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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
February 9, 2011 – 7:00 P.M. –City Hall Council Chambers

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

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

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Checks #71328 to #71441 in the amount of \$122,040.79
  - Payroll Checks #49669 to #49772 in the amount of \$251,084.50
- Misc. Annual Contracts/Agreements
  1. Loggerodeo, Inc.
  2. Sedro-Woolley Chamber of Commerce
  3. Skagit Valley Tulip Festival
  4. Sedro-Woolley Riding Club
  5. Sedro-Woolley Farmers Market
  6. Sedro-Woolley Museum
  7. Sedro-Woolley Rotary (Concert Series)
- Grant Agreement between Northwest Clean Air Agency and the city of Sedro-Woolley
- Possible Bid Award – Public Works Agreement No. 2011-PW-02 – Safety Tree Service
- Professional Service Agreements No. 2011-PS-02 through 7,9 and 10 for Miscellaneous On-Call Professional Services
- Possible Bid Award – Public Works Agreement Nos. 2011-03 through 05 – On-Call Construction Services
- Possible Bid Award – Public Works Agreement No. 2011-PW-13 – 2011 Library Furnace Replacement
- Possible Bid Award – Public Works Agreement No. 2011-PW-14 – 2011 Library Insulation Project

Councilmember Storrs moved to approve the consent calendar A through I. Seconded by Councilmember Meamber.

Councilmember Sandström questioned how the trees were determined for removal. Engineer Freiberger noted that most are ones on Sapp Road drop limbs and are Alders

that are at the age for removal. The one on 8<sup>th</sup> Street the root ball is intruding into the street and the Jones Road tree is at the request of property owners.

Motion carried (7-0).

Public Comment

No comments received.

## **UNFINISHED BUSINESS**

### Ordinance – Proposed Modifications to Municipal Code to Regulate New Alcohol Serving Establishments (bars) in the Central Business District

Planner Moore stated the topic was discussed at the last Council meeting and the point of the ordinance is intended to regulate new businesses, not existing businesses. It would modify and make the alcohol serving establishments a conditional use.

Council discussion ensued regarding the conditional use process, boundary lines of the Central Business District (CBD),

Michelle Anderson – Keenen, 700 N. Reed #51, questioned who will check to see if conditions are being done. She also expressed concern of lack of follow through on checks.

Councilmember Storrs moved to adopt Ordinance No. 1696-11 to modify SWMC Title 17 to require conditional use approval for new alcohol serving establishments in the Central Business District. Councilmember Splane seconded.

Discussion ensued regarding the wording of primary source of revenue from alcohol sales, necessity of listing a percentage, tracking of alcohol sales, tracking by the State Liquor Control Board,

Michelle Anderson again to the podium spoke on past percentage requirements which do not seem to be in effect. Anderson also addressed her vision of operating a business in the future. She also answered questions from Councilmember's regarding ways to monitor percentage of food versus alcohol sales, which would be itemized by the cash till.

Further discussion ensued regarding clarification of percentages.

Mayor Anderson restated the motion to adopt Ordinance No. 1696-11 to modify SWMC Title 17 to require conditional use approval for new alcohol serving establishments in the Central Business District, adding after prime source 50%.

Motion carried (7-0).

Ordinance – Proposed Modification to Municipal code Regarding the Keeping of Chickens, Ducks, Bees and Small Non-hoofed Animals

Planner Moore reviewed a slight change to the ordinance as a result of Council comments from the last meeting. The change is additional wording under Section 2 Keeping of Animals “This chapter shall not apply to the keeping of common household pets (dogs, cats, rodents, reptiles) or other pets that are primarily kept indoors”. Moore also noted that Council had numerous questions regarding bees that he was not qualified to answer, he noted in attendance tonight are members of the Skagit Valley Bee Keepers Association who can address questions regarding bee keeping.

Several Councilmember’s expressed concern of the keeping of bees within the City limits.

Bill Marcus – 5779 Brookings Road, President of Skagit Valley Bee Keepers and Petroleum manager at Skagit Supply. He spoke on the importance of bees in the pollinating of foods and encouraged passage of the ordinance. He addressed several myths of bees noting that it is possible to change the aggressiveness of a hive through good bee keeping. Bees are already here and noted bees can travel up to 5 miles. Marcus addressed the number of bee keepers in Skagit Valley who are very small in number. He also addressed the number of hives, urban and rooftop bee keeping, number of bees within a hive, the prohibitive cost of bee keeping and the difficulty of keeping bees alive in the winter months.

Jim Newbaker – 935 Sterling St., addressed raising chickens in backyards. He noted he has had chickens and wondered what the concerns of having female chickens were. He noted chickens should not be allowed to roam.

Planner Moore noted that the topic started at the Council level with citizens speaking both in favor and against. It was referred by Council to the Planning Commission for review and the Planning Commission held a series of public hearing and the proposed ordinance is the result.

Councilmember Wagoner addressed numerous concerns of chickens with discussion held to include intent of ordinance to allow chickens with conditions.

Rick Judd – Planning Commission Chair, addressed Council and pointed them to the conditions of the ordinance which tries to address concerns that might arise.

Mayor Anderson addressed the setbacks listed and expressed concern of being too close to neighboring properties. Discussion ensued regarding the setbacks. Bees and limiting to two hives.

Ed Marcus – 18354 Best Road, Mount Vernon, Skagit Valley Bee Keepers, noted in the classes on bee keeping it is recommended to have two hives. It gives a comparison between hives to see that things are going well. He also addressed the difficulty of

keeping bees alive during the winter months. Believe limiting bee keeping to be an error and two hives would be a good compromise. Marcus also addressed other concerns presented such possible hives near the high school.

Further discussion took place regarding behavior of chickens, polling of neighbors, concern of the food and animal waste from chickens, complaints on allowed animals, enforcement by the Building Department and compliance and criteria within the proposed ordinance.

Councilmember Sandström moved to adopt Ordinance No. 1697-11 An Ordinance amending the Sedro-Woolley Municipal Code to allow for the keeping of chickens, ducks, bees and small non-hoofed animals with the addition of allowing two bee hives per lot and 10 foot side yard setbacks for any pens, shelters or sheds. Seconded by Councilmember Meamber.

Discussion was held regarding chickens roaming in front yards, Planning Commission consideration of front set backs,

Councilmember Meamber called for the question.

Motion carried (5-2, Councilmember's Wagoner and Galbraith opposed).

#### Ordinance – Updating Sedro-Woolley Municipal Code (SWMC) Title 9

City Supervisor/Attorney Berg reviewed the proposed ordinance updating the Sedro-Woolley Municipal Code Title 9. He noted this was at the request of the Prosecuting Attorney, Jennifer Bouwens. The ordinance will bring the code into line with current state code in the Revised Code of Washington, the RCW, and clarify other cumbersome portions. Berg noted this was more of a housekeeping matter.

Councilmember Galbraith moved to adopt Ordinance No. 1698-11 An Ordinance of the City of Sedro-Woolley Updating Sections of the Sedro-Woolley Municipal Code Title 9 and adopting certain state criminal statutes. Seconded by Councilmember Sandström. Motion carried (7-0).

### **NEW BUSINESS**

#### Parks Memorial Tree Program

City Supervisor/Attorney Berg addressed the possibility of a memorial tree program within our Parks system. He noted the Parks Advisory Board unanimously endorsed the creation of a tree donation program. The program would allow a citizen to purchase a tree and have it placed in a city park as a memorial to family or friends or simply to do a good deed for the parks. Berg stated this program would take advantage of city owned nursery stock with a fee to be paid for the labor. He noted if Council is interested a formal ordinance would be brought back to formalize the program.

Council consensus was for Berg to draft an ordinance for consideration at the next meeting. Discussion of the fees was held.

### Council Meeting Schedule

City Supervisor/Attorney Berg brought up for discussion trying to consolidate City meetings on the same day of the week. Currently Council meeting the first Tuesday and second and fourth Wednesday.

Discussion followed to include the benefit of having meetings on the same day, individual member's schedules and the value of having everyone in attendance.

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

Fire Chief Klinger – announced the award of Assistance to Firefighters Grant in partnership with the City of Mount Vernon Fire Department from the Department of Homeland Security. The grant would purchase none new Mobile Data Terminals which would be installed in the Fire vehicles. The grant is for a total of \$55,905.00 with the City portion being \$2,795.00. Klinger requested Council authorized the Mayor to accept the grant.

Councilmember Sandström moved to authorize the Mayor to accept the Assistance to Firefighters Grant for the amount of \$53,110.00 and allocate the 5% matching funds for \$2,795.00 for a total of \$55,905.00. Seconded by Councilmember Lemley. Motion carried (7-0).

Police Chief Wood – noted the grant that Mount Vernon received will benefit law enforcement. He also reported on his research for resisting arrest as a misdemeanor charge.

Councilmember Lemley – congratulated Sedro-Woolley School District and the community on the passage of the bond for Cascade Middle School remodel.

Councilmember Sandström – encouraged Council to consider attending the upcoming forum on Envision Skagit 2060.

### **EXECUTIVE SESSION**

The meeting adjourned to Executive session at 8:29 P.M. for the purpose of potential litigation with a possible decision for a period of 10 minutes.

The meeting reconvened at 8:43 P.M.

Councilmember Storrs moved to approve agreement with Tim Howland regarding a utility dispute. Seconded by Councilmember Meamber. Motion carried (7-0).

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

The meeting adjourned at 8:43 P.M.