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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
April 11, 2012 – 7:00 P.M. –City Hall Council Chambers

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Kevin Loy, Tony Splane, Tom Storrs, Keith Wagoner, Hugh Galbraith, Rick Lemley and Brett Sandström. Staff: Finance Director Nelson, City Supervisor/Attorney Berg, Engineer Freiburger, 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 #74132 to #74201 in the amount of \$94,391.41.
  - Payroll Checks # 52716 to #52822 in the amount of \$258,544.76.
- Possible Bid Award -- Public Works Agreement Nos. 2012-PW-19 2012 WTP Equipment Repairs
- Amendment 1 to the Interlocal Agreement dated 10/18/2011 with Skagit County Conservation District Public Education & Involvement Project in Support of the NPDES Phase II Stormwater Permit WAR-04-5555
- Interagency Agreement with Department of Enterprise Services, #2012-ERG-556
- Professional Services Agreements No. 2012-PS-01 – Task Order 3 – SR20/Cook Road Realignment Project Environmental Services
- Possible Bid Award – Public Works Agreement Nos. 2012-PW013 2012-2014 Electrical Preventative Maintenance Service.
- Possible Bid Award – Public Works Agreements Nos. 2012-PW-11 – On-Call Tree Trimming and Removal Services
- Interlocal Joint Purchasing Agreement – Washington County Fire District No. 2

Councilmember Lemley moved to approve the consent calendar Items A through I. Seconded by Councilmember Storrs. Motion carried (7-0).

Public Comment

Pat Huggins – questioned if he would be allowed to speak under new business item 8. Huggins was told he would be allowed to address the Council at that time.

Police Chief Wood – introduced Officer Rhonda Lasley as the newest Police Officer.

## **UNFINISHED BUSINESS**

### 2011 Comprehensive Plan Docket

Planner Moore reviewed for a second reading the 2011 Comprehensive Plan Docket. The Planning Commission has recommended the following:

- CPA-1-11 – Rezone of Abandoned Railroad Corridor Along Northern Street
- CPA-2-11 – Proposed Expansion of UGA to Include City-owned Properties
- CPA-3-11 – Update of the Parks and Recreation Element

Discussion ensued on CPA-2-11.

Planner Moore reviewed the City Council action options to include 1) adoption of the docket items, 2) refer back to the Planning Commission for further review and modification 3) adoption with additional changes made by the City Council or 4) reject the proposed changes.

Councilmember Sandström moved to approve Ordinance No. 1736-12 to amend the Comprehensive Land Use Map, Zoning Map, and Parks and Recreation Element of the Comprehensive Plan. Councilmember Wagoner seconded. Motion carried (7-0).

Councilmember Sandström moved to approve Resolution No. 859-12 to support future application to Skagit County to expand Sedro-Woolley's urban growth area to include City-owned properties along River Road and Cook Road. Seconded by Councilmember Splane. Motion carried (7-0).

### Ordinance – Creating Impact Fee Credits

City Supervisor/Attorney Berg noted this topic has been discussed at numerous times, most recently at the April 4<sup>th</sup> worksession. After Council discussion the proposed ordinance would provide a clear balance while encouraging redevelopment of existing structures and fairly imposing impact fees.

The ordinance provides credits against impact fees imposed for redevelopment as follows:

- For existing structures based upon the most recent permitted use;
- For parcels with structures demolished pursuant to a permit, the same as above for a period of 10 years from the date of the demolition permit; and
- No credits given to parcels with structures demolished pursuant to an abatement order from the City.

Some discussion took place regarding traffic impact fees and current policy.

Councilmember Galbraith moved to adopt Ordinance No. 1737-12 An Ordinance Creating Impact Fee Credits. Seconded by Councilmember Sandström. Motion carried (7-0).

### Swedelius Site Access Road and Tree Farm Operation

Engineer Freiberger presented background information regarding city-owned property known as the Swedelius Property. He noted that with City permission the Sedro-Woolley High School Forestry Program has been using the property as a practice site for clearing, logging and tree farm type operations. The site was purchased in 2007 for development of a stormwater detention facility using an interfund loan. The loan balance is approximately \$139,003.03 plus \$7,625 in unpaid interest.

Nursery stock has been identified which is saleable providing access can be gained during the months when the trees would need to be excavated and prepared for shipment. Freiberger introduced Wayne Ramsey, instructor of the High School program. Ramsey proposed the City partner with the School District and the City construct a loop road and improve the farm access road as needed. Freiberger detailed the aspects of the partnership. In addition it was proposed to for Mr. Ramsey to act as a broker through his private company “The Plant Man” for selling of the stock with a 20% commission.

Wayne Ramsey approached the podium and addressed the Council regarding the potential marketing of the trees, timing of transplanting, potential of the program, involvement as a broker, potential of the current stock and additional of stock for future. Ramsey also answered questions from the Council to include procedures for digging trees, type of nursery stock, plan for clean up and thinning of trees, liability and purchasing and payment process.

Councilmember Wagoner moved to authorize staff to proceed with road construction as noted above at a cost not to exceed \$10,000 to be funded by the Stormwater Utility account, and reimbursed by nursery stock sales. Seconded by Councilmember Galbraith. Motion carried (7-0).

Councilmember Wagoner moved to negotiate an agreement with “The Plant Man” for marketing and sales of nursery stock from the site for a fee of 20% of gross sales. Seconded by Councilmember Lemley. Motion carried (7-0).

## **NEW BUSINESS**

### SWMC 8.04.105 A

City Supervisor/Attorney Berg noted this was an item that was brought forward from resident Pat Huggins at the March 28, 2012 meeting. The utilities committee met and discussed his request and is recommending the proposed ordinance be adopted.

Berg stated the original request was to temporarily discontinue garbage service to two of three separate rental dwellings located on a single legal parcel. He presented information regarding the City's mandatory, universal and compulsory system of garbage collection. He noted Mr. Huggins argued that the language "parcel or unit" allowed for individual units on a parcel to discontinue service, even when the whole parcel was still using the service. The committee recommendation is to keep the current policy but clarify SWMC 8.04.105A to address any potential ambiguity by deleting the words "or unit". Berg addressed the concerns of the committee regarding challenges in enforcement.

Pat Huggins – read a prepared statement and requested to go on record in response to a letter received on April 10<sup>th</sup> from City Supervisor/Attorney Eron Berg to the City Council regarding the proposed changes to Sedro Woolley Solid Waste Ordinance. Huggins wanted to make clear that he did not argue as stated in the letter that "parcel or unit allowed for individual units on a parcel to discontinue service even when the whole parcel was still using service" and had no problem with the wording change proposed. He also wanted it on the record that if the change is being made based on the quote, the decision is being made on an argument erroneously attributed to him as stated in the letter.

He reiterated his original request "I humbly request that the garbage and recycling service at 202, 206 and 210 Haines Street, (Parcel #76779, one whole parcel with three units on it) be reduced from 3-25 gallon mini cans and 3 recycling cans to 1-25 gallon mini can and 1 recycling can. We are no longer in need of that much capacity at this parcel. We will not be in need of this much capacity for at least the next 6 months. This request is not being made due to remodeling or construction".

He noted his actual argument for the reduction in service is based on the existing ordinance and would be the same under the changed ordinance.

Huggins reviewed correspondence between him and the City. He believes the City is denying him the right to choose the appropriate capacity. Huggins humbly requested that his request be granted and garbage service be reduced.

City Supervisor/Attorney Berg apologized for misunderstanding the argument. He noted that the argument that he now understands Huggins to be making is addressed within the ordinance.

Huggins requested a copy of the Ordinance and Code that addresses the definition of a unit.

Council discussion ensued regarding snow birding policy, steps for changing of policy, policy for recycling, charges for dumpsters and implementation and enforcement of service.

Councilmember Storrs moved to approve Ordinance No. 1738-12 An Ordinance Amending the Sedro-Woolley Municipal Code Section 8.04.105 A to Remove any

Potential Ambiguity About the Requirements for Discontinuing Garbage Service. Seconded by Councilmember Wagoner. Motion carried (7-0).

The topic was also requested to be added to a future worksession agenda.

Skagit County Request for Participation on a Jail Project Coordinating Committee (JPCC)

City Supervisor/Attorney Berg reviewed capacity issues with the current jail, past planning committee for jail expansion and the proposed Jail Project Coordinating Committee (JPCC). Berg reviewed the proposed make up of the committee and outlined the objectives of the committee, presented the Mayor's recommended City representatives (Eron Berg and Councilmember Wagoner) and process for keeping the Council informed of the committee status. Berg noted that there are a lot of unanswered questions that still need to be addressed.

Discussion ensued regarding other jail uses, location of jail and costs for transporting.

**COMMITTEE REPORTS AND REPORTS FROM OFFICERS**

Fire Chief Klinger – reported of another volunteer resident who is leaving to be part of the Bellingham Fire Department. He also reported on the addition of three new residents and said the Department will be conducting testing in the near future.

Planner Moore – announced the upcoming EDASC Schmooze Fair to be held Thursday, April 12<sup>th</sup>. He noted the City will be having a booth to highlight the improvements the City has made in infrastructure, business climate and permitting improvements to make Sedro-Woolley a more viable location for businesses to locate or relocate. All Councilmember's are invited.

Engineer Freiburger – announced the ribbon cutting for the SR20 project scheduled to Thursday, April 12<sup>th</sup> at 11:00 A.M. He noted there will be displays and information on the upcoming Cook Road project. Freiburger also reported on the consultant selection for the Cook Road project which will be on the agenda for the next Council meeting. He stated he is still waiting on confirmation the additional funds for the SR9 Bicycle/Pedestrian Safety Project which will require an increase in the matching funds. He also addressed the expectation of impact fees from the Cascade Middle School Project of approximately \$300,000.

City Supervisor/Berg - reported on the upcoming Council retreat and a conflict with one of the Councilmembers with the date chosen. Alternative dates were discussed. The consensus was to stay with the original date. Berg requested authorization of a manual check and authorization for the Mayor to sign closing documents on the previously discussed real estate transaction.

Councilmember Storrs moved to authorize the issuance of a manual check in the amount of \$99,993.14 payable to Guardian Northwest Title & Escrow and to authorize the mayor to sign related documents to close the purchase of property. Seconded by Councilmember Wagoner.

Councilmember Splane questioned the payment schedule of the balance owing on the property.

City Supervisor/Attorney Berg noted that the remaining balance will be \$100,000 payable over the next 10 years at \$10,000 per year with no interest. He noted the total purchase price is \$200,000. Berg also stated the transaction comes with a significant donation from the family and comes with a deed restriction naming the property the Winnie Houser Park & Playfields and limiting its use as park, play land and open space only.

Motion carried (7-0).

Councilmember Sandström – addressed the passing of House Bill 4667 claiming Sedro-Woolley the log carving capital of the world and the oldest 4<sup>th</sup> of July in the state of Washington. The bill was sponsored by Representative Kirk Pearson.

## **EXECUTIVE SESSION**

The meeting adjourned to Executive Session at 8:40 P.M. for the purpose of personnel for approximately 15 minutes under RCW 42.30.110 (i)(g) with possible action.

The meeting reconvened at 8:55 P.M.

Councilmember Wagoner moved to adopt Ordinance No. 1739-12 An Ordinance Amending Ordinance 1724-11 Effective May 1, 2012. Seconded by Councilmember Storrs. Motion carried (7-0).

The meeting adjourned at 8:56 P.M.