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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
June 8, 2011 – 7:00 P.M. –City Hall Council Chambers

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Pat Colgan, Tony Splane, Tom Storrs, Keith Wagoner (Late), Hugh Galbraith and Rick Lemley. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Engineer Freiberger, Planner Moore and Lt. Tucker.

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

Pledge of Allegiance

Councilmember Wagoner arrived at 7:01 P.M.

City Supervisor/Attorney Berg noted Councilmember Sandström was absent from the meeting due to the birth of his second child: Ogden Glory Augustus Sandström-Resetar.

Consent Calendar

- Minutes from Previous Meeting
- Finance
  - Claim Checks #72108 to #72114 and #72156 to #72245 in the amount of \$109,570.77
  - Payroll Checks #50525 to #50632 in the amount of \$250,995.53
- Public Works Agreement No. 2011-PW-18 for 2011 Gutter Installation Repair
- Minutes of Joint Special Meeting – February 28, 2011 (*added*)

Councilmember Storrs moved to approve the consent calendar A through D. Seconded by Councilmember Lemley. Motion carried (6-0).

Oath of Office for Joseph Handley

Lt. Tucker introduced Joseph Handley who completed the reserve officer academy with another agency and will be joining the reserve force for Sedro-Woolley. Tucker noted that we will also be getting another reserve officer in the near future.

Mayor Anderson administered the oath of office to Officer Handley. A round of applause was given for Officer Handley.

Public Comment

No public comment received.

## **PUBLIC HEARING**

### Moratorium on Permitting of Activities Involving Medical Marijuana

Planner Moore reviewed the emergency ordinance established in April for a moratorium on permitting of activities involving medical marijuana. He noted that part of the State law requires holding of a public hearing within 60 days. He reviewed the proposed ordinance to continue the moratorium.

Mayor Anderson opened the public hearing at 7:10 P.M.

Mayor Anderson closed the public hearing at 7:10:30 P.M.

Councilmember Colgan moved to approve Ordinance No. 1708-11 An Ordinance Adopting Findings of Fact Ratifying, Confirming and Continuing Ordinance 1705-11 Adopted April 13, 2011 Proclaiming an Emergency and Placing a Moratorium on the Processing or Accepting of Applications for Permits or Licensing and Establishment for any Building or Land Use Activity Involving Medical Marijuana Dispensaries and Cultivating. Seconded by Councilmember Splane. Motion carried (6-0).

## **NEW BUSINESS**

### Proposed Modification to Use Restrictions in the Mixed Commercial (MC) Zone and Central Business District (CBD)

Planner Moore reviewed the clarification of quasi public uses within the Mixed Commercial and Central Business District. He noted several business owners have commented on quasi public uses taking up quality space within the downtown area. Reconsideration has been given at the Planning Commission level which included public hearings. Moore discussed places of worship being protected by federal and case law and also discussed blanket zoning districts. The recommendation of the Planning Commission is to adopt the proposed modifications to the municipal code which designate quasi-public uses as Conditional Use in the Mixed Commercial and Central Business District.

Discussion ensued regarding the two reading rule for Ordinances, comments from business owners, definition of quasi public uses (non-profits, private clubs and not commerce related business) and addressing impacts.

Councilmember Storrs moved to adopt Ordinance No. 1709-11 An Ordinance Modifying SWMC 17.20.010 and 17.24.101, Requiring Conditional Use Approval for Quasi-Public Uses in the Mixed Commercial Zone and Central Business District. Seconded by Councilmember Wagoner.

Councilmember Colgan questioned the appearance of fairness since he has property located within the Central Business District. City Supervisor/Attorney Berg noted

because it is a legislative act affecting the whole Central Business District there would be no appearance of fairness issue as long as he does not have a current application in process.

Motion carried. (6-0)

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

Lt. Tucker – reported the Nooksack tribe has discontinued their reserve program and the Police Department was lucky enough to obtain two of their reserve officers. He also reported the new police car has been delivered and should be in service within a couple of weeks. When up and running they will be surpassing one car and the other cars disposition is undecided. He discussed a lead on some recent graffiti in the vicinity of Councilmember Wagoner’s ward. Tucker reported that Chief Wood and Luigi had been invited to speak at the Law and Justice meeting regarding the Offender Work Program. Tucker noted the positive comments received on the work program and the City is still utilizing offenders from other jurisdictions.

Planner Moore – reported that the first round of way-finder signs will be going up soon. The signs have been funded by the lodging tax to direct people to various locations within the city. Discussion was also held regarding the “Watermelon Girls” sign on Highway 9. The sign has been taken down due to peeling and will be fixed and reinstalled. It was noted that the sign was owned by Chamber of Commerce.

Engineer Freiberger – reported the SR20 widening project is out to bid and a pre bid conference will be held on the 14<sup>th</sup>. He stated he will be attending, along with Mayor Anderson and City Supervisor/Attorney Berg the TIB meeting on 23<sup>rd</sup> to present the project for additional funds. TIB representatives were in town for a training seminar and reviewed the project. Freiberger then reported on the SR9 sewer repair at Cascade Middle School and some issues that were discovered after videoing the line. A price was received from the CIPP contractor for the addition of 1000 feet. He requested Council authorize to give the contractor a verbal OK on a negotiated price. It would come back to Council as a change order. The change order is within budget.

Councilmember Storrs moved to authorize the Engineering Department to make changes to repair Highway 9 not to exceed \$80,000. Seconded by Councilmember Splane.  
Motion carried (6-0).

Engineer Freiberger reported that DOT has some extra money for traffic modeling. They will provide the engineering justification for the realignment of Cook Road back into Highway 20.

City Supervisor/Attorney Berg – reported on the recent trip to Washington DC that he and the Mayor took. They were part of a delegation of 12 people representing 7 different entities. Berg described the meetings regarding the GI studies attended.

Finance Director Nelson – announced the State Auditors will be arriving Monday for three week. The audit will cover the federal and financial. The accountability audit will be every two years as requested by the City as a cost savings measure. She also pointed out a letter from FEMA regarding their recent desk review of Fire Station 2 which shows no findings or corrective actions necessary. A copy of the letter was sent to the Auditor hoping they would take it into consideration which might save some time and eliminate some costs for auditing. Nelson also noted the Bellingham audit team is having difficulty in getting Federal Audits completed and some City’s are having split audits as a result.

Councilmember Colgan – reported on his attendance at the Food Bank meeting. He stated they have secured a three year lease with a two year extension for their location at 640 Cook Road. Colgan reported the Food Bank helped 15,000 more people than last year. Colgan reported the Food Bank will be discontinuing distribution of commodities.

Rick Judd – explained the process acting as a distribution center for commodities. He noted due to the cost of auditing it is in the Food Bank’s best interest to turn commodity distribution over to Community Action.

Councilmember Wagoner – thanked Luigi’s crew for their help with the football field. They have done a great job. He thanked Bob Park on his graffiti abatement and the quick response to some graffiti in his neighborhood. He also commented on the RV spots recently placed in downtown for temporary parking. Wagoner commended the work of the Sedro-Woolley High School Math Club for their placement of 18<sup>th</sup> in the national Collaborative Problem Solving Contest.

Councilmember Lemley – reported on the Blast from the Past with lots of people in town over the three days. There was a large attendance at the car show. He noted it was a positive move to extend the event to three days and gave kudo’s to the Chamber ladies.

Councilmember Colgan – reported that Carolyn Freeman of the Sedro-Woolley Museum noted there were 170 people through the museum over the weekend.

Engineer Freiburger –reported on an illicit dumping of grease water from one of the vendors. They will be following up with the Chamber.

## **EXECUTIVE SESSION**

The meeting adjourned to Executive Session at 8:06 P.M. for discussion of litigation for approximately 30 minutes with a decision anticipated.

The meeting reconvened at 8:26 P.M.

Councilmember Wagoner moved to approve the settlement agreement and amendment agreement between Sedro-Woolley LLC and the City of Sedro-Woolley pending review by the City Attorney. Seconded by Councilmember Lemley. Motion carried (6-0).

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

The meeting adjourned at 8:29 P.M.