsory and universal garbage requirements within the City of Sedro-Woolley.

Councilmember Galbraith called for the question. Motion carried (7-0).

NEW BUSINESS

Appointment of Mayor Pro-Tem 2010-2011

Mayor Anderson requested Council make an appointment of Mayor Pro-Tem for the term of 2010-2011.

Councilmember Lemley moved to appoint Councilmember Storrs to serve as Mayor Pro-Tem from now until the end of 2011 or until a successor Mayor Pro Tem is appointed. Seconded by Councilmember Colgan. Motion carried (7-0).

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

SW Museum Update – Rick Judd

City Supervisor/Attorney Berg noted that the building committee has been working with volunteer Rick Judd regarding the Sedro-Woolley Museum roof and wall repair. Berg noted the Judd has volunteered his labor as well as recruited other volunteers to complete the work.

Rick Judd reviewed the project and time estimate. He noted that he believes the work can be completed for approximately \$5,000 but really won't know until they get into the job.

Discussion took place regarding the type of roof and possible solutions.

Councilmember Colgan moved to allow the museum project with volunteer help not to exceed \$10,000. Seconded by Councilmember Lemley. Motion carried (7-0).

City Supervisor/Attorney Berg – noted the City of Burlington is leading a charge regarding the recent FEMA Flood Maps. There is concern with the hydrology reports and the newly issued flood maps. The maps appear to have major changes to the Sedro-Woolley community. The cities of Burlington, Mount Vernon and LaConner have requested Mayor Anderson and City Supervisor/Attorney Berg to join the team to go to Washington DC. in order to state their case regarding flood issues.

Councilmember Lemley moved to authorize out of state travel up to \$2,000 for the Mayor and City Supervisor. Seconded by Councilmember Colgan. Motion carried (7-0).

Fire Chief Klinger – reported that he met with FEMA representatives regarding Station 2 and they have the environmental assessment which should be completed mid-April. The design phase will run concurrently. Everything should be completed by mid-April with bid advertisement projected for April or May. He also noted the ladder truck chassis made it to the factory.

Engineer Freiburger – pointed out his report at the Councilmember's seats. He also stated the Fruitdale/McGargile project has been suspended until mid March. He also noted there are some grant opportunities coming up – Safe Route to Schools to expand sidewalks up Highway 9 and another round of stimulus funds which the City will apply for SR20/Reed to Township Street.

City Supervisor/Attorney Berg – thanked Councilmember Colgan for his term as Mayor Pro Tem.

Finance Director Nelson – mentioned that when the City has volunteers we pay L&I on them. She also noted staff is busy wrapping up 2009 and implementing the 2010 bank change. She pointed out the new Councilmember Handbooks at each Councilmember's seat which is provided by MRSC.

Councilmember Meamber – commented on the deep ditches on John Liner being filled and requested a copy of the containers ordinance for review and possible discussion.

Councilmember Splane – requested a list showing all meetings for 2010.

Councilmember Lemley – welcomed Councilmember at Large Brett Sandström to the Council.

The meeting adjourned to executive session at 9:48 P.M. for the purpose of litigation for approximately 20 minutes with no decision anticipated.

The meeting reconvened at 10:12 P.M.

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

The meeting adjourned at 10:12 P.M.