
CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
October 24, 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: Recorder Brue, City Supervisor/Attorney Berg, Public Works Director Freiberger, Acting Planning Director Coleman, Fire Chief Klinger and Police Sergeant Dougher.

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

Pledge of Allegiance

Consent Calendar

- Approval of Agenda
- Minutes from Previous Meeting
- Finance
 - Claim Checks #75407 to #75503 in the amount of \$497,289.96 (Voided Checks #75408 - #75411).
 - Payroll Checks #54156 to #54263 in the amount of \$191,764.33.
- Black Rock Franchise Transfer Request
- Riverfront Park Caretaker Agreement for 2013
- Resolution No. 870-12 Possible Sole Source Resolution for Trojan Technologies UV Module Replacement Order

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

Public Comment

Mark Behen – 18221 34th Ave, Stanwood, addressed the Council to advocate for BMX bikes to be allowed in the Skate Park. He spoke of competitive racing for bikes with BMX racing as an Olympic event. He also addressed accommodations to the bikes that can be made in order to prevent damage to the park.

Scott Scamelhorn – 1000 36th St. Bellingham, also addressed the Council requesting that consideration be given to bikes being allowed at the Skate Park. He addressed the differences of riding in skate parks versus dirt jumps and spoke of the tight community of bikers and skaters meshing together. He also spoke of the accommodations to bikes to prevent damage to the skate park.

Council discussion ensued to include allowance of bikes within Skate Board Parks, a listing of parks that allow combined activities, park etiquette, damage caused by bikes,

novice skateboarders, park design for skate boards only, potential damage from bikes and the parts that would damage, enforcement of rules, change in the scope of the park in the process of building, concerns for safety and plans for a BMX park with dirt jumps.

Mark Behen – stated the skate park in Arlington started with no bikes allowed and has changed to allow bikes.

UNFINISHED BUSINESS

Proposed Zoning Code Amendments for Activities Involving Medical Marijuana

Acting Planning Director Coleman reviewed the first read of the proposed Zoning Code Amendments for Activities Involving Medical Marijuana. He briefly addressed the initiative on the upcoming election which may change the scope, if passed. Coleman noted the Planning Commission reviewed the topic and has recommended amendments to the zoning code that would prohibit collective gardens in all zoning designations within the city. He also reviewed the definition of collective gardening to be in line with the Revised Code of Washington. Coleman entertained questions and comments from the Council.

Councilmember Loy expressed his opinion that the amendments show a lack of vision and foresight. He addressed information on the current facility, Washington State law, other actions by other cities. Councilmember Sandström concurred with Councilmember Loy's statements.

Council discussion ensued regarding state versus federal law, placing staff in a compromising position due to the difference of state and federal laws, examples of Kent and Pullman decisions, Federal law being the supreme law of the land, no arrest protection in the State of Washington law because it was vetoed by the Governor, review of past minutes with no public comments received, first read based on Planning Commission recommendation.

Councilmember Loy encouraged Councilmembers to take a tour of the existing storage facility and gave a description of the facility.

Discussion continued regarding the effect of passage of the initiative, no change in perspective of Federal law, initiative written with a lot of gaps, wait and see how it develops and placing staff in a difficult position.

NEW BUSINESS

Utility Rate Ordinances

City Supervisor/Attorney Berg reviewed the proposed ordinance for a utility rate increase which comes to Council as a recommendation from the Utilities Committee. The proposal is a result of the Council Retreat for the 2013 Budget. Berg reviewed the

increased costs in sewer and garbage operations. He noted that the utilities have been kept stagnate since 2009 with decreased staff, cut costs and staff has done the very best to minimize the impact that the City has in residents pocketbooks. Berg also stated there has been no property tax increase during the same time period due to the economic conditions. The utilities are at the point where it is no longer viable to continue to absorb the increased costs from within and has become necessary to increase fees in order to maintain services. The committee looked at basing the increase on the Consumer Price Index which this year is 2.7%. The increase would not affect the qualified senior or disabled discount. The Utilities Committee is also recommending doing a rate analysis in the spring to look at how the rate structure is in comparison to the debt. Berg also noted that the draft 2013 budget includes the use of cash for the solid waste utility and some reserve funds for the sewer utility. Changes in 2013 for 2014 will need to be made. This step is necessary in order to help keep up with the cost of business. He noted it does not close the gap but keeps the gap from getting bigger. A public hearing is scheduled for the next regular meeting.

Discussion was held regarding the income limit for the discount, position of maintaining, efficiency of operations, cost of personnel, fringe benefits and energy, reserve funds and lack of growth within the reserve funds, the fact the City managed to get through economic crisis by using reserve cash funds with no rate increases, costs of general overhead and special projects, decrease in staffing, allocations from utilities to general fund and continued annual maintenance programs to decrease infiltration into the plant for cost savings.

Union Cemetery Rates

City Supervisor/Attorney Berg reviewed the proposed cemetery rates. He noted it was a topic discussed at the Council retreat with the focus to privatize the cemetery to minimize the property tax subsidy. Preliminary conversations were held with an interested party and from those conversations the interested party indicated they would raise the rates to market value. It was decided that it would be in the best interest to look at increasing rates ourselves. The committee met with a technical advisor, who was a recently retired operator and came up with the recommendations for rates which are within market range. Berg noted that the Cemetery has had an increase in business in 2012, over what was budgeted. He also noted that in addition to the fee increases the endowment has been recommended for increase in order to do some capital improvements in the future.

Council discussion took place regarding subsidizing operations and rate comparison to other entities.

Councilmember Lemley spoke on the proposed rates being in the comparable range to our surrounding communities (Arlington, Anacortes, Mount Vernon); he suggested minor changes to the opening/closing (change from \$750 to \$650) and liner costs (change from \$650 to \$600) which would still maintain the rates within the mid-range comparison. He also addressed the allowance for triple burials.

Discussion ensued regarding the overall cemetery fees and looking into privatization in the future, differences in levels of service and effective date of the ordinance.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Police Sgt. Dougher – reported an uptake in burglaries mostly with businesses and churches, noting the recent break in of the Senior Center. She also addressed the shut down of drug houses and continuing the battle. Dougher stated that vehicle prowls are down and the bar scene has moments and they are very serious on the enforcement of the disorderly conduct laws. The Skate Park is being used and they are working with the kids on the boundaries of the area as well as the enforcement of the rule of no bikes within the Skate Park.

Fire Chief Klinger – reported that next month will be the finalizing narrow banding in frequency changes. He thanked the public for their attendance at the Boot to Burn auction which raised approximately \$18,000. Proceeds will be sent to the Phoenix Foundation.

Acting Planning Director Coleman – pointed out the upcoming open house for the Northern State Hospital Redevelopment proposal. He noted a presentation will be held by the proponent on November 7th. He also reported the Planning Commission continues to work on the urban growth expansion.

Public Works Director Freiburger – reported the Metcalf overlay project is complete with exception of striping. He also reported on SR20 Cook Road Realignment project and an upcoming meeting on the relocation of Tesarik Field to the Metcalf ball field and replacing the Babe Ruth size ball field to Janicki Fields. Freiburger did note that funding will be an issue but Babe Ruth has offered some funding support.

Councilmember Loy – noted the Skate Park closed automatically when it became dark.

Councilmember Storrs – thanked the Public Works Department for the good job on the downtown paving project.

Councilmember Galbraith – questioned the status of Cascade Middle School break in.

Police Sgt. Dougher stated she had no updated information, but the investigation continues.

Councilmember Sandström – commented on the grand opening of the Skate Park which was well attended.

EXECUTIVE SESSION

The meeting adjourned to Executive Session for approximately 20 minutes for the review of performance of a public employee under RCW 42.30.11 (i)(g) and collective bargaining under RCW 42.30.140.4 at 8:16 P.M. with a possible decision.

The meeting reconvened at 8:37 P.M.

Councilmember Wagoner moved to approve the memorandum of agreement by and between Sedro Woolley and the Public Safety Guild regarding 2013 wages. Seconded by Councilmember Galbraith. Motion carried (7-0).

Councilmember Wagoner moved to adjourn. Seconded by Councilmember Splane. Motion carried (7-0).

The meeting adjourned at 8:39 P.M.