

Next Ord: 1575-07
Next Res: 742-07

MISSION STATEMENT

The mission of the Sedro-Woolley City government is to provide selected services that are not traditionally offered by the private sector. This will be achieved through providing the highest quality services we can within the resources with which we're provided; involving residents in all aspects of planning and operations; serving as a clearinghouse for public information; and operating facilities which meet the legitimate, identified concerns of the residents of and visitors to our community.

We believe in being community-centered, consistently contributing to the quality of life in our area and as fully deserving of the public's trust through the consistent expression of positive values and acceptance of accountability for producing meaningful results.

CITY COUNCIL AGENDA

May 23, 2007

7:00 PM

Sedro-Woolley Community Center
703 Pacific Street

1. Call to Order
2. Pledge of Allegiance
3. Consent Calendar

NOTE: Agenda items on the Consent Calendar are considered routine in nature and may be adopted by the Council by a single motion, unless any Councilmember wishes an item to be removed. The Council on the regular agenda will consider any item so removed after the Consent Calendar.

- a. Minutes from Previous Meeting
- b. Finance
 - Claim Vouchers #60393 to #60522 for \$602,063.41 (#60392 voided)
 - Payroll Warrants #40191 to #40290 for \$157,016.97
- c. Proposed Resolution 742-07 declaring certain items surplus
- d. Professional Services Agreement - Planning Consultant
4. Public Comment (Please limit your comments to 3-5 minutes)
5. Special Presentation - Promotion Ceremony for new Sergeant at the Police Department

APPEALS

6. Closed Record Hearing for appeal of Planning Commission denial of Zoning Variance #06-ZV-5 and final decision

PUBLIC HEARINGS

7. Six-Year Transportation Improvement Plan (TIP) 2007-2012 adoption by Resolution

UNFINISHED BUSINESS

8. City Hall Update (*no action requested*)
9. Sewer Pretreatment Ordinance (*2nd Reading with action requested*)
10. Biodiesel pilot project results and authorization to use biodiesel in all Public Works vehicles

NEW BUSINESS

11. Resolution supporting Deluxe Recycling & Disposal to locate within the City
12. Storm Water Utility (*1st Reading - no action requested*)
13. Recycling and Block Clean up Program (2 parts)
14. Interfund Loan Resolution (land purchase)

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

EXECUTIVE SESSION/YES

**COMMITTEE ASSIGNMENTS
2007**

Public Lands Committee

Requa, Louis – Chair
Lemley, Rick
Meamber, Ted

Utilities Committee (Sewer, Solid Waste, Storm)

Colgan, Pat – Chair
Splane, Tony
Meamber, Ted

Bldg. Structure & Insurance Committee

Galbraith, Hugh – Chair
Meamber, Ted
London, Dennis

Fleet Committee

Splane, Tony – Chair
Requa, Louis
London, Dennis

Finance & Hotel/Motel Committee

Lemley, Rick – Chair
Splane, Tony
Galbraith, Hugh

Youth Committee

London, Dennis – Chair
Galbraith, Hugh
Lemley, Rick

Fire & Police Committee

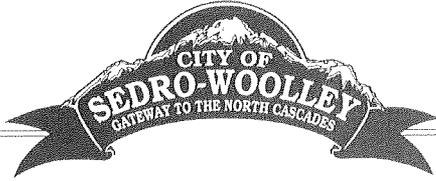
Meamber, Ted – Chair
Colgan, Pat
Requa, Louis

Land Use Committee

Galbraith, Hugh – Chair
Requa, Louis
Colgan, Pat

Mayor Pro-Tem

Meamber, Ted



DATE: May 23, 2007

TO: Mayor Anderson and City Council

FROM: Patsy Nelson, Clerk-Treasurer

SUBJECT: 1) CALL TO ORDER; 2) PLEDGE OF ALLEGIANCE; 3) CONSENT CALENDAR

1. CALL TO ORDER - The Mayor will call the May 23, 2007 Regular Meeting to Order. The Clerk-Treasurer will note those in attendance and those absent.

 ___ Ward 1 Councilmember Ted Meamber
 ___ Ward 2 Councilmember Tony Splane
 ___ Ward 3 Councilmember Louie Regua
 ___ Ward 4 Councilmember Pat Colgan
 ___ Ward 5 Councilmember Hugh Galbraith
 ___ Ward 6 Councilmember Rick Lemley
 ___ At-Large Councilmember Dennis London
2. PLEDGE OF ALLEGIANCE - The Mayor will lead the City Council and citizens in the Pledge of Allegiance to the United States of America.
3. CONSENT CALENDAR - Mayor will ask for Council approval of Consent Calendar items.

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
May 9, 2007 – 7:00 P.M. – Community Center

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

Pledge of Allegiance

ROLL CALL: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Louis Requa, Pat Colgan, Hugh Galbraith, Rick Lemley and Dennis London. Staff: Clerk/Treasurer Nelson, City Attorney/Supervisor Berg, Planner Moore, Engineer Blair, Police Chief Wood and Fire Chief Klinger.

Mayor Anderson announced the addition of a Street Closure Request – Blast from the Past to the consent calendar.

Consent Calendar

- Minutes from Previous Meeting (including May 1, 2007 Work Session)
- Finance
- Claim Vouchers #60242 to #60391 for \$478,543.79 (Voided Warrants #60244 to #60256)
- Payroll Warrants #40094 to #40190 for \$210,151.69
- Waiver of Fees – SW Community Center – SW Chamber of Commerce
- Surplus of Truck #502 – 1990 Rear Load Packer
- Street Closure Request – Blast from the Past (*added*)

Councilmember Lemley spoke on the street closure request for Blast from the Past. He explained the sections of Metcalf Street to be closed.

Councilmember Meamber moved to approve the consent calendar including Item E. Seconded by Councilmember Colgan. Motion carried (7-0).

Public Comment

K.B. Johnson – 889 Carriage Court, commented on the great job of the paving on Township Street. He noted that at the intersection of Township and Ferry Streets the curbing has been crushed recently by a large truck and recommended that large trucks be restricted to the highway and designated routes.

Sally Carlson – 335 Bennett Street, addressed Council regarding issues she is having with the High School regarding on-street parking with staff and students. She also discussed issues with the garbage dumpsters which she requested be locked on a nightly basis. She also requested four-way stops on all the street around the school noting 3rd and Nelson and 4th and Bennett are missing.

Daniele Christenson – 1120 Third Street, addressed the Council regarding inconsiderate parking from the students. She also spoke of garbage strewn in their yard and the use of their garbage can on garbage days by the students. She stated she has addressed the issue with the School District to no avail and requested help in the matter from the City.

Jennifer Holm – 1217 4th Street, spoke of issues with parking not with the students but the staff. She stated she has been blocked in several times and has had to go to the High School to request the cars be moved so she could go to work. She requested a sign be installed to indicate “residential parking only” and that changes be made to the City Ordinance to allow for towing at the owners expense.

Jim Loop – 414 Bennett Street, addressed the Council and concurred with the other statements regarding the parking issues around the High School. He noted there is little consideration for the residents.

David Bricka – 9343 Claybrook Road, addressed Council on behalf of the Chamber of Commerce and invited everyone to the upcoming Blast from the Past to be held on June 1st & 2nd. Bricka noted the excitement in using Hammer Heritage Square for part of the event and the inclusion of a Passport Faire to be held in conjunction with the event. Bricka also noted the upcoming Small Business of the Year event and encouraged all Councilmembers to attend.

Ginny Good – 24250 Alexander St., presented Council with the 2007 Farmers Market poster. She announced the market will be open beginning May 30, 2007 and they will be notifying business owners of the opening as they hand out the posters.

PUBLIC HEARINGS

Reenactment of Interim Zoning Control Ordinance

Attorney Berg reviewed the proposed ordinance allowing renewal of the current sewer moratorium. He noted the ordinance needs to be renewed every six months.

Mayor Anderson opened the public hearing at 7:23 P.M.

No public comment presented.

Mayor Anderson closed the public hearing at 7:24 P.M.

Councilmember Requa questioned the wording of several sections of the ordinance with Council discussion following which included the project timeline.

Councilmember London moved to adopt Ordinance No. 1574-07 An Interim Ordinance of the City of Sedro-Woolley Amending and Extending a Moratorium on Subdivision in Certain Areas Served by the Township Street and Metcalf Street Sewer Mains for a

Period of Six Months and Requiring New Applications to be Accompanied by Confirmation From the Public Works Director That Line Capacity is Available with the changes from Section I: Purpose, served by Metcalf Street Sewer Main. Section 2: Map to be identified as the Map on Ordinance 1559-06 and Section 9, Item G that the City has a plan for making the necessary repairs and has borrowed 7.5 million dollars to make repairs and are in the process of borrowing an additional 6 million. Councilmember Meamber seconded. Motion carried (7-0).

Adoption of the “Optional Municipal Code”, RCW 35A

Attorney Berg noted previous worksessions which included a lengthy study of the Optional Municipal Code. Berg reviewed the differences of a Second Class City vs. Code City and reviewed the process for becoming a noncharter code city.

Mayor Anderson opened the public hearing at 7:40 P.M.

No public comment received.

Mayor Anderson closed the public hearing at 7:40 P.M.

Councilmember Galbraith moved to adopt the proposed Resolution of Intent #741-07. Seconded by Councilmember Lemley. Motion carried (7-0).

UNFINISHED BUSINESS

City Hall Update

Attorney Berg presented an update on the City Hall project. He noted the project is currently stalled due to a conflict with a natural gas line and the drainage lines. He also noted a possible interior change on the Building, Planning and Engineering side of the building in order to fit with the department’s goal of increased efficiency and to become more customer friendly.

NEW BUSINESS

Proposed Pretreatment Ordinance (1st Reading)

Debbie Allen – 433 Talcott Street, Wastewater Treatment Plant Forman, reviewed the proposed Pretreatment Ordinance. The ordinance would enable the City to begin inspections on grease traps, oil/water separators and dental amalgam traps in an attempt to prevent the introduction of pollutants to the Wastewater system.

Allen noted this was the first reading and the topic would come back before Council at their next meeting for a formal vote.

Professional Services Agreement – Katy Isaksen & Associates

Engineer Blair reviewed the request for entering into a professional services agreement with Katy Isaksen & Associates for a review of the sewer rate structure as well as to work with the consultant Otak who is currently doing the stormwater utility review. Isaksen would act in an advisory role in developing the stormwater utility rate structure and financing plan.

Council discussion ensued to include previous cost and the need for a second consultant's involvement with the stormwater utility rate structure and financing plan.

Councilmember Meamber to authorize the Mayor to sign and execute the attached agreement with Katy Isaksen & Associates not to exceed \$4500.00 for sewer utility system only. Councilmember Requa seconded. Motion carried (7-0).

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Councilmember Colgan – requested Attorney Berg to look into residential parking within the vicinity of the High School.

Attorney Berg noted an upcoming joint City/School District meeting and would add the topic to the agenda for discussion. He also suggested it be reviewed by one of the Council committees. It was referred to the Police/Fire Committee.

Councilmember Colgan – also questioned the request for locking of the dumpsters.

Councilmember Requa – questioned the status of the flower baskets for downtown.

Mayor Anderson noted the baskets will be going up within the next week. The Parks determined the weather was still too cold and wanted to wait another week in order to give the baskets a longer display life.

Councilmember Meamber – reminded interested Councilmembers of the upcoming meeting with Planner Moore regarding discussion of the proposed sign ordinance.

Attorney Berg – reviewed a request for a presentation at the next Council meeting from Deluxe Recycling for a proposed recycling facility to be located in Sedro-Woolley.

Engineer Blair – requested Council set a public hearing on the Six Year Transportation Improvement Program (TIP) for the next Council meeting.

Councilmember Colgan moved to hold a public hearing on the Six Year TIP at the May 23, 2007 Council meeting. Seconded by Councilmember Requa. Motion carried (7-0).

Fire Chief Klinger – noted the specifications for the replacement quick attack vehicle have been completed and has been handed to the City Supervisor for final review. He

noted he would then be requesting a meeting with the Police/Fire Committee prior to sending out the request for bid.

Police Chief Wood – reported on the recent assessment center that was held for the position of Sergeant. He noted there were three individuals and all passed and the next step is the interview process. Wood also reported on the opening of the Code Enforcement Officer position due to the upcoming retirement of Officer Park. He noted the position was posted internally with no response and therefore will be advertised in the local newspaper. Wood also discussed the parking issues at the High School.

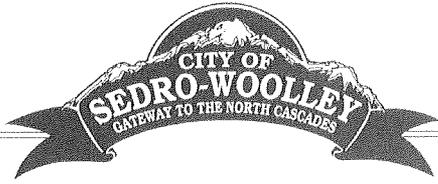
EXECUTIVE SESSION

The meeting adjourned to Executive Session for the purpose of discussion of real estate and personnel with no decision anticipated at 8:08 P.M. for approximately 30 minutes.

The meeting reconvened at 9:20 P.M.

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

The meeting adjourned at 9:21 P.M.



DATE: May 23, 2007
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Clerk-Treasurer
SUBJECT: FINANCE - VOUCHERS

Attached you will find the Claim Vouchers proposed for payment for the period ending May 23, 2007.

Motion to approve Claim Vouchers #60393 to #60522 in the amount of \$602,063.41 (#60392 voided).

Motion to approve Payroll Warrants #40191 to #40290 in the amount of \$157,016.97.

If you have any comments, questions or concerns, please contact me for information during the working day at 855-1661. This will allow me to look up the invoices that are stored in our office.

CITY OF SEDRO-WOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 05/23/2007 (Printed 05/17/2007 14:55)

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
60393	BANK OF NEW YORK	BOND INTEREST-G/O BONDS	7,500.00
		BOND INTEREST-G/O BONDS	28,537.50
		BOND PRINCIPAL	305,000.00
		BOND INTEREST	102,996.25
		WARRANT TOTAL	444,033.75
60394	SKAGIT COUNTY AUDITOR	MISC-FILING FEES/LIEN EXP SWR	613.00
		MISC-FILING FEES/LIEN EXP SAN	609.00
		WARRANT TOTAL	1,222.00
60395	ADVANCE TRAVEL	TRAVEL PD	180.00
		TRAVEL/MEALS FD	288.00
		TRAVEL/MEALS FD	72.00
		TRAVEL/MEALS FD	88.00
		WARRANT TOTAL	628.00
60396	ALLWEST UNDERGROUND INC.	MAINTENANCE OF LINES SWR	534.60
		WARRANT TOTAL	534.60
60397	ALL-PHASE ELECTRIC	REPAIRS/MAINT-CAMPGROUND PL	35.04
		OPERATING SUPPLIES SWR	32.26
		WARRANT TOTAL	67.30
60398	ALPINE FIRE & SAFETY	SAFETY EQUIPMENT PL	119.12
		WARRANT TOTAL	119.12
60399	APPLIED INDUSTRIAL TECH	REPAIRS/MAINT-EQUIP SAN	263.21
		WARRANT TOTAL	263.21
60400	ARGUS (THE)	BOOKS, PERIOD, RECORDS LIB	69.00
		WARRANT TOTAL	69.00
60401	A.S.A.P. SIGN & DESIGN	SOLIDS HANDLING SWR	155.52
		WARRANT TOTAL	155.52
60402	ASSOCIATION OF WA CITIES	RETIRED MEDICAL PD	6,769.80
		WARRANT TOTAL	6,769.80
60403	ASSOC PETROLEUM PRODUCTS	AUTO FUEL PD	1,514.00
		AUTO FUEL/DIESEL FD	446.15
		VEHICLE FUEL / DIESEL	744.84
		VEHICLE FUEL / DIESEL	590.61
		VEHICLE FUEL - GOLF PL	92.77
		MAINT OF GENERAL EQUIP SWR	67.43
		AUTO FUEL/DIESEL SWR	365.89
		WARRANT TOTAL	3,821.69
60404	ATKINSON, BRANDON, DMD	RETIRED MEDICAL PD	850.00
		WARRANT TOTAL	850.00
60405	AVAYA INC.	REPAIRS & MAINTENANCE PD	247.96
		POSTAGE FD	247.95

CITY OF SEDRO-WOLLEY
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WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	495.91
60406	BANK OF AMERICA	PROFESSIONAL SERVICES	CIV 127.87
		TRAVEL	PD 354.05
		TRAVEL	PD 31.57
		TRAVEL/MEALS	INSP 73.53
		OP. SUPPLIES - GOLF	PL 112.91
		OPERATING SUPPLIES	SWR 20.08
		OPERATING SUPPLIES	SWR 481.55
		MEALS/TRAVEL	SWR 343.94
		WARRANT TOTAL	1,545.50
60407	BANK OF AMERICA	FIRE TRUCK	FD 26,818.42
		WARRANT TOTAL	26,818.42
60408	BANK OF AMERICA	MACHINERY & EQUIPMENT	PD 305.12
		SMALL TOOLS & MINOR EQUIP	FD 143.22
		PROFESSIONAL SERVICES	FD 631.15
		MISC-SUBSCRIPTIONS	FD 697.50
		REPAIR/MAINT-GARAGE	FD 305.12
		WARRANT TOTAL	2,082.11
60409	BAY CITY SUPPLY	OFFICE/OPERATING SUPPLIES	PD 56.41
		OPERATING SUPPLIES	FD 56.41
		REPAIRS/MAINT-DORM	FD 162.19
		OPERATING SUPPLIES	PL 81.30
		OPERATING SUPPLIES	PL 129.19
		OPERATING SUPPLIES	PL 281.12
		WARRANT TOTAL	766.62
60410	BERG VAULT COMPANY	LINERS	PL 1,515.00
		WARRANT TOTAL	1,515.00
60411	BLUMENTHAL UNIFORM & EQUIP	UNIFORMS/ACCESSORIES	PD 64.74
		UNIFORMS/ACCESSORIES	PD 170.65
		UNIFORMS/ACCESSORIES	PD 36.10
		WARRANT TOTAL	271.49
60412	BOULDER PARK, INC	SOLIDS HANDLING	SWR 4,950.32
		WARRANT TOTAL	4,950.32
60413	BOUWENS, JENNIFER A.	PROSECUTING ATTY	JUD 2,500.00
		WARRANT TOTAL	2,500.00
60414	BROWN & COLE STORES	MISC-TUITION/REGISTRATION	PLN 54.90
		WARRANT TOTAL	54.90
60415	BRIM TRACTOR COMPANY INC	MAINTENANCE OF VEHICLES	SWR 187.40
		WARRANT TOTAL	187.40
60416	CARLETTI ARCHITECTS P.S.	CITY HALL DESIGN	2,678.74
		WARRANT TOTAL	2,678.74

CITY OF SEDRO-WOLLEY
 SORTED TRANSACTION WARRANT REGISTER
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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
60417	CASCADE AMBULANCE SERVIC	RETIRED MEDICAL	PD	45.70
		WARRANT TOTAL		45.70
60418	CASCADE NATURAL GAS CORP.	PUBLIC UTILITIES	CS	431.58
		PUBLIC UTILITIES	FD	1,050.20
		PUBLIC UTILITIES	LIB	109.42
		PUBLIC UTILITIES	PL	257.36
		PUBLIC UTIL - COMM CENTER	PL	110.71
		PUBLIC UTIL - SENIOR CENTER	PL	325.66
		PUBLIC UTIL - FOOD BANK	PL	20.86
		PUBLIC UTIL - HHS	PL	41.40
		PUBLIC UTILITIES	SWR	66.46
		PUBLIC UTILITIES	SAN	287.83
		WARRANT TOTAL		2,701.48
60419	CENTRAL WELDING SUPPLY	OPERATING SUPPLIES	SAN	57.01
		OPERATING SUPPLIES	SAN	16.74
		WARRANT TOTAL		73.75
60420	CENVEO	OFFICE/OPERATING SUPPLIES	PD	127.14
		OFFICE/OPERATING SUPPLIES	PD	126.54
		OFFICE/OPERATING SUPPLIES	PD	126.45
		WARRANT TOTAL		380.13
60421	CINTAS CORPORATION #460	UNIFORMS	FD	67.14
		WARRANT TOTAL		67.14
60422	COASTAL WEAR PRODUCTS	OP. SUPPLIES - ST CLEANING	PL	480.00
		WARRANT TOTAL		480.00
60423	COLLINS OFFICE SUPPLY, INC	SUPPLIES	JUD	45.07
		SUPPLIES	FIN	25.85
		OFFICE/OPERATING SUPPLIES	PD	143.85
		OFFICE/OPERATING SUPPLIES	PD	12.31
		OFF/OPER SUPPS & BOOKS	INSP	56.12
		WARRANT TOTAL		283.20
60424	CONCRETE NOR'WEST, INC.	REPAIRS/MAINT-CAMPGROUND	PL	198.58
		WARRANT TOTAL		198.58
60425	CORRECTIONAL INDUSTRIES	PROFES. SVCS. REIMBURSE	ENG	6.55
		WARRANT TOTAL		6.55
60426	COUNTRYSIDE CHEVROLET	REPAIR & MAINT - AUTO	PD	39.58
		REPAIR & MAINT - AUTO	PD	37.53
		WARRANT TOTAL		77.11
60427	SKAGIT WEEKLY NEWS GROUP	OFFICE SUPPLIES	SWR	67.77
		OFFICE SUPPLIES	SAN	67.77
		WARRANT TOTAL		135.54
60428	CRYSTAL SPRINGS	OPERATING SUPPLIES	CS	42.62

CITY OF SEDRO-WOLLEY
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WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		OPERATING SUPPLIES	FD 10.13-
		OPERATING SUPPLIES	PL 57.34
		OPERATING SUPPLIES	SWR 62.25
		OPERATING SUPPLIES	SAN 65.79
		WARRANT TOTAL	217.87
60429	DAVID EVANS & ASSOC INC	ENGINEERING-SKAGIT LIGHT	AST 3,504.97
		WARRANT TOTAL	3,504.97
60430	DIVERSINT	REPAIR & MAINTENANCE	FIN 49.63
		WARRANT TOTAL	49.63
60431	THE UNITY GROUP	CITY HALL DESIGN	2,471.00
		WARRANT TOTAL	2,471.00
60432	DOUGHER, MELISSA	HEALTH CLUB	PD 210.00
		WARRANT TOTAL	210.00
60433	DW CLOSE COMPANY INC.	MAINTENANCE CONTRACTS	SWR 5,829.84
		WARRANT TOTAL	5,829.84
60434	EASY PICKER GOLF PRODUCTS INC.	EQUIPMENT MAINT - GOLF	PL 352.56
		WARRANT TOTAL	352.56
60435	E & E LUMBER	SUPPLIES & BOOKS	FD 3.23
		OPERATING SUPPLIES	PL 70.02
		OPERATING SUPPLIES	PL 21.88
		OPERATING SUPPLIES	PL 22.67
		OPERATING SUPPLIES	PL 50.79
		OP. SUPPLIES - TRAFFIC	PL 48.44
		SUPPLIES - CAMPGROUND	PL 175.76
		SUPPLIES - CAMPGROUND	PL 78.83
		OP. SUPPLIES - GOLF	PL 47.30
		OP. SUPPLIES - GOLF	PL 15.10
		SMALL TOOL & MINOR EQUIP	PL 11.16
		SMALL TOOL & MINOR EQUIP	PL 15.72
		SMALL TOOL & MINOR EQUIP	PL 15.75
		SAFETY EQUIPMENT	PL 9.72
		SAFETY EQUIPMENT	PL 8.63
		REPAIRS/MAINT-CAMPGROUND	PL 4.74
		REPAIRS/MAINT-HHS	PL 36.17
		REPAIRS/MAINT-HHS	PL 10.56
		MAINTENANCE OF LINES	SWR 2.69
		MAINTENANCE OF BUILDINGS	SWR 417.14
		OPERATING SUPPLIES	SWR 22.97
		OPERATING SUPPLIES	SWR 21.59
		OPERATING SUPPLIES	SWR 13.04
		OPERATING SUPPLIES	SWR 14.04
		BUILDINGS & STRUCTURES	SWR 100.80
		OPERATING SUPPLIES	SAN 21.58
		WARRANT TOTAL	1,260.32

CITY OF SEDRO-WOLLEY
 SORTED TRANSACTION WARRANT REGISTER
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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
60436	ELLIS, MIKE	HEALTH CLUB	FD	255.00
		WARRANT TOTAL		255.00
60437	EDGE ANALYTICAL, INC.	PROFESSIONAL SERVICES	SWR	612.00
		WARRANT TOTAL		612.00
60438	EXPERT SECURITY, LLC	OFFICE/OPERATING SUPPLIES	PD	18.46
		WARRANT TOTAL		18.46
60439	FEDERAL CERTIFIED HEARING	PROFESSIONAL SERVICES	PD	20.00
		WARRANT TOTAL		20.00
60440	FLOYD, WINNIE	OFFICE SUPPLIES	CIV	17.88
		OFFICE/OPERATING SUPPLIES	PD	26.25
		WARRANT TOTAL		44.13
60441	FRONTIER BUILDING SUPPLY	REPAIRS/MAINT-HHS	PL	106.39
		WARRANT TOTAL		106.39
60442	GATEWAY PEST SOLUTIONS	REPAIRS/MAINT-CAMPGROUND	PL	237.60
		WARRANT TOTAL		237.60
60443	GRAINGER PARTS	OPERATING SUPPLIES	SWR	177.08
		WARRANT TOTAL		177.08
60444	GREAT AMERICA LEASING COR	EQUIPMENT LEASES	CS	365.49
		EQUIPMENT LEASES	CS	418.44
		WARRANT TOTAL		783.93
60445	GUARDIAN SECURITY	FIRE/THEFT PROTECTION	FD	26.50
		WARRANT TOTAL		26.50
60446	H & W EMERG VEHICLE SERV	REPAIRS/MAINT-EQUIP	FD	122.47
		WARRANT TOTAL		122.47
60447	HAYDEN, PATRICK	ASSOCIATE'S FEES	JUD	700.00
		WARRANT TOTAL		700.00
60448	HEWLETT PACKARD CO.	COMPUTER NETWORK	CS	92.88
		WARRANT TOTAL		92.88
60449	HOLLAND HEALTH SERV. INC.	RETIRED MEDICAL	PD	84.00
		WARRANT TOTAL		84.00
60450	HONEY BUCKET	OPERATING SUPPLIES	PL	93.76
		OPERATING SUPPLIES	PL	72.70
		WARRANT TOTAL		166.46
60451	HUMANE SOCIETY OF SKAGIT	HUMANE SOCIETY	PD	1,255.00
		HUMANE SOCIETY	PD	710.00
		WARRANT TOTAL		1,965.00

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
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WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
60452	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS LIB	20.59
		BOOKS, PERIOD, RECORDS LIB	2,866.52
		BOOKS, PERIOD, RECORDS LIB	505.97
		BOOKS, PERIOD, RECORDS LIB	6.38
		BOOKS, PERIOD, RECORDS LIB	8.16
		BOOKS, PERIOD, RECORDS LIB	87.01
		BOOKS, PERIOD, RECORDS LIB	184.76
		BOOKS, PERIOD, RECORDS LIB	44.36
		BOOKS, PERIOD, RECORDS LIB	7.66
		BOOKS, PERIOD, RECORDS LIB	20.20
		BOOKS, PERIOD, RECORDS LIB	20.20
		BOOKS, PERIOD, RECORDS LIB	21.25
		BOOKS, PERIOD, RECORDS LIB	13.10
		BOOKS, PERIOD, RECORDS LIB	23.13
		BOOKS, PERIOD, RECORDS LIB	47.00
		BOOKS, PERIOD, RECORDS LIB	91.49
		BOOKS, PERIOD, RECORDS LIB	47.97
BOOKS, PERIOD, RECORDS LIB	147.91		
	WARRANT TOTAL	4,163.66	
60453	ISOMEDIA.COM	TELEPHONE FIN	8.74
		TELEPHONE FIN	8.74
		TELEPHONE PLN	8.73
		TELEPHONE ENG	8.74
		TELEPHONE LIB	39.95
		WARRANT TOTAL	74.90
60454	KESSELRING'S	AMMUNITION PD	378.86
		WARRANT TOTAL	378.86
60455	L N CURTIS & SONS	OPERATING SUPPLIES FD	65.84
		WARRANT TOTAL	65.84
60456	LABCORP	PROFESSIONAL SERVICES LGL	51.50
		PROFESSIONAL SERVICES PL	206.00
		PROFESSIONAL SERVICES SWR	51.50
		WARRANT TOTAL	309.00
60457	LANGUAGE EXCH. INC. (THE)	LANGUAGE INTERPRETER JUD	639.25
		WARRANT TOTAL	639.25
60458	LIBRARY STORE, INC.,	SUPPLIES LIB	279.40
		WARRANT TOTAL	279.40
60459	LOGGERS AND CONTRACTORS	REPAIRS/MAINT - EQUIP PL	21.60
		WARRANT TOTAL	21.60
60460	LIFE SAFETY CORPORATION	SMALL TOOLS & MINOR EQUIP FD	270.00
		WARRANT TOTAL	270.00
60461	LYNN PEAVEY COMPANY	OFFICE/OPERATING SUPPLIES PD	83.70
		WARRANT TOTAL	83.70

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
60462	LUDTKE PACIFIC TRUCKING	REPAIRS/MAINT-EQUIP	FD	2,372.34
		WARRANT TOTAL		2,372.34
60463	MCCANN, WILLIAM R.	INDIGENT DEFEND CONTR	JUD	2,557.50
		WARRANT TOTAL		2,557.50
60464	MCILRATH, DAN	HEALTH CLUB	PD	77.64
		WARRANT TOTAL		77.64
60465	MILL CREEK MGMT TECH INC	ENGINEERING - SR20 LINE	PWT	712.20
		WARRANT TOTAL		712.20
60466	MORRIGAN CONSULTING	TUITION/REGISTRATION	PD	450.00
		WARRANT TOTAL		450.00
60467	MOTOR TRUCKS, INC.	REPAIRS/MAINT-EQUIP	SAN	773.34
		WARRANT TOTAL		773.34
60468	MUNICIPAL EMERGENCY SVC	SMALL TOOLS & MINOR EQUIP	PD	3,337.48
		WARRANT TOTAL		3,337.48
60469	MT. VERNON FRAME & AXLE	REPAIRS/MAINT-EQUIP	SAN	3,003.32
		WARRANT TOTAL		3,003.32
60470	NAUTILUS ENVIRONMENTAL	PROFESSIONAL SERVICES	SWR	2,400.00
		WARRANT TOTAL		2,400.00
60471	NORTH CASCADE FORD	REPAIR & MAINT - AUTO	PD	841.84
		REPAIR & MAINT - AUTO	PD	1,122.27
		WARRANT TOTAL		1,964.11
60472	OFFICE DEPOT	SUPPLIES	FIN	26.41
		SUPPLIES	FIN	26.41
		OFFICE/OPERATING SUPPLIES	PD	98.65
		SUPPLIES	LIB	307.59
		OFFICE SUPPLIES	SWR	222.49
		PORTABLE EQUIPMENT	SWR	451.18
		WARRANT TOTAL		1,079.91
60473	OFFICE SYSTEMS	REPAIR/MAINTENANCE	JUD	129.60
		WARRANT TOTAL		129.60
60474	OLIVER-HAMMER CLOTHES	CLOTHING	PL	43.18
		SAFETY EQUIPMENT	PL	73.42
		SAFETY EQUIPMENT	PL	78.82
		SAFETY EQUIPMENT	PL	78.82
		WARRANT TOTAL		274.24
60475	OVERALL LAUNDRY SERV INC	LAUNDRY	CS	27.19
		MISC-TUITION/REGISTRATION	PL	17.34
		MISC-LAUNDRY	PL	19.60
		MISC-LAUNDRY	PL	49.04

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		MISC-LAUNDRY	PL	21.24
		LAUNDRY	SWR	19.40
		LAUNDRY	SWR	26.96
		WARRANT TOTAL		180.77
60476	OVERHEAD DOOR COMPANY	MAINT OF GENERAL EQUIP	SWR	911.52
		WARRANT TOTAL		911.52
60477	PAT RIMMER TIRE CTR, INC	REPAIRS/MAINT - EQUIP	PL	124.20
		WARRANT TOTAL		124.20
60478	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES	CS	44.35
		PUBLIC UTILITIES	CS	31.10
		PUB UTILITIES-MALL	CS	36.20
		PUBLIC UTILITIES	FD	161.35
		PUBLIC UTILITIES	LIB	20.75
		PUBLIC UTILITIES	PL	589.15
		PUBLIC UTIL - CAMPGROUND	PL	174.90
		PUBLIC UTIL - HHS	PL	179.50
		PUBLIC UTILITIES	SWR	169.15
		PUBLIC UTILITIES	SAN	33.75
		WARRANT TOTAL		1,440.20
60479	PUBLIC SAFETY TESTING	PROFESSIONAL SERVICES	CIV	224.00
		WARRANT TOTAL		224.00
60480	PUGET SOUND ENERGY	PUBLIC UTIL - STREETLIGHTS	PL	6,623.17
		WARRANT TOTAL		6,623.17
60481	R & D SUPPLY, INC.	MAINTENANCE OF LINES	SWR	966.46
		WARRANT TOTAL		966.46
60482	RAMBOW, HEATHER	PROFESSIONAL SERVICES	SAN	105.00
		WARRANT TOTAL		105.00
60483	RAZZZTECH	PROFESSIONAL SERVICES	PL	425.00
		WARRANT TOTAL		425.00
60484	REICHHARDT & EBE ENG, INC	ENGINEERING - METCALF LINE	PWT	262.99
		ENGINEERING-TOWNSHIP LINE	PWT	262.99
		WARRANT TOTAL		525.98
60485	RINKER MATERIALS	REPAIRS/MAINT-STREETS	PL	59.94
		REPAIRS/MAINT-STREETS	PL	324.28
		WARRANT TOTAL		384.22
60486	SANDERSON SAFETY SUPPLY	REPAIRS/MAINT-EQUIP	FD	245.75
		WARRANT TOTAL		245.75
60487	SEABURY, DEBRA L.	PROFESSIONAL SERVICES	FD	2,500.00
		WARRANT TOTAL		2,500.00

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
60488	SEAWESTERN FIRE FIGHTING EQUIP.	REPAIRS/MAINT-EQUIP	FD	261.36
		REPAIRS/MAINT-EQUIP	FD	479.16
		WARRANT TOTAL		740.52
60489	THE SEATTLE TIMES	BOOKS, PERIOD, RECORDS	LIB	84.48
		WARRANT TOTAL		84.48
60490	SEDRO-WOLLEY AUTO PARTS	OPERATING SUPPLIES	PL	144.63
		OPERATING SUPPLIES	PL	54.06
		OPERATING SUPPLIES	PL	93.88
		REPAIRS/MAINT - EQUIP	PL	12.94
		OPERATING SUPPLIES	SWR	42.12
		REPAIRS/MAINT-EQUIP	SAN	35.81
		WARRANT TOTAL		383.44
60491	SEDRO-WOLLEY MUSEUM	S-W MUSEUM	HOT	250.00
		WARRANT TOTAL		250.00
60492	SEDRO-WOLLEY SCHOOL DIST	SCHOOL GMA IMPACT FEES		10,050.00
		WARRANT TOTAL		10,050.00
60493	SIGNMAKERS	OPERATING TRANSFER OUT-103		387.72
		WARRANT TOTAL		387.72
60494	SK. CO. COM ACTION AGENCY	SK. COMM ACTION PUBL HLTH	HLT	431.92
		WARRANT TOTAL		431.92
60495	SKAGIT CO. PUBLIC WORKS	SKAGIT CO SOLID WASTE	SWR	2,145.40
		WARRANT TOTAL		2,145.40
60496	SKAGIT COUNTY SHERIFF	PRISONERS	PD	161.42
		WARRANT TOTAL		161.42
60497	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES	PL	56.13
		PROPANE	PL	13.01
		PROPANE	PL	5.92
		WARRANT TOTAL		75.06
60498	SKAGIT DOMESTIC VIOLENCE	PROFESSIONAL SERVICES	JUD	400.00
		WARRANT TOTAL		400.00
60499	SKAGIT VALLEY PUBLISHING	LEGAL PUBLICATIONS	LGS	19.95
		LEGAL PUBLICATIONS	LGS	31.35
		LEGAL PUBLICATIONS	LGS	31.35
		LEGAL PUBLICATIONS	LGS	37.05
		ADVERTISING	FIN	57.80
		ADVERTISING/LEGAL PUBLIC	PLN	102.60
		ADVERTISING/LEGAL PUBLIC	PLN	159.90
		ADVERTISING/LEGAL PUBLIC	PLN	148.20
		WARRANT TOTAL		588.20
60500	SOLUTIONS SAFETY SVC INC	OPERATING SUPPLIES	FD	98.01

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		98.01
60501	SPRINT	TELEPHONE	FD	262.15
		WARRANT TOTAL		262.15
60502	STATE STREET DELI	OFFICE SUPPLIES	CIV	294.67
		WARRANT TOTAL		294.67
60503	STILES & STILES	MUNICIPAL COURT JUDGE	JUD	2,728.00
		WARRANT TOTAL		2,728.00
60504	SUBURBAN PROPANE, L.P.	PROPANE	PL	335.02
		WARRANT TOTAL		335.02
60505	SUNRISE CAR WASH	OPERATING SUPPLIES	SAN	400.00
		WARRANT TOTAL		400.00
60506	MYERS, RICHARD ROBERT	BUILDINGS & STRUCTURES	SWR	216.00
		WARRANT TOTAL		216.00
60507	TALLY GENICOM LP	SUPPLIES	FIN	349.92
		WARRANT TOTAL		349.92
60508	THUNDERBIRD LUBRICATIONS	VEHICLE FUEL / DIESEL		415.42
		WARRANT TOTAL		415.42
60509	TRAIL ROAD EXPRESS LUBE	REPAIRS/MAINT - EQUIP	PL	25.87
		WARRANT TOTAL		25.87
60510	TRUE VALUE	OPERATING SUPPLIES	FD	8.63
		OPERATING SUPPLIES	FD	3.76
		OPERATING SUPPLIES	FD	39.38
		OPERATING SUPPLIES	PL	9.66
		OPERATING SUPPLIES	PL	36.56
		SUPPLIES - CAMPGROUND	PL	59.78
		SUPPLIES - CAMPGROUND	PL	19.46
		SUPPLIES - CAMPGROUND	PL	32.38
		OP. SUPPLIES - GOLF	PL	23.24
		OP. SUPPLIES - GOLF	PL	25.36
		OP. SUPPLIES - GOLF	PL	95.00
		SAFETY EQUIPMENT	PL	10.80
		REPAIRS/MAINT-CAMPGROUND	PL	18.72
		REPAIRS/MAINT-CAMPGROUND	PL	32.38
		REPAIRS/MAINT-HHS	PL	4.18
		OPERATING SUPPLIES	SWR	2.38
		OPERATING SUPPLIES	SWR	18.35
		OPERATING SUPPLIES	SWR	5.38
		OPERATING SUPPLIES	SWR	6.47
		OPERATING SUPPLIES	SWR	8.22
		SMALL TOOLS & MINOR EQUIP	SWR	79.89
		WARRANT TOTAL		539.98

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
60511	UTIL UNDERGROUND LOC CTR	OPERATING SUPPLIES	SWR	60.00
		WARRANT TOTAL		60.00
60512	VALLEY AUTO SUPPLY	MAINTENANCE OF VEHICLES	SWR	94.83
		MAINTENANCE OF VEHICLES	SWR	18.09
		OPERATING SUPPLIES	SWR	57.22
		OPERATING SUPPLIES	SWR	8.20
		REPAIRS/MAINT-EQUIP	SAN	110.47
		OPERATING SUPPLIES	SAN	15.63
		WARRANT TOTAL		304.44
60513	VALLEY BARK & TOPSOIL	OPERATING SUPPLIES	PL	23.40
		OPERATING SUPPLIES	SWR	233.92
		WARRANT TOTAL		257.32
60514	VERIZON NORTHWEST	TELEPHONE	JUD	190.23
		TELEPHONE	FIN	55.18
		TELEPHONE	FIN	475.56
		TELEPHONE	PLN	95.12
		TELEPHONE	ENG	95.12
		TELEPHONE	PD	233.81
		TELEPHONE	PD	917.37
		TELEPHONE	INSP	95.12
		TELEPHONE	SWR	47.91
		TELEPHONE	SWR	42.96
		WARRANT TOTAL		2,248.38
60515	VISTEN, LESLIE	RETIRED MEDICAL	PD	140.00
		WARRANT TOTAL		140.00
60516	WA CITY PLANN DIRECTORS	MISC-TUITION/REGISTRATION	PLN	50.00
		WARRANT TOTAL		50.00
60517	WA STATE DEPT. OF L & I	REPAIR & MAINTENANCE	CS	56.70
		WARRANT TOTAL		56.70
60518	WA STATE DEPT OF REVENUE	MISC-SUMMER READ PROGRAM	LIB	3.51
		TAXES AND ASSESSMENTS	LIB	6.88
		BOOKS, PERIOD, RECORDS	LIB	49.67
		OP. SUPPLIES - TRAFFIC	PL	22.85
		SMALL TOOL & MINOR EQUIP	PL	7.19
		SAFETY EQUIPMENT	PL	32.35
		TAXES & ASSESSMENTS	PL	183.47
		TAXES & ASSESSMENTS	PL	96.13
		TAXES AND ASSESSMENTS	SWR	3,926.61
		OPERATING SUPPLIES	SAN	16.92
		TAXES & ASSESSMENTS	SAN	5,101.89
		WARRANT TOTAL		9,447.47
60519	WASHINGTON STATE PATROL	INTERGOV SVC-GUN PERMITS	PD	168.00
		PROFESSIONAL SERVICES	PL	40.00
		PROFESSIONAL SERVICES	SWR	10.00

CITY OF SEDRO-WOOLLEY
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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		218.00
60520	WIRELESS CONNECTIONS, LLC	PORTABLE EQUIPMENT	SWR	1,485.00
		WARRANT TOTAL		1,485.00
60521	WOOD'S LOGGING SUPPLY INC	POSTAGE	PD	7.46
		POSTAGE	FD	5.91
		REPAIRS/MAINT - EQUIP	PL	52.70
		WARRANT TOTAL		66.07
60522	WORLDWATCH MAGAZINE	BOOKS, PERIOD, RECORDS	LIB	135.00
		WARRANT TOTAL		135.00
		RUN TOTAL		602,063.41

CITY OF SEDRO-WOLLEY
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FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	74,515.66
104	ARTERIAL STREET FUND	3,504.97
105	LIBRARY FUND	5,269.31
108	STADIUM FUND	250.00
110	PUBLIC LANDS 110	17,791.75
230	1996 G/O BOND REDEMPTION FUND	36,037.50
302	RES FOR CURR EXP CAP OUT FUND	5,537.46
332	PWTF SEWER CONSTRUCTION FUND	1,238.18
401	SEWER FUND	28,887.27
407	1998 SEWER REVENUE BOND FUND	407,996.25
412	SOLID WASTE FUND	10,985.06
621	SUSPENSE FUND	10,050.00
TOTAL		602,063.41

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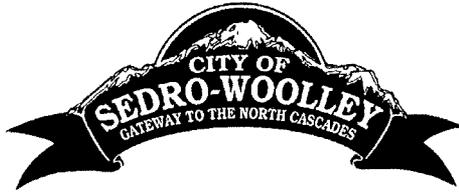
DEPARTMENT	AMOUNT
001 000 011	119.70
001 000 012	9,889.65
001 000 014	1,031.42
001 000 015	51.50
001 000 016	664.42
001 000 018	1,546.55
001 000 019	619.45
001 000 020	110.41
001 000 021	18,244.23
001 000 022	41,581.64
001 000 024	224.77
001 000 062	431.92
FUND CURRENT EXPENSE FUND	74,515.66
104 000 042	3,504.97
FUND ARTERIAL STREET FUND	3,504.97
105 000 072	5,269.31
FUND LIBRARY FUND	5,269.31
108 000 019	250.00
FUND STADIUM FUND	250.00
110 000 042	17,791.75
FUND PUBLIC LANDS	17,791.75
	110
230 000 082	36,037.50
FUND 1996 G/O BOND REDEMPTION FUND	36,037.50
302 000 000	5,537.46
FUND RES FOR CURR EXP CAP OUT FUND	5,537.46
332 000 082	1,238.18
FUND PWTF SEWER CONSTRUCTION FUND	1,238.18
401 000 035	28,887.27
FUND SEWER FUND	28,887.27
407 000 082	407,996.25
FUND 1998 SEWER REVENUE BOND FUND	407,996.25
412 000 037	10,985.06
FUND SOLID WASTE FUND	10,985.06
621 000 000	10,050.00
FUND SUSPENSE FUND	10,050.00
TOTAL	602,063.41

I HEREBY CERTIFY THAT THE GOODS/SERVICES CHARGED ON THE VOUCHERS LISTED ABOVE HAVE, TO THE BEST OF MY KNOWLEDGE, BEEN FURNISHED. I FURTHER CERTIFY THE CLAIMS ABOVE TO BE VALID AND CORRECT.

CLERK-TREASURER

DATE

WE, THE UNDERSIGNED FINANCE COMMITTEE MEMBERS OF SEDRO-WOOLLEY, WASHINGTON, DO HEREBY CERTIFY THAT THE GOODS/SERVICES SPECIFIED ABOVE HAVE, TO THE BEST OF OUR KNOWLEDGE, BEEN RECEIVED. THE WARRANT NUMBERS _____ THRU _____ ARE APPROVED FOR PAYMENT IN THE TOTAL AMOUNT OF \$_____.
VOIDED WARRANT NUMBERS _____ THRU _____.
DATED THIS _____ DAY OF _____, 2007.



**CITY COUNCIL AGENDA
REGULAR MEETING**

MAY 23 2007

**7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 30**

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
RE: Proposed Resolution 742-07 declaring certain items surplus
DATE: May 23, 2007

ISSUE: Should the Council approve the attached resolution declaring a number of vehicles and items of personal property and authorizing the Mayor to sell/dispose of them?

BACKGROUND: All items on this list are no longer needed by the City and have been replaced as required.

RECOMMENDATION: Motion to approve Resolution 742-07.

RESOLUTION NO. 742-07

A RESOLUTION OF THE CITY OF SEDRO-WOOLLEY DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING ITS DISPOSITION

WHEREAS, the City has purchased the property and/or equipment identified herein; and

WHEREAS, the property and/or equipment identified is surplus to the needs of the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY AS FOLLOWS:

Section 1. The City Council does hereby declare the following to be surplus:

VEHICLES:

<u>VIN</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Mileage</u>
1facp52u3mg176811	1991	Ford	Taurus	96991
TW 4960	1973	Ford	F600	87687
P365SN119661	1965	Chev	Van	25632

OTHER:

<u>City ID No.</u>	<u>Description</u>	<u>Serial No. (if any)</u>	<u>Department</u>
746	Planer	n/a	Parks
740	Table Saw	n/a	unknown
748	Drill Press	n/a	unknown
1039	Steam Cleaner	n/a	Solid Waste
1074	Sand Blaster	4Z676 (Speed Aire)	Sewer
1091	Lab Chair	n/a	Sewer
01040	Smoke Blower	4137B (Tecumsett)	Sewer
00904	Compactor	Mod. V9092	Sewer

Section 2. The Mayor is directed to sell the surplus property for the best available price in any manner he determines to be in the best interest of the City and execute any necessary paperwork to effectuate the transfer.

PASSED by majority vote of the members of the Sedro-Woolley City Council
this 23rd day of May, 2007

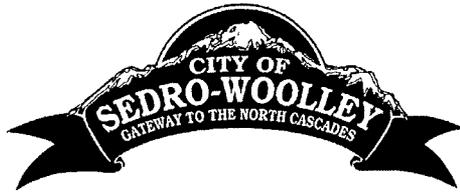
Mike Anderson, Mayor

Attest:

Patsy Nelson, Clerk/Treasurer

Approved as to form:

Eron Berg, City Attorney



CITY OF SEDRO-WOOLLEY
CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 32

Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
RE: Professional Services Contract for Planning Consultant
DATE: May 23, 2007

AGENDA: Recommend this be placed as a consent agenda item.

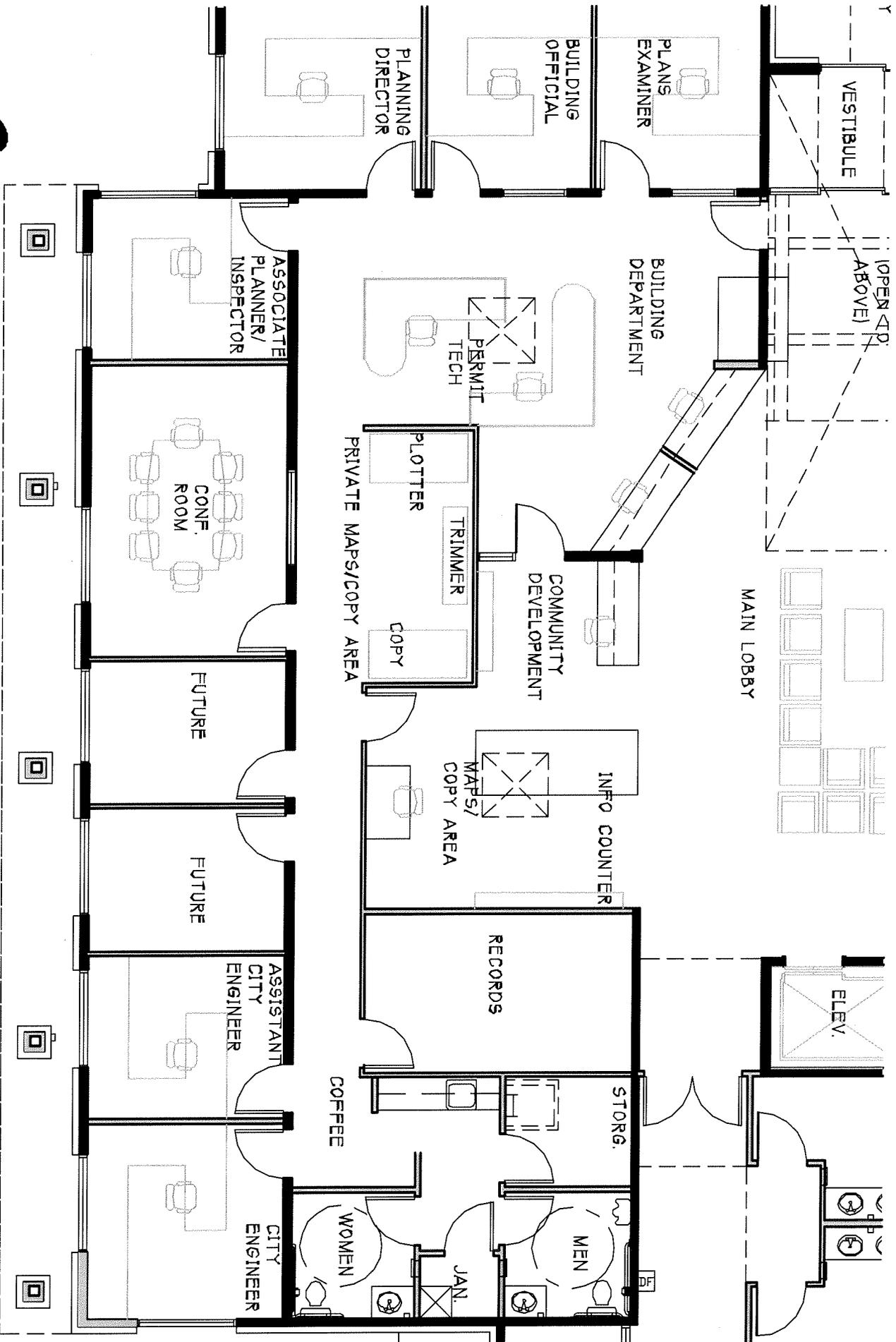
ISSUE: Should the Council approve the attached professional services agreement?

BACKGROUND: We are working to improve the Building, Planning and Engineering departments to provide better customer service to the community. One of our first changes is a revision to the BP & E department space to make the space more customer friendly; a copy of the draft revision is attached for your review.

The bulk of Mr. Hanson's work will be reviewing our code and assisting with code revisions, building permit application procedures that are easier to complete and working with the departments to make our process function better and faster. He has prior experience with this type of work in a number of places, including Renton and Oak Harbor.

This contract is an hourly consulting agreement with his hourly rate set at \$90.00 per hour. The funds are in the budget for consulting and this project is critical to the City as we move to make our BP & E departments more responsive to the community.

RECOMMENDATION: Motion to approve the professional services agreement with Jim Hanson to conduct consulting work for the City at an hourly rate of \$90.00.



CAULETTI ARCHITECTS P.S.
Architecture & Planning

116 E. Fir Street
 Suite A
 Mount Vernon, WA 98273
 Phone: (360) 424-0394
 Fax: (360) 424-5726

FLOOR REVISION

1/8"=1'-0"



PROFESSIONAL SERVICES AGREEMENT

This Agreement made and entered into this _____ day of _____, 2007 by and between the **City of Sedro-Woolley**, a municipal corporation under the laws of the State of Washington, hereinafter referred to as "City" and **Jim Hanson**, hereinafter referred to as the "Consultant".

WHEREAS, the City desires to engage the Consultant to perform certain duties relating to planning, and

WHEREAS, the Consultant has agreed to offer its professional services to perform said work, and

WHEREAS, the Consultant has represented and by entering into this Agreement now represents that it is fully qualified to perform the work to which it will be assigned in a competent and professional manner, to the standards required by City,

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

The City hereby agrees to engage the Consultant and the Consultant hereby agrees to perform, in a satisfactory and proper manner, as determined by City, the services hereafter set forth in connection with this Agreement:

1. Scope of Services.

The Consultant agrees to perform in a satisfactory and proper manner, as determined by the City, services as planning consultant that are requested by the City of Sedro-Woolley from time to time. These services shall include review process and procedures for building, planning and engineering as requested by the City.

2. Relationship of Parties.

The Consultant, its subcontractors, agents and employees are independent contractors performing professional services for City and are not employees of City. The Consultant, its subcontractors, agents and employees, shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees. The Consultant, subcontractors, agents and employees shall not have the authority to bind City any way except as may be specifically provided herein.

The Consultant represents that it is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the contract of services, and that it maintains a principal place of business other than City's office that is eligible for a business deduction under IRS regulations, and that on the effective date of this agreement it assumes responsibility for filing, at the next applicable filing period, a schedule of expenses with the IRS for the services subject to this agreement, it has established all required tax accounts with state government agencies, has a Washington State Uniform Business Identifier number, and is maintaining a separate set of books and records reflecting all expenses and income items of its business.

3. Time of Performance.

The service of the Consultant is to commence

on or before _____

as soon as practicable after the execution of this Agreement shall be undertaken so as to ensure its expeditious completion in light of the purpose of this Agreement

4. Compensation and Schedule of Payments.

City shall pay the Consultant \$90.00 per hour.

The Consultant shall be paid monthly on the basis of invoices for compensation earned by the Consultant during the billing period, as agreed by the parties. Payment shall be made within ten (10) days after approval of the voucher by the City council.

5. Ownership of Records and Documents.

The written, graphic, mapped, photographic or visual documents prepared by the Consultant under the scope of work of this Agreement are instruments of the Consultant's services for use by the City with respect to this project and, unless otherwise provided, shall be deemed the property of the City. The City shall be permitted to retain these documents, including reproducible camera-ready originals of reports, reproduction quality mylars of maps, duplicates of 35 mm slides, and copies in the form of computer files, for the City's use. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, drawings, images or other material prepared under this Agreement. Provided, the Consultant shall have no liability for the use of the Consultant's work product outside of the scope of its intended purpose.

6. Termination.

A. This agreement may be terminated by either party for reasonable cause, upon written notice to the other party. Reasonable cause shall include:

- a) material violation of this agreement.
- b) failure to maintain professional standards in the performance of services related to this agreement.

B. This agreement may be terminated by the City without cause upon thirty (30) days notice.

C. Termination of this agreement shall not relieve either party of their obligations under this agreement which accrue prior to the date of termination, or which, by their nature, are intended to survive completed performance of the scope of work, including the obligation of the City to pay for competent services performed prior to the date of termination.

7. Evaluation and Compliance with the Law.

The Consultant agrees to comply with all relevant, federal, state and municipal laws, rules and regulations, including laws governing equal employment opportunity, and prevailing or area standard wage laws, if applicable.

8. City Business and Occupation License.

Prior to performing work under this Agreement, Consultant shall secure a City of Sedro-Woolley Business and Occupation License.

9. Liability and Hold Harmless.

Each party shall indemnify, save and hold harmless the other party of any claim, damages, losses, liability or expense cause by or resulting from their negligence related to the performance of this contract.

The Consultant shall provide proof to the City that it is insured under a general liability insurance policy covering the work within the scope of this agreement, in such form and amounts as are acceptable to the City.

For purposes of this agreement the Consultant waives immunity under RCW Title 51, the State Industrial Insurance Act for any claim brought by the City.

10. Employment Security. The Consultant shall comply with all employment security laws of the State of Washington, and shall timely make all required payments in connection therewith.

11. Amendments.

This Agreement shall not be altered, changed, or amended except by an instrument in writing executed by the parties hereto. Any changes in the scope of work or compensation shall be mutually agreed upon between the City and the Consultant and shall be incorporated in written amendments to this Agreement.

12. Scope of Agreement.

This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written agreement. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Agreement or written amendment hereto.

13. Ratification.

Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

14. Assignability. This agreement is not assignable by either party, without written consent of the other party.

15. Notices. Any notice given in connection with this agreement shall be given in writing and shall be delivered either by hand to the party or by certified mail, return receipt requested, to the party at the party's address stated herein. Any party may change its address stated herein by giving notice of the change in accordance with this paragraph.

16. Choice of Law/Venue. Any dispute under this agreement or related to this agreement shall be decided in accordance with the laws of the State of Washington. Venue for any court proceeding arising under or related to this agreement shall be in Skagit County Superior Court.

17. Non-exclusive Agreement. This agreement shall not prevent the City of Sedro-Woolley from entering into a contract with another person or firm for similar services.

DATED this _____ day of _____, 2007.

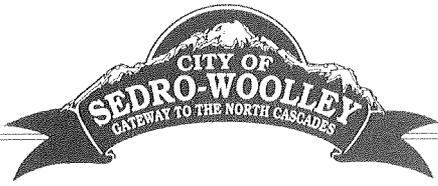
CITY OF SEDRO-WOOLLEY
A Washington municipal corporation

By: _____
Mayor

Attest:

City Clerk

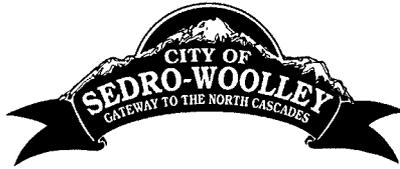
By: _____
Jim Hanson



SUBJECT: PUBLIC COMMENT

Name :
Address :
Narrative :

APPEALS



Building, Planning and Engineering Dept.
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: Mayor Anderson and City Council

From: Jack Moore, *JM*
Planning Director & Building Official

Date: May 15, 2007

Subject: Closed Record Hearing for appeal of Planning Commission denial of Zoning Variance #06-ZV-5 and final decision

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 6

ISSUE

Should the Council uphold the Planning Commission's decision for denial of the zoning variance?

CLOSED RECORD APPEAL PROCESS

The City Council is the body responsible for conducting closed record hearings on appeals filed on Planning Commission decisions. At closed record hearing, the decision is based on the testimony from the Planning Commission public hearing and any written evidence submitted on the record. The City Council may take testimony from parties who were on the record at the Planning Commission meeting but may not take testimony from any individual who was not previously on record at the Planning Commission meeting. Additional evidence may not be entered at the City Council hearing.

Following the closed record hearing, the City Council should make a motion to either:

- a) affirm the Planning Commission decision;
- b) modify the Planning Commission decision;
- c) reverse the Planning Commission and approve the variance request; or
- d) remand decision back to the Planning Commission for additional information.

PROJECT DESCRIPTION / HISTORY

Scott Wammack, representing Grandview North LLC, applied for a Zoning Variance to allow an increase in zoning density to construct 4 units (17.3/acre) where current code allows 3 units (15/acre) on parcel P76943. The Sedro-Woolley Planning Commission denied the Zoning Variance request on March 22, 2007. Mr. Wammack's appeal of the Planning Commission decision was received by the Planning Department on April 26, 2007. The hearing was originally to be heard by the City Council on May 9, 2007, but the applicant asked for additional time to prepare for the hearing and staff agreed to postpone the hearing until today, May 23, 2007.

RECOMMENDED ACTION

Staff requests that the City Council conduct a closed record hearing on the appeal of 06-ZV-5 (Zoning Variance request). Staff then requests that the City Council **make a motion to uphold the Planning Commission decision to deny the Zoning Variance request under file #06-ZV-5 to allow an increase in zoning density to construct 4 units where current code only allows 3 units.**

CITY OF SEDRO-WOOLLEY
VARIANCE APPLICATION

NAME: Scott Wammack c/o Grandview Homes

Address: P.O. Box 159 Arlington, WA 98233-0159

Address of property (if different): 730 Trail Road Sedro-Woolley

Phone: (360) 435-7171 Fax: (360) 435-2265 e-mail: gv@grandviewinc.net

Assessors Property Number (P-number): 76943

Legal Description (Attach separate sheet if needed, or submit electronically)

Lot 1 of Sedro-Woolley Short Plat # SW-02-452, under AF# 20028210072

Zoning Classification: R-15

What requirements are you requesting a variance from, and what do you wish to build?

This action requests a variance to SWMC Section 17.16.040 for an increase in residential density as compared to code. This proposal is to have four living units, within one building, on a parcel of land containing 0.23 acres. This results in a gross density slightly greater than the underlying allowed maximum density of 15 dwelling units per acre. The proposed density equates to 17.3 dwelling units per acre. Administrative processing and approval of this variance is requested, per SWMC 17.60.010, because this project is not requesting any other land-use applications that would require a hearing body.

Please submit written responses to the following four items.

At the hearing on your variance application, please be prepared to state your case regarding each of these items. The applicant bears the burden of proving that the application should be granted.

- Also needs variance for party or reuse

The Planning Commission can grant variances only upon finding that the following criteria are met:

1. No detriment will result to neighbors or the public in general:

This proposed multi-family four plex on 0.23 acres is located along the west side of Trail Road, approximately 750 feet north of Highway 20, which is approximately midway between Cook Road to the north and Highway 20 to the south. Trail Road was improved by the City of Sedro-Woolley a couple years ago, and contains sufficient capacity of all utilities necessary to support this residential development. Trail Road has been improved to a 36-foot-width with curb, gutter, and sidewalks along both sides.

Storm water runoff will be treated and managed onsite per the 1992 Department of Ecology's Puget Sound Drainage Manual, and then be discharged into an existing storm

drainage pipe system within Trail Road. The Sedro-Woolley Engineering Department has authorized discharge into the drainage system within Trail Road. ✓

There exists a public sanitary sewer system in Trail Road, owned and operated by the City of Sedro-Woolley, which is sufficiently sized to receive and convey effluent from this project.

There exists a public waterline system in Trail Road, owned and operated by PUD, which is sufficient to provide domestic water service and fire protection to the project. PUD has acknowledged sufficient capacity within their water system to serve this residential project.

There are also existing power, telephone, tv cable, and natural gas utilities within Trail Road that are sufficient to serve this residential project.

The adjoining uses north, east, west, and south are all residential, zoned R-15.

This proposal to have four living units within one building conforms to the Use Restrictions contained in SWMC 17.16.010, establishing a maximum of eight residential units per building.

The proposed building will be two-story with a height of approximately 30 feet, and is situated on the parcel in conformance with all Bulk Restriction requirements set forth in SWMC 17.16.020.

Onsite parking will be provided with four garage stalls and six exterior stalls. This provides one stall in excess of that required by SWMC 17.16.050. —NO

Development of the subject property to accommodate a four-plex residential unit will not negatively impact the existing roadway and utility infrastructure available. The proposed residential use is consistent with the underlying zoning and with the surrounding conditions, which are also zoned R-15 to the south, north, east, and west. This proposal for a four-plex residential building will not generate a level of noise nor traffic that is incompatible with the surrounding use activities. Uses associated with this four-plex, such as parking, will not take away any uses currently available to other adjacent properties.

2. Special circumstances exist here which are not common to other similarly restricted properties. These circumstances may include:

- physical features of the subject property,
- nature of surrounding improvements and uses, or
- proposed design elements that will meet the same purpose as the regulation from which relief is requested.

The special circumstance(s) shall be specified in the findings.

The proposal herein is for a four-unit, two-story, Victorian-style, multi-family residence on a parcel containing 0.23 acres. This proposal is intended to balance the requested increase in density with special site layout and architectural features specifically designed for the

public exposure of this site and the individual residential backyards and use areas around the residence. Special attention has been given to assure that more special improvements are included within the overall site design than as required by the City's Design Standards and Guidelines.

3. The special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of this title.

The underlying zoning is R-15, with intent to maintain the appearance of conventional neighborhoods in scale and orientation, but to also allow the creation of larger-scale buildings. SWMC 17.16.005 identifies that no new areas of R-15 shall be designated.

The variance request herein is to accommodate one additional living unit other than what would otherwise be permissible based upon the underlying zoning density. No other requests are being made for special consideration. This proposal is intended to create a unique residential setting for the proposed four-plex residence. The cumulative effect of having four living units within the two-story, Victorian-style building, versus three, will likely not be noticeable. The increase in demand upon the roadway and utility infrastructure is negligible, and will not cause a condition that would otherwise lessen the degree of service to adjoining properties.

The uses and activities associated with this four-plex residential structure are specifically consistent with the intent and regulations of the R-15 zone.

4. How will granting this variance help achieve the intent and purpose of the Comprehensive Plan?

This proposal supports the application of the City's Design Standards and Guidelines adopted November 2005 by incorporating unique landscape features. These consist of board fences to establish individual private back yards for each living unit, trellis structures incorporated with landscaping for each living unit, designated walking paths from the street to the entry of all units, mounded landscape areas along the street frontage to establish a low-profile visual segregation between the residential area and Trail Road, and an elaborate Victorian-style architecture for the residential structure.

Landscape improvements proposed between the building and right of way, to assist in screening and segregation, comprise more plants and trees than the requirement of one tree per each five parking stalls. As proposed, the landscape fronting the site provides approximately 7 trees and 20 to 30 shrubs, together with ground-cover plantings.

Exterior accent lighting will be provided, mounted on the building, positioned to cast upon pedestrian pathways and vehicle access locations. All lighting will be shielded to prevent significant cast upon adjoining properties, with lesser candle-power and more lights than having a few lights that are extremely bright.

The architectural Victorian-style of the residence contains many different shapes and slopes, with columns at the porch of each entrance, varied exterior wall surfaces, and changes in roof-height.

Although this variance request simply proposes one additional living unit onsite, it provides an excellent example of incorporating more of the City's Design Standards into an individual development as mitigation to the request of increased density. This is important in establishing a standard of higher residential density while achieving a unique style of residential atmosphere.

Please attach:

- A completed Site Plan and all documents listed on the Site Plan form
- Mailing procedures form with labels and map.
- Fee as per current fee schedule
- Evidence of Water Availability
- Evidence of Sewer Availability
- All materials required from pre-app meeting

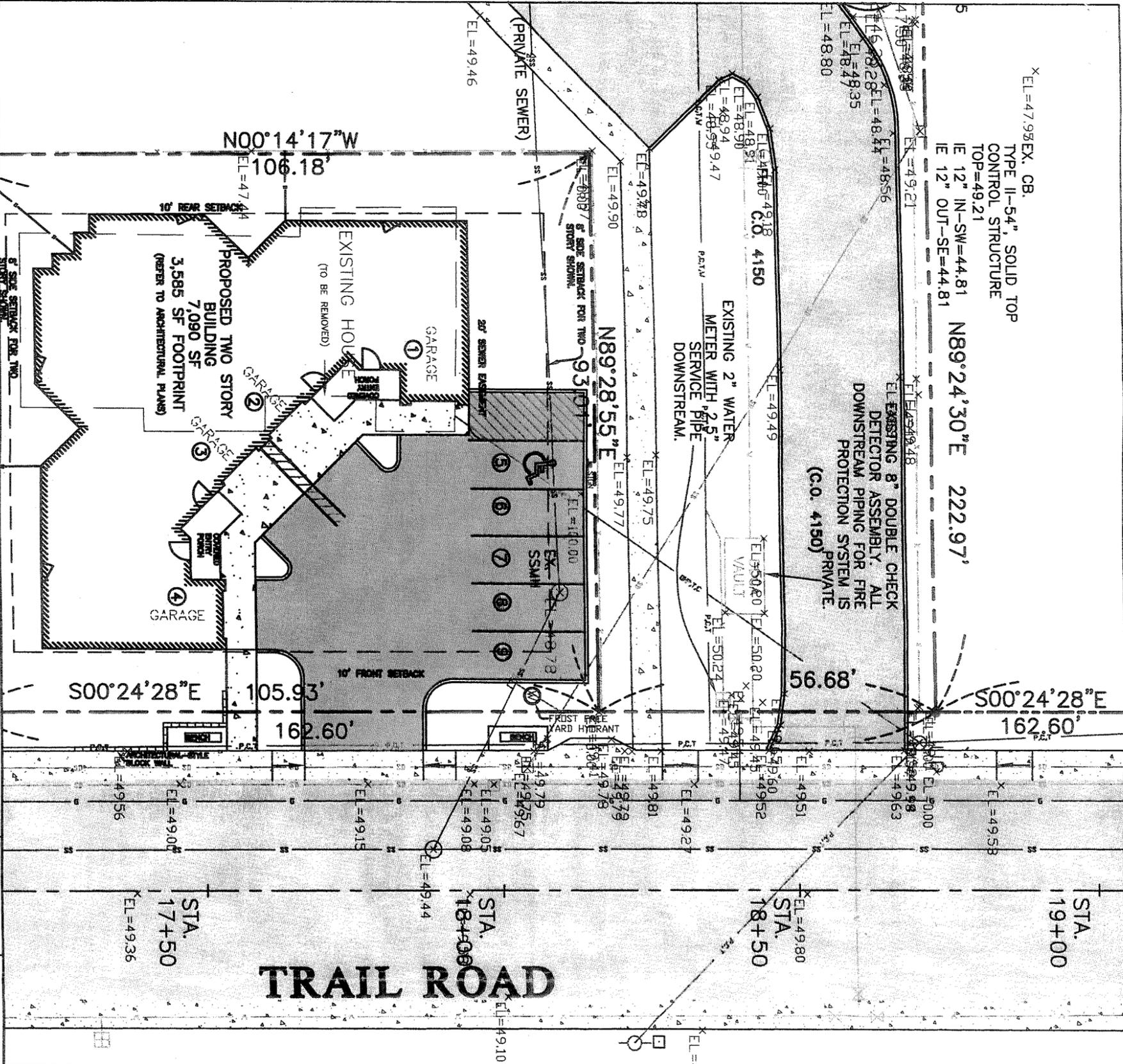
The Affidavit of Posting must be returned to the Planning Department at least 10 days prior to the hearing. Please refer to the attached document for more information.

Dated this 25th day of October, 2005

John P. Ravnik
Signature owner's agent

 I am the owner of the property

 I am the contract purchaser of the property



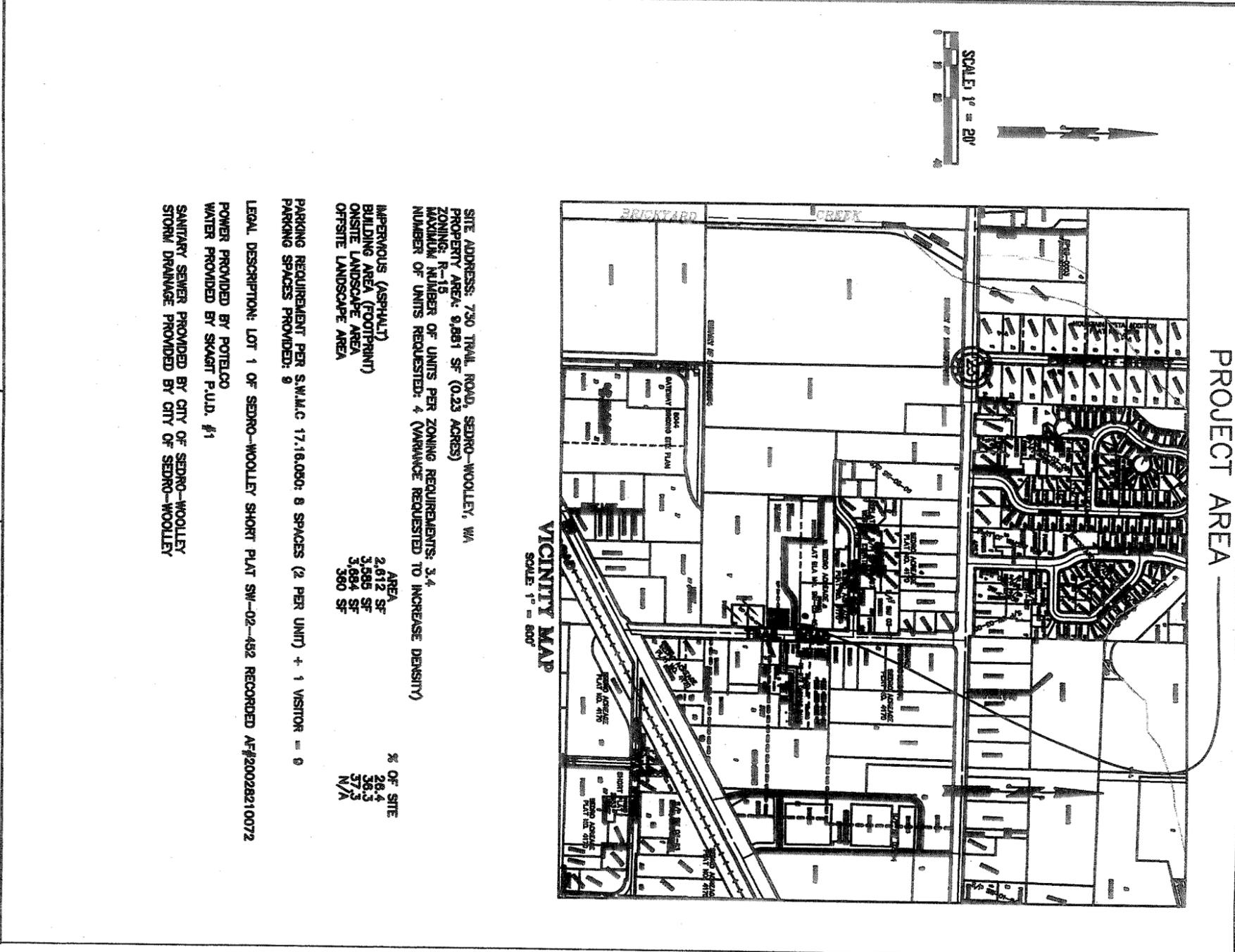
Ravnik & Associates, Inc.
 CIVIL ENGINEERING & LAND-USE PLANNING
 106 E. GILBERT/PO. BOX 561
 HURLINGTON, VA 22031
 PH: (561) 747-2444 FAX: (561) 747-2216

SCALE: 1" = 10'
 DRAWN BY: K. ELLERSON
 CHECKED BY: J. RAVNIK
 DATE: 1/9/06

SITE PLAN
 (REVISED 1/9/06)

DRAWING NO. 06202821010
 JOB NO. 062028
 SHEET NO. 1 OF 1

SHEET DESCRIPTION:
VICTORIAN - STYLE FOUR PLEX
 FOR
GRANDVIEW HOMES
 730 TRAIL ROAD, SEDRO-WOOLLEY, WA
 SB 1/4 OF S. 23, T. 35 N., R. 4 E., W. 1/4



PROJECT AREA

VICINITY MAP
 SCALE: 1" = 200'

SITE ADDRESS: 730 TRAIL ROAD, SEDRO-WOOLLEY, WA
 PROPERTY AREA: 9,881 SF (0.23 ACRES)
 ZONING: R-1B
 MAXIMUM NUMBER OF UNITS PER ZONING REQUIREMENTS: 3,4
 NUMBER OF UNITS REQUESTED: 4 (VARIANCE REQUESTED TO INCREASE DENSITY)

AREA	% OF SITE
IMPERVIOUS (ASPHALT)	26.4
BUILDING AREA (FOOTPRINT)	26.3
ONSITE LANDSCAPE AREA	37.3
OFFSITE LANDSCAPE AREA	N/A

PARKING REQUIREMENT PER S.W.M.C. 17.18.050: 8 SPACES (2 PER UNIT) + 1 VISITOR = 9
 PARKING SPACES PROVIDED: 9

LEGAL DESCRIPTION: LOT 1 OF SEDRO-WOOLLEY SHORT PLAT SW-02-452 RECORDED A/F#20028210072

POWER PROVIDED BY POTELCO
 WATER PROVIDED BY SKAGIT P.U.D. #1
 SANITARY SEWER PROVIDED BY CITY OF SEDRO-WOOLLEY
 STORM DRAINAGE PROVIDED BY CITY OF SEDRO-WOOLLEY



CARL J. COLSON - ARCHITECT PLLC
 23623 20th AVENUE W
 ROTHELL, WASHINGTON 98021
 (425) 806-3703

PROJECT:
Townhomes
 Trail Road
 Sedro Wooley, WA

CLIENT:
 Grandview Homes
 P.O. Box 159
 Arlington, VA 98223
 (360)-

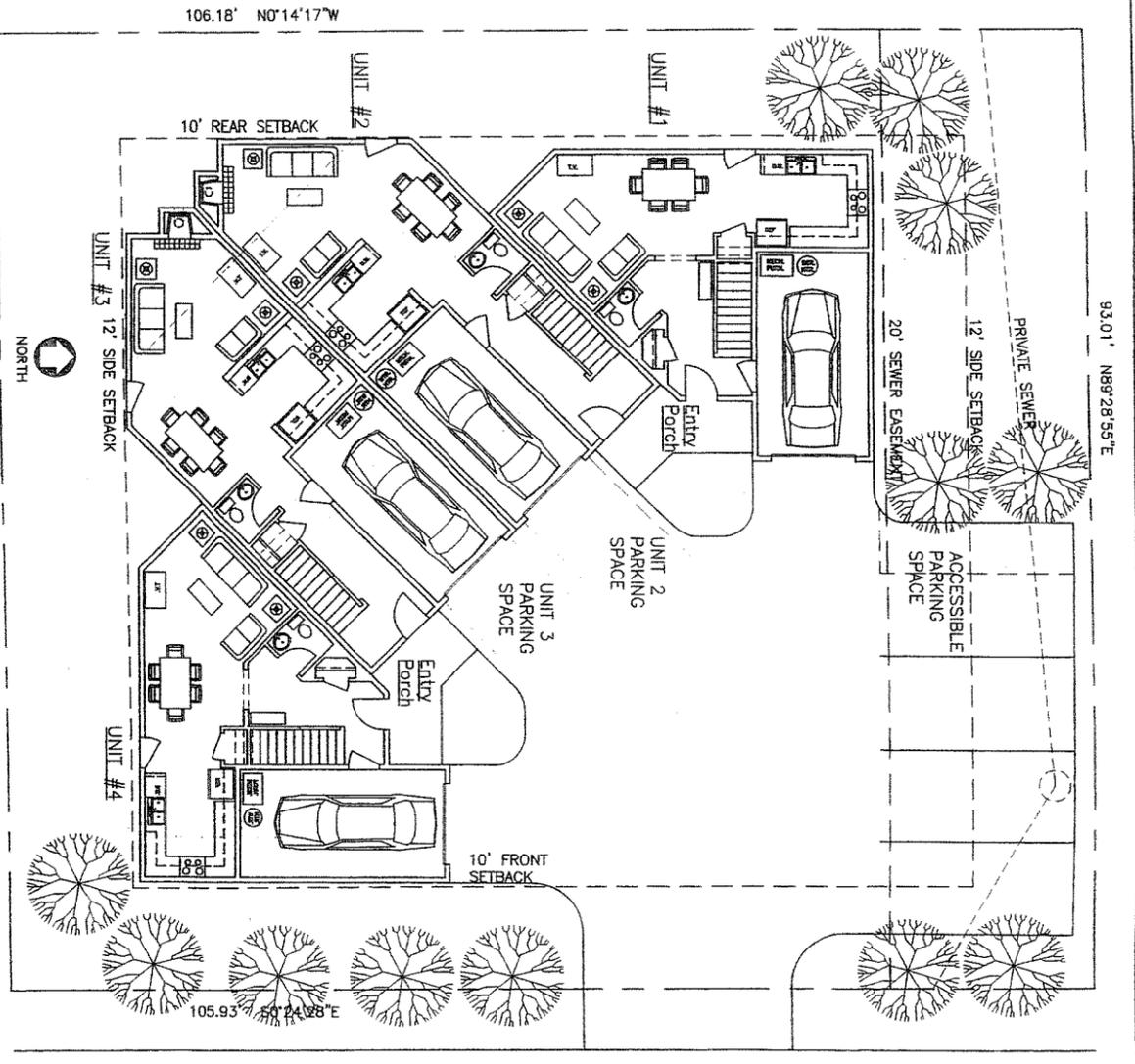
PROGRESS PRINT
 8-12-05

Site Plan
 Floor Plans
 Schematic Front
 Elevation

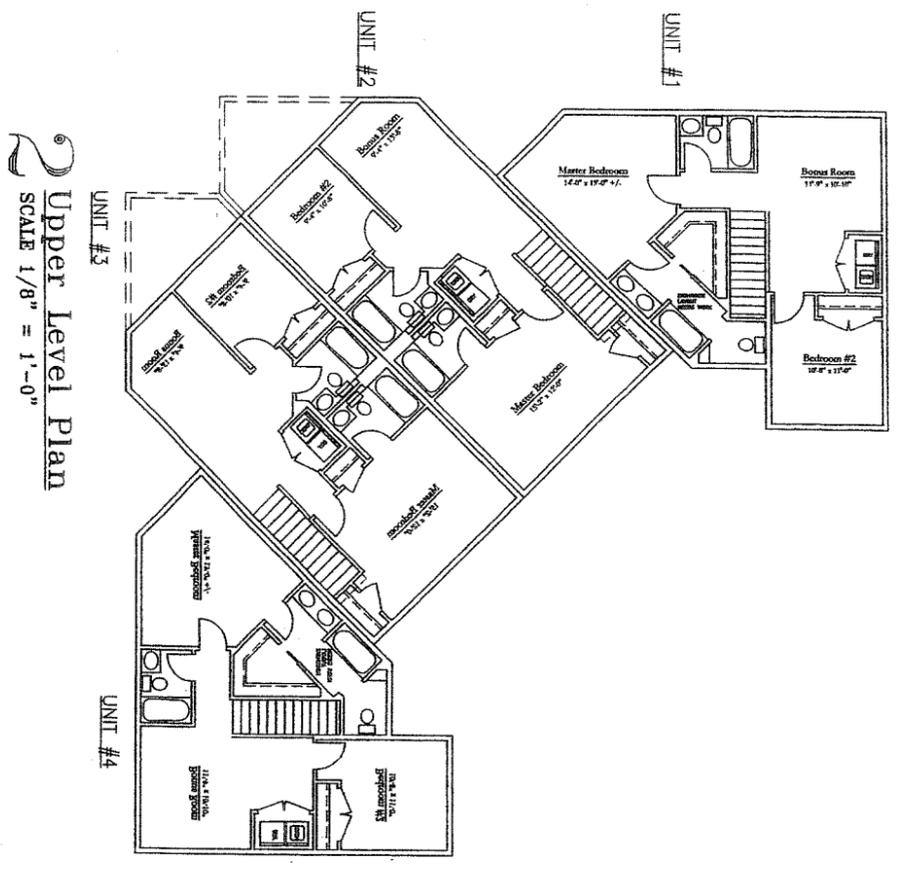
NO.	DATE	REVISION

DWG NO. _____
 SCALE _____
 SHEET NO. _____

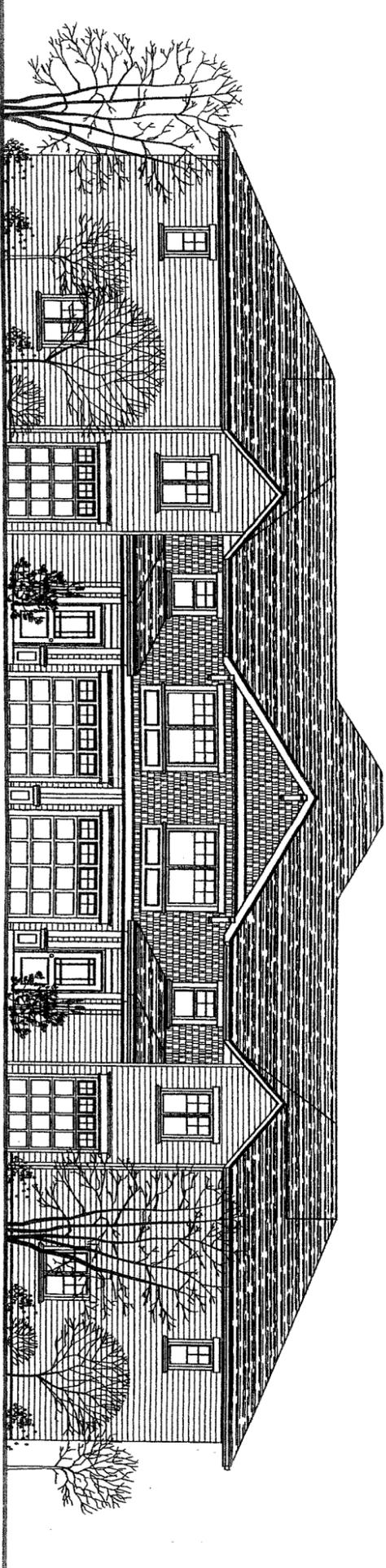
A-1



1 Site Plan w/ Entry Level Plan
 SCALE 1/8" = 1'-0"

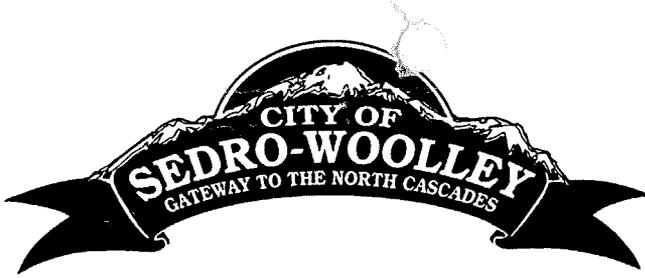


2 Upper Level Plan
 SCALE 1/8" = 1'-0"



3 Entry Elevation
 SCALE 3/16" = 1'-0"

05026



Building, Planning and Engineering Dept.
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

February 6, 2007

William B. Foster
Hutchison & Foster
4300-198th St. SW
P.O. Box 69
Lynnwood, WA 98046-0069

RE: Variance request #3342 for Grandview Homes/ Trail Rd.

Dear Mr. Foster,

Thank you for your letter. Upon reviewing the file and your request, the variance application has been placed on the Planning Commission's calendar for consideration on March 22, 2007 at 6:30 p.m. The meeting will held at the City Hall courtroom located at 720 Murdock St.

Sedro-Woolley Municipal Code 17.60.060 is explicit in that only a zoning waiver from bulk restrictions may be approved by the Planning Director. All other variances must be presented to the Planning Commission.

Section 17.60.050 details the three very specific circumstances that must be met to obtain approval of a variance request. Please review these carefully, particularly subsection (B).

To increase the probability of obtaining a staff recommendation for approval and potential approval by the Planning Commission your client must effectively demonstrate that the maximum density requirements in this zoning district are unnecessary in this case because special circumstances exist which are not common to other similarly restricted properties.

Any documentation supporting your client's request must be submitted by March 5, 2007 to provide adequate time to forward to the members of the Planning Commission prior to the meeting.

An approval, if granted, would be subject to conditions that would include, but not be limited to, approval of designs for building, storm water, street improvements, frontage improvements, landscaping, etc.

Please contact me if you have further questions or if there is anything else I can help you with at this time.

Sincerely,

Jack R. Moore, BCO
Planning Director & Building Official

Cc: John Coleman, Associate Planner

ZONING VARIANCE
SWMC 17.60.050

In the Matter of:

Application # 3342

06-ZV-5

Zoning Variance (3342)
Grandview North/Scott Wammack
PO Box 159
Arlington, WA 98223

Zoning Variance Staff Report

Application Date: October 26, 2005
Application Complete: February 7, 2007
Recommendation: Recommend that Application be Denied
Recommendation Date: Thursday, March 8, 2007
Property Owner: Grandview North
PO Box 159
Arlington, WA 98223
Project Proponent: Scott Wammack
PO Box 159
Arlington, WA 98223

Site Address: 730 Trail Road **Parcel ID No.:** 76943

Zoning District: Residential 15)

Minimum lot size:	NA	Lot width at building line:	NA
Front Setback:	10'	Lot width at road frontage:	162.60'
Side Setback:	8' (two-story)	Maximum building height:	35'
Rear Setback:	10'	Maximum building coverage:	NA

Description of proposed Variance

The applicant seeks a variance to allow an increase in zoning density to construct 4 units (17.3/acre) where current code allows 3 units (15/acre). The property is zoned R15 and is adjacent on four sides to other R15 zoned property.

FINDINGS OF FACT

1. On October 26, 2005 the applicant submitted a Zoning Variance requesting approval for the construction of a 4-unit multi family building where current code allows 3 units.
2. On November 8, 2005 the former City Planner sent a letter notifying the applicant that the application was incomplete, citing in part, "The application has not adequately identified what, if any, special circumstances exist on the subject property that would justify the proposed increase in density. Please identify the special circumstances that exist on the subject property which are not common to other similarly restricted properties."
3. On January 29, 2007 the applicant submitted a letter again requesting an Administrative Zoning Waiver.
4. On February 6, 2007 the City Planning Director sent a letter informing the applicant that the Zoning Variance must be presented to the Planning Commission and would be placed on the calendar for March 22, 2007. In addition, the applicant was referred to section 17.60.060 of the Sedro-Woolley Municipal Code for the specific requirements that must be met in order to be approved and it was recommended that further documentation supporting their variance request be submitted by March 5, 2007.
5. No additional documentation was submitted by the applicant by March 5, 2007.
6. On March 8, 2007, Planning sent official notification to the applicant that the application was complete and that the Zoning Variance would be considered by the Planning Commission on March 22, 2007.
7. On March 8, 2007, in compliance with Chapters 17.60 and 2.90 SWMC, notice of the Zoning Variance application and of the public hearing was sent to all property owners within 500 feet of the subject parcel (P76943).
8. On March 9, 2007, in compliance with the public notification requirements of Chapter 2.90 SWMC, the Planning Department posted at the project site a sign giving public notification of the Zoning Variance application and public hearing. Notice of the application and Planning Commission hearing was also published in the March 8, 2007 in the Skagit Valley Herald.
9. The method for approving a Zoning Variance is found in SWMC 17.60.050 Criteria – Zoning Variances. No variance shall be issued by the hearing body unless it finds that:
 - A. No detriment will result to neighbors or the public in general;
 - B. The reason the regulation from which relief is requested ...in this case is that special circumstances exist here which are not common to other similarly restricted properties; and
 - C. The special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the intent of [Title 17 – Zoning SWMC].

10. Pursuant to SWMC 17.60.050(A) the applicant is required to document that no detriment will result to the neighbors or the public in general.

In the Variance Application (Exhibit A, section 1) addressing the above stated requirements, the applicant asserts that no detriment would result to the neighbors or public in general, citing that "Trail Rd. was improved by the City of Sedro-Woolley...and contains sufficient capacity of all utilities necessary to support this residential development." Further, the applicant describes specific utilities that are available along trail road and that the building will comply with all other zoning requirements.

11. Pursuant to SWMC 17.60.050 (B) the applicant is required to document any special circumstances that exist here that are not common to other similarly restricted properties.

The applicant failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties. In the Zoning Variance application (Exhibit A, section 2) the applicant states that "Special attention has been given to assure that more special improvements are included within the overall site design that as required by the City's Design Standards and guidelines."

12. Pursuant to SWMC 17.60.050 (C) requires that the circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of the Zoning Ordinance.

In the Zoning Variance application (Exhibit A, section 3) the applicant states, "The cumulative effect of having four living units...versus three, will likely not be noticeable. The increase in demand upon the roadway and utility infrastructure is negligible, and will not cause a condition that would otherwise lessen the degree of service to adjoining properties."

CONCLUSIONS

The City Planning Director, having reviewed the application, all submitted documents by the applicant and after conducting a site visit, makes the following conclusions:

1. Sedro-Woolley Municipal Code (SWMC) Chapter 17 applies to this project and the application has been reviewed in accordance with SWMC 17.50.060 Criteria – Zoning Variances.
2. The application was determined complete on March 8, 2007 and is considered vested under the rules and regulations in effect on March 8, 2007.
3. A variance to allow an increase in zoning density is subject to the review criteria found in SWMC 17.60.050.
4. SWMC 17.60.050 (A) **requires the applicant to document that no detriment will result to the neighbors or the public in general.**

The applicant appears to have demonstrated that adequate City services are available at the site and that the design of the building contains mitigating factors that will decrease any negative impact of the proposed residential use.

5. SWMC 17.60.060 (B) **requires the applicant to document any special circumstances that exist here that are not common to other similarly restricted properties.**

The applicant has failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties.

6. SWMC 17.60.050 (C) requires that the circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of the Zoning Ordinance.

The applicant has failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties.

PLANNING DEPARTMENT RECOMMENDATION

Based upon the foregoing, Planning recommends denial of the request for a Zoning Variance to allow the construction of a 4-unit multi family building where current code allows 3 units.



Date: 3-13-07

Jack R. Moore, Planning Director

Pursuant to SWMC 2.90.010(D)3 any party with standing may request appeal the planning commission decision by filing a written request with the planning department within fourteen (14) days of the notice of decision of other formal notice of the action. A \$200 Planning Commission Appeal fee shall be charged and a fee equal to the actual cost of publishing a Notice of Hearing will be charged for any legal notices that may be required to be published.

DATE RECEIVED 10/26/05

CITY OF SEDRO-WOOLLEY
VARIANCE PROCEDURE AND APPLICATION

Variiances are a means of granting relief from certain zoning and building code requirements when specific criteria are met.

Procedure is as follows:

1. Applicant is encouraged to first refer to the applicable section of the Zoning Ordinance or City Planner. Web site address: www.mrsc.org
2. A pre-application conference is required. (Conducted on September 1, 2005)
3. Applicant fills out and submits to the Planning Department, the variance application, site plan, mailing procedure form, affidavit of posting and the current fees required.
4. Application will be reviewed for completeness. Incomplete applications must be resubmitted with required information.
5. Planning Department schedules a hearing before the Planning Commission.
6. Public notice is mailed to neighbors, published in the newspaper, and posted on the property. Applicant is responsible for posting the site with city-provided reusable signs for a deposit fee, which is refunded when the signs are returned. The city will also bill for postage and publication costs. (See mailing and posting procedures.)
7. At the public hearing, the City Planner presents the staff report and the applicant makes his/her presentation. The applicant bears the burden of proving the application should be granted. The hearing is then opened to the general public for testimony. The Planning Commission may then make a decision to approve, approve with conditions, or deny the application.
8. Following the public hearing, the Planning Commission makes a decision based on specified findings of fact. The decision of the Planning Commission is final unless appealed to the City Council within 14 days.

This is a summary of the procedures listed in Chapter 2.90 of the Sedro-Woolley Municipal Code as amended.

EXHIBIT A

CITY OF SEDRO-WOOLLEY
VARIANCE APPLICATION

NAME: Scott Wammack c/o Grandview Homes

Address: P.O. Box 159 Arlington, WA 98233-0159

Address of property (if different): 730 Trail Road Sedro-Woolley

Phone: (360) 435-7171 Fax: (360) 435-2265 e-mail: gv@grandviewinc.net

Assessors Property Number (P-number): 76943

Legal Description (Attach separate sheet if needed, or submit electronically)

Lot 1 of Sedro-Woolley Short Plat # SW-02-452, under AF# 20028210072

Zoning Classification: R-15

What requirements are you requesting a variance from, and what do you wish to build?

This action requests a variance to SWMC Section 17.16.040 for an increase in residential density as compared to code. This proposal is to have four living units, within one building, on a parcel of land containing 0.23 acres. This results in a gross density slightly greater than the underlying allowed maximum density of 15 dwelling units per acre. The proposed density equates to 17.3 dwelling units per acre. Administrative processing and approval of this variance is requested, per SWMC 17.60.010, because this project is not requesting any other land-use applications that would require a hearing body.

Please submit written responses to the following four items. At the hearing on your variance application, please be prepared to state your case regarding each of these items. The applicant bears the burden of proving that the application should be granted.

- Also needs Variance for parking or reuse

The Planning Commission can grant variances only upon finding that the following criteria are met:

- No detriment will result to neighbors or the public in general:

This proposed multi-family four plex on 0.23 acres is located along the west side of Trail Road, approximately 750 feet north of Highway 20, which is approximately midway between Cook Road to the north and Highway 20 to the south. Trail Road was improved by the City of Sedro-Woolley a couple years ago, and contains sufficient capacity of all utilities necessary to support this residential development. Trail Road has been improved to a 36-foot-width with curb, gutter, and sidewalks along both sides.

Storm water runoff will be treated and managed onsite per the 1992 Department of Ecology's Puget Sound Drainage Manual, and then be discharged into an existing storm

Need to see plan

Deborah : [Signature]

drainage pipe system within Trail Road. The Sedro-Woolley Engineering Department has authorized discharge into the drainage system within Trail Road. ✓

There exists a public sanitary sewer system in Trail Road, owned and operated by the City of Sedro-Woolley, which is sufficiently sized to receive and convey effluent from this project.

There exists a public waterline system in Trail Road, owned and operated by PUD, which is sufficient to provide domestic water service and fire protection to the project. PUD has acknowledged sufficient capacity within their water system to serve this residential project.

There are also existing power, telephone, tv cable, and natural gas utilities within Trail Road that are sufficient to serve this residential project.

The adjoining uses north, east, west, and south are all residential, zoned R-15.

This proposal to have four living units within one building conforms to the Use Restrictions contained in SWMC 17.16.010, establishing a maximum of eight residential units per building.

The proposed building will be two-story with a height of approximately 30 feet, and is situated on the parcel in conformance with all Bulk Restriction requirements set forth in SWMC 17.16.020.

Onsite parking will be provided with four garage stalls and six exterior stalls. This provides one stall in excess of that required by SWMC 17.16.050. —NO

Development of the subject property to accommodate a four-plex residential unit will not negatively impact the existing roadway and utility infrastructure available. The proposed residential use is consistent with the underlying zoning and with the surrounding conditions, which are also zoned R-15 to the south, north, east, and west. This proposal for a four-plex residential building will not generate a level of noise nor traffic that is incompatible with the surrounding use activities. Uses associated with this four-plex, such as parking, will not take away any uses currently available to other adjacent properties.

2. Special circumstances exist here which are not common to other similarly restricted properties. These circumstances may include:

- physical features of the subject property,
- nature of surrounding improvements and uses, or
- proposed design elements that will meet the same purpose as the regulation from which relief is requested.

The special circumstance(s) shall be specified in the findings.

The proposal herein is for a four-unit, two-story, Victorian-style, multi-family residence on a parcel containing 0.23 acres. This proposal is intended to balance the requested increase in density with special site layout and architectural features specifically designed for the

public exposure of this site and the individual residential backyards and use areas around the residence. Special attention has been given to assure that more special improvements are included within the overall site design than as required by the City's Design Standards and Guidelines.

3. The special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of this title.

The underlying zoning is R-15, with intent to maintain the appearance of conventional neighborhoods in scale and orientation, but to also allow the creation of larger-scale buildings. SWMC 17.16.005 identifies that no new areas of R-15 shall be designated.

The variance request herein is to accommodate one additional living unit other than what would otherwise be permissible based upon the underlying zoning density. No other requests are being made for special consideration. This proposal is intended to create a unique residential setting for the proposed four-plex residence. The cumulative effect of having four living units within the two-story, Victorian-style building, versus three, will likely not be noticeable. The increase in demand upon the roadway and utility infrastructure is negligible, and will not cause a condition that would otherwise lessen the degree of service to adjoining properties.

The uses and activities associated with this four-plex residential structure are specifically consistent with the intent and regulations of the R-15 zone.

4. How will granting this variance help achieve the intent and purpose of the Comprehensive Plan?

This proposal supports the application of the City's Design Standards and Guidelines adopted November 2005 by incorporating unique landscape features. These consist of board fences to establish individual private back yards for each living unit, trellis structures incorporated with landscaping for each living unit, designated walking paths from the street to the entry of all units, mounded landscape areas along the street frontage to establish a low-profile visual segregation between the residential area and Trail Road, and an elaborate Victorian-style architecture for the residential structure.

Landscape improvements proposed between the building and right of way, to assist in screening and segregation, comprise more plants and trees than the requirement of one tree per each five parking stalls. As proposed, the landscape fronting the site provides approximately 7 trees and 20 to 30 shrubs, together with ground-cover plantings.

Exterior accent lighting will be provided, mounted on the building, positioned to cast upon pedestrian pathways and vehicle access locations. All lighting will be shielded to prevent significant cast upon adjoining properties, with lesser candle-power and more lights than having a few lights that are extremely bright.

The architectural Victorian-style of the residence contains many different shapes and slopes, with columns at the porch of each entrance, varied exterior wall surfaces, and changes in roof-height.

Although this variance request simply proposes one additional living unit onsite, it provides an excellent example of incorporating more of the City's Design Standards into an individual development as mitigation to the request of increased density. This is important in establishing a standard of higher residential density while achieving a unique style of residential atmosphere.

Please attach:

- A completed Site Plan and all documents listed on the Site Plan form
- Mailing procedures form with labels and map.
- Fee as per current fee schedule
- Evidence of Water Availability
- Evidence of Sewer Availability
- All materials required from pre-app meeting

The Affidavit of Posting must be returned to the Planning Department at least 10 days prior to the hearing. Please refer to the attached document for more information.

Dated this 25th day of October, 2005

John P. Ravnik
Signature owner's agent

 I am the owner of the property

 I am the contract purchaser of the property

EXHIBIT B

**CITY OF SEDRO-WOOLLEY
PLANNING COMMISSION**

**Regular Meeting
March 22, 2007**

MINUTES

CALL TO ORDER:

Chairman Dan Lefebber called the meeting to order at 6:32 p.m.

ROLL CALL:

Present: Commissioners Kris Bulcroft, Rick Judd, Susie Williams, Mike Macomber,
Patrick Huggins
Commissioner Kevin Loy-absent (excused)

APPROVAL OF AGENDA: Approved

CONSENT AGENDA: Approved- Minutes from the previous meeting

GENERAL PUBLIC COMMENTS: None

PUBLIC HEARING/S:

1. Appeal of Zoning Waiver 06-ZW-4 (ARCO AM/PM) 830 Moore Street- Postponed
2. Zoning Variance 06-ZV-5 (Grandview Homes- 730 Trail Road)

STAFF: Planning Director and Building Official Jack Moore gave the background on the zoning variance at 730 Trail Rd.

On October 26, 2005 the applicant submitted a zoning variance application requesting approval for the construction of a four -unit multi family building where current code allows three units.

Communication between the City's planning department and the applicant have been on-going since then and it was determined that on March 8, 2007 the application was complete and the zoning variance would be sent to the Planning Commission for a hearing on March 22, 2007.

Staff has reviewed the application, all submitted documents by the applicant and after conducting a site visit, makes the following conclusions:

1. The applicant appears to have demonstrated that adequate city services are available at the site and the design of the building contains mitigating factors which will decrease any negative impact of the proposed residential use.
2. The applicant has failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties.
3. The applicant has failed to provide any special circumstances from which they are requesting that are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of the zoning ordinance.

The City of Sedro-Woolley Planning staff recommends denial of the request for a zoning variance to allow the construction of four unit multi-family buildings were the current code allows three units.

APPLICANT: John Ravnik- Ravnik and Associates (Civil Engineer) PO Box 361, Burlington.,
Mr. Ravnik addressed the planning commission on several issues concerning the request. He advised that the property is just under a quarter of an acre (0.23 acres) and in the R-15 zone it allows you to put 3.45 dwelling units on a piece of property. The purpose of the variance request is to allow 4.0 dwelling units to be developed on the property.

Mr. Ravnik advised that there would be more landscaping area than building area on this property and that they do believe that no detriment will result to the neighbors or the public in general. All utilities for this project are existing in the area and are sufficiently sized to take care of any demands of this project.

Mr. Ravnik addressed the regulation from which relief is requested; in this case the special circumstance is the physical features of the property and their multiple design elements, they in themselves should support this variance procedure. At this time plans (Exhibit A) were handed out to the planning commission and Exhibit #B is the full size sheet of the architectural design of the building.

Trellis in the landscape design

Backyard fencing

Victorian style buildings with multiple roof lines

Ground level access to all units

Parking requirements to include handicap parking

Mound landscaping in the front and park benches be provided in the back area

Mr. Ravnik also stated that if every R-15 property was provided the opportunity in to round up to get that one extra half unit, the maximum you could add to the city would be only six units. He believes that this request would not undermine the intent of the title or set a precedent for future projects.

Public Hearing Open: 7:00 p.m.

No public comments.

Public Hearing Closed: 7:00 p.m.

PLANNING COMMISSION DISCUSSION: Topics of discussion included:

How many bedrooms are being proposed?

Stormwater /drainage issues and are they being met?

Density requirements

Documentation was requested, if any, from the applicant that he had involving prior City Attorney Pat Hayden. None was produced.

Off setting the cost with an extra unit

Setting precedent in any future project if variance is approved

No unique features in this project to grant the variance. Most design elements listed are common ones.

Good features in the project: ground level access, yards, fencing

Play area?

Commissioner Pat Huggins made a motion to deny Zoning Variance 06-ZV-5. Commissioner Susie Williams second.

Vote taken

Commissioner Macomber, Williams, Bulcroft, Huggins- yes

Commissioner Judd- no

4-1

Request for Zoning Variance denied.

UNFINISHED BUSINESS: Design Review- 200 Munro Street (New Council/Courtroom/City Hall Exterior lighting)

Items reviewed and discussed:

The light pole construction will be done by American Pole Company. This company is located inside the city limits.

The pole will be a design that is a historical design and an example is out in front of the Sedro-Woolley Alternative School on State Street.

Discussion on design elements of the lights, how many lights, size of lights, types of lights, arms and what will hang from the arms.

Height of the light poles

Location of the lights/poles on at the project site. How many?

Maintenance of the poles and lights

Discussion on what will be hanging from the poles. (Banners, flower pots, flags)

A decision was made to go with a light design that has two acorn lights and two arms. The examples were listed in the Streetworks Catalog presented by John Coleman. American Pole will design and build the pole and arms to hold banners, flags and flower pots.

NEW BUSINESS: None

COMMISSION DISCUSSION/INFORMATION ITEMS:

1. Discussion of the recent downtown revitalization meeting and the topics and ideas that came up.
2. Sign Ordinance up for council approval.
3. Comments on the remodel of the vet clinic on Hwy 20.
4. Central Business District Architectural Designs to be incorporated into the design standards in the comprehensive plan.
5. Discussion on the upcoming Fruitdale/McGargile Road project

ADJOURNMENT – [Time: 8:55 p.m.]



PLANNING COMMISSION CHAIR

PLANNING COMMISSION SECRETARY

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SEDRO-WOOLLEY**

In the Matter of:

Application # 06-ZW-5
Zoning Variance
Grandview North/Scott Wammack
PO Box 159
Arlington, WA 98223
Parcel # 76943

**FINDINGS OF FACT, CONCLUSIONS
AND DECISION**

This matter having come regularly before the City of Sedro-Woolley Planning Commission for a public hearing on Thursday March 22, 2007 under an application filed with the City of Sedro-Woolley by the applicant requesting a public hearing and final decision by the Planning Commission pursuant to SWMC 2.90.010(D)1 and as described by Planning Department Staff Memo and Administrative Decision hereby attached and made a part of this decision.

Notice of the public hearing having been properly published and all matters submitted at the public hearing having been considered together with the testimony, evidence and exhibits in open hearing and made a part of the record in this matter, the Planning Commission makes the following:

Site Address: 730 Trail Road **Parcel ID No.:** 76943

Application Date: October 26, 2005

Application Complete: February 7, 2007

Property Owner: Grandview North
PO Box 159
Arlington, WA 98223

Project Proponent: Scott Wammack
PO Box 159
Arlington, WA 98223

Zoning District: Residential 15)

Minimum lot size:	NA	Lot width at building line:	NA
Front Setback:	10'	Lot width at road frontage:	162.60'
Side Setback:	8' (two-story)	Maximum building height:	35'

Rear Setback:

10'

Maximum building
coverage:

NA

Description of proposed Variance

The applicant seeks a variance to allow an increase in zoning density to construct 4 units (17.3/acre) where current code allows 3 units (15/acre). The property is zoned R15 and is adjacent on four sides to other R15 zoned property.

FINDINGS OF FACT

1. On October 26, 2005 the applicant submitted a Zoning Variance requesting approval for the construction of a 4-unit multi family building where current code allows 3 units.
2. On November 8, 2005 the former City Planner sent a letter notifying the applicant that the application was incomplete, citing in part, "The application has not adequately identified what, if any, special circumstances exist on the subject property that would justify the proposed increase in density. Please identify the special circumstances that exist on the subject property which are not common to other similarly restricted properties."
3. On January 29, 2007 the applicant submitted a letter again requesting an Administrative Zoning Waiver.
4. On February 6, 2007 the City Planning Director sent a letter informing the applicant that the Zoning Variance must be presented to the Planning Commission and would be placed on the calendar for March 22, 2007. In addition, the applicant was referred to section 17.60.060 of the Sedro-Woolley Municipal Code for the specific requirements that must be met in order to be approved and it was recommended that further documentation supporting their variance request be submitted by March 5, 2007.
5. No additional documentation was submitted by the applicant by March 5, 2007.
6. On March 8, 2007, Planning sent official notification to the applicant that the application was complete and that the Zoning Variance would be considered by the Planning Commission on March 22, 2007.
7. On March 8, 2007, in compliance with Chapters 17.60 and 2.90 SWMC, notice of the Zoning Variance application and of the public hearing was sent to all property owners within 500 feet of the subject parcel (P76943).
8. On March 9, 2007, in compliance with the public notification requirements of Chapter 2.90 SWMC, the Planning Department posted at the project site a sign giving public notification of the Zoning Variance application and public hearing.

Notice of the application and Planning Commission hearing was also published in the March 8, 2007 in the Skagit Valley Herald.

9. The method for approving a Zoning Variance is found in SWMC 17.60.050 Criteria – Zoning Variances. No variance shall be issued by the hearing body unless it finds that:

- a. No detriment will result to neighbors or the public in general;
- b. The reason the regulation from which relief is requested ...in this case is that special circumstances exist here which are not common to other similarly restricted properties; and
- c. The special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the intent of [Tile 17 – Zoning SWMC].

10. Pursuant to SWMC 17.60.050(A) the applicant is required to document that no detriment will result to the neighbors or the public in general.

In the Variance Application (Exhibit A, section 1) addressing the above stated requirements, the applicant asserts that no detriment would result to the neighbors or public in general, citing that “Trail Rd. was improved by the City of Sedro-Woolley...and contains sufficient capacity of all utilities necessary to support this residential development.” Further, the applicant describes specific utilities that are available along trail road and that the building will comply with all other zoning requirements.

11. Pursuant to SWMC 17.60.050 (B) the applicant is required to document any special circumstances that exist here that are not common to other similarly restricted properties.

The applicant failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties. In the Zoning Variance application (Exhibit A, section 2) the applicant states that “Special attention has been given to assure that more special improvements are included within the overall site design that as required by the City’s Design Standards and guidelines.”

12. Pursuant to SWMC 17.60.050 (C) requires that the circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of the Zoning Ordinance.

In the Zoning Variance application (Exhibit A, section 3) the applicant states, “The cumulative effect of having four living units...versus three, will likely not be noticeable. The increase in demand upon the roadway and utility infrastructure is negligible, and will not cause a condition that would otherwise lessen the degree of service to adjoining properties.”

CONCLUSIONS

The City Planning Director, having reviewed the application, all submitted documents by the applicant and after conducting a site visit, makes the following conclusions:

1. Sedro-Woolley Municipal Code (SWMC) Chapter 17 applies to this project and the application has been reviewed in accordance with SWMC 17.50.060 Criteria – Zoning Variances.
2. The application was determined complete on March 8, 2007 and is considered vested under the rules and regulations in effect on March 8, 2007.
3. A variance to allow an increase in zoning density is subject to the review criteria found in SWMC 17.60.050.
4. SWMC 17.60.050 (A) requires the applicant to document that no detriment will result to the neighbors or the public in general.

The applicant appears to have demonstrated that adequate City services are available at the site and that the design of the building contains mitigating factors that will decrease any negative impact of the proposed residential use.

5. SWMC 17.60.060 (B) requires the applicant to document any special circumstances that exist here that are not common to other similarly restricted properties.

The applicant has failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties.

6. SWMC 17.60.050 (C) requires that the circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of the Zoning Ordinance.

The applicant has failed to provide any special circumstances from which they are requesting relief which are not common to other similarly restricted properties.

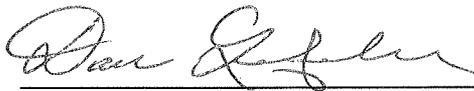
7. The property owner was properly notified of the administrative decision.
8. Public notice of the Planning Commission hearing was properly conducted pursuant to SWMC 2.90.
9. The Planning Commission held an open record hearing pursuant to SWMC 2.90.010(D)1 and 2.90.010(D)3 and no public comments were received.

DECISION

Based upon the foregoing, the request for a zoning variance to allow an increase in zoning density to construct 4 units (17.3/acre) where current code allows 3 units (15/acre) was **denied** by the City of Sedro-Woolley Planning Commission.

CERTIFICATION

The City of Sedro-Woolley Planning Commission hereby **approved the motion to deny** the request for a zoning variance to allow an increase in zoning density to construct 4 units (17.3/acre) where current code allows 3 units (15/acre) at a **REGULAR** meeting of the City of Sedro-Woolley Planning Commission held on **Thursday March 22, 2007**, at which time a quorum was present and the decision was approved by a vote of **4 FOR, 1 AGAINST, and 0 ABSTENTIONS**.



Planning Commission Chair



CITY OF SEDRO-WOLLEY
RECEIVED ON

APR 12 2007
Time: 9:47 AM
Initials: CAS

CITY OF SEDRO WOOLLEY
319 Main Street
Sedro Woolley, Washington 98294

IN THE MATTER OF:

APPLICATION # 06-ZW-5

ZONING VARIANCE

**GRANDVIEW NORTH, LLC, a Washington
limited liability company/Scott Wammack,**

NOTICE OF APPEAL

NO. 06-ZW-5

COME NOW GRANDVIEW NORTH, LLC, a Washington limited liability company (hereinafter "Appellant"), by and through its attorney, William B. Foster of Hutchison & Foster, and hereby submits the following Notice of Appeal of the decision of the of the City of Sedro-Woolley Planning Commission denying the Appellant's application for a Variance pursuant to the provisions of SWMC 17.60.050.

1. Identification of Appellant.

1.1 Appellant:

Grandview North, LLC, a Washington limited liability company
Attention: Scott Wammack
P.O. Box 159
Arlington, Washington 98223
Telephone: (360) 435-7171
Facsimile: (360) 435-2265

1.2 Appellant's Representative:

William B. Foster
Hutchison & Foster
4300 - 198th Street S.W.
P.O. Box 69
Lynnwood, Washington 98046-0069
Telephone: (425) 776-2147
Facsimile: (425) 776-2140

2. **Appellant's Standing to Appeal.** The Appellant is the applicant of the subject application, and therefore has standing to appeal pursuant to the provisions of SWMC 2.90.060 (C) (1) & (2).

3. **Identification of the Application that is the Subject of the Appeal.** This is an Appeal of the Application filed under Application # 06-ZW-5.

4. **Decision Being Appealed.** Appellant hereby appeals the Findings of Fact, Conclusions and Decision¹ (hereinafter the "Decision"), a copy of which Decision is attached hereto as Exhibit "A", and is incorporated herein by reference as if fully set forth.

5. **Factual Basis of Appeal.** The Appellant is the owner of the real property located at property located on the West side of Trail Road, approximately midway between Highway 20 and Cook Road, Sedro-Woolley, Washington. The subject parcel consists of approximately .23 acres, with an underlying zoning of R-15. At present the property is improved with one (1) single family residence approximately 2,307 square feet in size, along with 653 square feet of asphalt driveway. The Appellant proposed to remove the existing residence, and in its place construct a two story residential four-plex, the footprint of which would consist of approximately 3,585 square feet together with approximately 2,612 square feet of asphalt for driveway and parking. There would be a total of ten (9) parking stalls, which is in excess of the two (2) stalls per unit. In addition, one (1) of these parking stalls will be an ADA accessible stall.

The construction of four units would result in an actual density of 17.3 units/acre, which is slightly higher than the density permitted under the underlying zoning. However, in order to permit this use, my client is willing to make the improvements using design standards and features that would otherwise not be required. Specifically, the development plans would incorporate more landscaping and architectural features than would be normally required. The specific features that would be included are set forth in Mr. Ravnik's letter to Allen Rozema dated January 9, 2006, a copy of which is enclosed herein. In short, the design of the proposed improvements would create a structure that would be more pleasing to the eye than would be the case if it constructed only three (3) units, which would be permissible under the current zoning designation.

¹ Although the Decision references a hearing date of March 22, 2007, the Decision is undated, and therefore the date that it was signed is unknown.

6. **Statement of Grounds for Appeal.** The basis for the issuance of a Zoning Variance is set forth in SWMC 17.60.050, which provides:

“SWMC 17.60.050 Criteria—Variances.

No variance shall be issued by the hearing body unless it finds that:

A. No detriment will result to neighbors or the public in general;

B. The reason the regulation from which relief is requested is unnecessary in this case is that special circumstances exist here which are not common to other similarly restricted properties. *(These circumstances may include physical features of the subject property, nature of surrounding improvements and uses, or proposed design elements that will meet the same purpose as the regulation from which relief is requested. The special circumstance(s) shall be specified in the findings);* and

C. The special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of this title.”

In the Findings of Fact the City failed to enter a finding that the proposed variance would result in a detriment to the neighbors of the public in general.² The Appellant submits that the failure of the City to include a finding to this effect constitutes an erroneous interpretation of the law, is not supported by evidence that is substantial or is a clearly erroneous application of the law to the facts.

In the Findings of Fact the Appellant presented special circumstances that would justify the variance. In strict compliance with SWMC 17.60.050 (B), the “special circumstances may include *“physical features of the subject property, nature of surrounding improvements and uses, or proposed design elements that will meet the same purpose as the regulation from which relief is requested”*. The “special circumstances” included in the variance application incorporated significant design elements that would not be present if the variance were not granted. These include additional landscaping and architectural improvements. The Appellant submits that the failure of the City to find that special circumstances exists supporting the application constitutes an erroneous interpretation of the law, is not supported by evidence that is substantial or is a clearly erroneous application of the law to the facts.

² Paragraph 11 of Findings of Fact.

PUBLIC HEARING(S)

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 7

CITY OF SEDRO-WOOLLEY

Public Works and Engineering Department
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

May 23, 2007

TO: Mayor Dillon and City Council

FROM: STAFF 

SUBJECT: Six-Year Transportation Improvement Plan (TIP) 2007-2012

Situation:

It is once again time for a public hearing on the 2007-2012 Six-Year Transportation Improvement Program (TIP), which has been included in this council packet. The attached TIP is still preliminary at this point, and is subject to change.

Background:

Each year, the Six-Year TIP must be updated, then passed on to the Skagit Metropolitan Planning Organization (MPO), then the County, and then on to the State. This list enables the finding of funding sources to aid in accomplishing major (and some minor) transportation improvements, as well as assisting in the planning process and assigning priorities to transportation-oriented projects.

The City needs to have a 6-YR Transportation Improvement Program (TIP) in order to qualify for state and federal grants as well as for its own internal planning purposes and to provide guidance to proposed developers. The City cannot grant transportation impact fee credits for any improvements not on the 6-year TIP.

I have not made any changes to the ranking of projects. There are a total of 49 projects listed this year.

Recommended Action:

Following the public hearing, adopt the attached 2008-2013 Six-Year TIP, either with or without amendments, by the attached resolution "A RESOLUTION ADOPTING THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE CITY OF SEDRO-WOOLLEY, WASHINGTON, 2008 – 2013".

RESOLUTION 743-07

A RESOLUTION ADOPTING THE SIX-YEAR TRANSPORTATION
IMPROVEMENT PROGRAM FOR THE CITY OF SEDRO-WOOLLEY,
WASHINGTON
2008 – 2013

WHEREAS, pursuant to the provisions of Chapter 195 of the 1961 Session Laws of the State of Washington, Chapter 83 of the 1967 First Extraordinary Session of Laws of the State of Washington and RCW 35.77.101, the City Council of the City of Sedro-Woolley shall adopt a comprehensive Six-Year Transportation Improvement Program (TIP), and;

WHEREAS, a public hearing was called by the City Council for the purpose of adopting said comprehensive Six-Year TIP on May 23, 2007, at approximately 7:00 p.m., at the Sedro-Woolley Community Center, 703 Pacific Street, Sedro-Woolley, Washington and it appeared that adoption of the Six-Year Transportation Program will be good for the public.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sedro-Woolley that the 2008 – 2013 comprehensive Six-Year Transportation Improvement Program of the City of Sedro-Woolley, Washington, as adopted at said public hearing is hereby adopted and approved as the 2008 – 2013 comprehensive Six-Year Transportation Improvement Program of said City.

BE IT FURTHER RESOLVED that a copy of this street program, together with a copy of this resolution shall be filed with the Skagit MPO for inclusion in the Regional Six-Year Transportation Improvement Program within the next 30 days; together with copies of each with the Washington State Department of Transportation TransAid Engineer, and the Transportation Improvement Board.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS 23rd DAY OF MAY, 2007.

MAYOR MIKE ANDERSON

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney



Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Sedro Woolley
 Co. No.: 29 Co. Name: Skagit Co.
 City No.: 1150 MPO/RTPO: Skagit
 Hearing Date: 5/23/2007 Adoption Date: 5/23/2007
 Amend Date: Resolution No.: 743-07

Functional Class	Priority Number	Project Identification						Status	Total Length	Utility Codes	Project Phase	Project Costs in Thousands of Dollars						Expenditure Schedule (Local Agency)				Federally Funded Projects Only								
		A. PIN/Federal Aid No.		B. Bridge No.		C. Project Title						D. Street/Road Name or Number		E. Beginning MP or Road - Ending MP or Road		F. Describe Work to be Done		Phase Start (mm/dd/yyyy)	Federal Fund Code	Federal Funding Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envr. Type	R/W Required Date (MM/YY)
		14		14		14						14		14		14														
1	2	3						4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21					
14	1	SR-20 / F&S Grade Road Signalization	020/226					01	P	0.32	C	RW	11/2011	REV		OTHER	350	350												
		SR-20 / F&S Grade Road						03			G	CN	6/1/2011				1550	1550												
		from: 65.15 F&S Grade to: 65.47 Sapp Road / RR Br.						12			P																			
		Phase 2 of traffic signal, realign F&S Grade skew, and improve access into Skagit Steel site. Within SR-20 from F&S Grade to RR Bridge. Realign 90-degree corner ("Bendix Corner").						05			T																			
											W																			
												Totals					1900	1900	1900											
14	2	SR-9 Bicycle and Pedestrian Facilities						05	P	1.13																				
		SR-9 (North Township Street)						12																						
		from: 57.17 SR-20 to: 58.30 Bassett Road						13																						
		Construct bicycle and pedestrian improvements from SR-20 north to the City Limits. Major issues at Backyard Creek crossing. Will require either culvert extension(s), replacement, or pedestrian bridge(s).																												
14	3	SR-20 Bike/Pedestrian Facilities						32	P	2.56																				
		SR-20						12																						
		from: 63.23 West City Limits to: 66.29 East City Limits																												
		Construct Bike/Pedestrian facilities through town from SR-20 at the West City Limits to SR-20 at the East City Limits.																												
00	4	Regional Stormwater Facility						13	P	200																				
		Quantity and Quality Treatment for most of old town south of from: Alexander to: Old BNSF R.O.W.																												
		Construct regional stormwater treatment facility in-line with existing outfall to treat stormwater from approximately 200 acres of the original platted Sedro and Woolley, including the Central Business District.																												
												Totals					90	90	90											
												CN	6/1/2009				10	10	100											
												Totals					90	90	100											



Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Sedro Woolley
 Co. No.: 29 Co. Name: Skagit Co.
 City No.: 1150 MPO/RTPO: Skagit
 Hearing Date: _____ Adoption Date: _____
 Amend Date: _____ Resolution No.: _____

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Phase (mm/dd/yyyy)	Project Costs in Thousands of Dollars					Expenditure Schedule (Local Agency)				Federally Funded Projects Only				
		A. PIN/Federal Aid No.	B. Bridge No.						Federal Funding	Federal Fund Code	State Fund Code	State Funds	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)		
1	2		3	4	5	6	7	8	10	11	12	13	14	15	16	17	18	19	20	21		
16	5	North Fruitdale & McGarigle Road Arterial Improvements PE McGarigle Road #92100 & North Fruitdale Road from: 0.00 / N. Township St. to: 1.31 / SR-20 Reconstruct roadway to include curb, gutter, sidewalk, stormwater facilities. Phase I Arterial. Enhance pedestrian safety. Arterial Loop.		03 13 12 04 23 32	S	1.31	G T P D W C	PE 1/1/2007			OTHER	950	50	1000	50	950			EA	No		
16	6	North Fruitdale & McGarigle Road Arterial Improvements McGarigle Road #92100 & North Fruitdale Road from: 0.00 / N. Township St. to: 1.31 / SR-20 Reconstruct roadway to include curb, gutter, sidewalk, stormwater facilities. Phase I Arterial. Enhance pedestrian safety. Arterial Loop.		04 03 12 32 23 13	S	1.31	C G P W T	Totals RW 1/1/2007 CN 5/1/2008				950	2000 2800	2000 2800	50	2000	2800	EA	Yes			
16	7	Jones / John Liner Railroad Undercrossing Jones / John Liner from: Jones Road to: John Liner Road Construct new BNSF Railroad undercrossing wide enough for Phase II arterial improvements on Jones/John Liner. (~90 feet) Construct through the existing embankment, lying Jones Road into John		01 12 04 08 06	P	0.1	G P T W	Totals				4800		4800	2000	2800	EA	Yes				
14	8	SR-9 / John Liner / McGarigle Intersection Improvements SR-9 (N. Township) from: McGarigle / 57.38 to: John Liner / 57.48 Construct intersection improvements to include signal or roundabout.		03 04 12 22 32	P	0.10	C G P S T W	Totals ALL 6/1/2008				430	430	430	430	430	EA	Yes				



Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

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Hearing Date: Adoption Date:
 Amend Date: Resolution No.:

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Phase	Project Costs in Thousands of Dollars					Expenditure Schedule (Local Agency)				Federally Funded Projects Only								
		A. PIN/Federal Aid No.	B. Bridge No.						Federal Funding	Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)					
1	2		3	4	5	6	7	8	10	11	12	13	14	15	16	17	18	19	20	21						
16	9	John Liner Road Arterial Improvements John Liner Road from: Jones Road / BNSF to: SR-9 Widen and improve John Liner Rd. to Phase I arterial from new RR x-ing to SR-9, constructing a new crossing through the existing embankment, tying into Jones Road on the west side of the RR tracks. Arterial Loop.		01 05 32 12 23	P	0.6	P T W G																EA	Yes		
16	10	Jones Road Arterial Improvements Jones Road from: F&S Grade Road to: John Liner / BNSF Rebuild Jones Road to Phase I arterial section - 3 lanes, bike lane, curb & gutter, planter strip, sidewalk. Some ROW may be required. Part of Arterial Loop.		04 03 12	P	0.75	C G P T W																	EA	Yes	
16	11	F&S Grade Road Improvements F&S Grade Road from: SR-20 to: City Limits Improve and widen F&S Grade Road from SR-20 to City Limits with sidewalk and bike lane and install sewer. Phase I Arterial.		03 04 12 32	P	0.64	G P T						1940	1940										EA	Yes	
16	12	Cook Road to West Jones Connector Arterial Unnamed from: Cook Road to: West Jones/F&S Int'x Construct new Phase I Arterial connection between Cook Road and West Jones Road for Arterial Loop.		01 12 23 32	P	0.6								1940	1940									EA	Yes	
Totals																										
Totals									ALL	6/1/2007																
Totals																										



Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Sedro Woolley
 Co. No.: 29 Co. Name: Skagit Co.
 City No.: 1150 MPO/RTPO: Skagit
 Hearing Date: Adoption Date:
 Amend Date: Resolution No.:

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No. B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road F. Describe Work to be Done	Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars							Expenditure Schedule (Local Agency)				Federally Funded Projects Only			
							Phase Start (mm/dd/yyyy)	Federal Funding			State Fund Information			Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)
								Federal Fund Code	Federal Cost by Phase	State Fund Code	State Fund Code	State Funds									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
16	16	SR-20 to Cook Road Connector Arterial Rhodes Road from: SR-20 to: Cook Road Construct new Phase I Arterial connection between SR-20 and Cook Road for Arterial Loop	01 08 12 23	P	0.4														EA	Yes	
16	17	South Township Street Arterial Improvements Township Street from: River Road to: SR-20 Rebuild Township to Phase I arterial section for arterial loop - 3 lanes, bike lane, curb & gutter, planter strip, sidewalk. Some ROW may be required.	03 04 12	P	1.4	C C P T W	Totals												EA	Yes	
16	18	Rhodes Road Arterial Improvements Rhodes Road from: SR-9 to: SR-20 Phase I Arterial Improvements and realignment of Rhodes Road for Arterial Loop	32 23 12 04 02	P	0.8	C G P T W	Totals												EA	Yes	
16	19	Jameson Extension to SR-9 Jameson from: SR-9 to: Jameson Extend existing secondary arterial and potential relocation of intersection with SR-9. Work with landowners to streamline alignment of Jameson Arterial.	02 03 04 12 22 32	P	0.20	C G P S T W	Totals	ALL 12/31/2012				700	700	700				700	EA	Yes	
Totals													700	700				700			



Washington State Department of Transportation

Six Year Transportation Improvement Program

Agency: Sedro Woolley
 Co. No.: 29 Co. Name: Skagit Co.
 City No.: 1150 MPO/RTPO: Skagit
 Hearing Date: Adoption Date:
 Amend Date: Resolution No.:

From 2007 to 2012

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars						Expenditure Schedule (Local Agency)				Federally Funded Projects Only	
		A. PIN/Federal Aid No.	B. Bridge No.					Fund Source Information		1st 2nd 3rd 4th				Envir. Type	RW Required Date (MM/YY)				
		C. Project Title	D. Street/Road Name or Number					Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds						
E. Beginning MP or Road - Ending MP or Road	F. Describe Work to be Done	Phase Start (mm/dd/yyyy)	Phase	10	11	12	13	14	15	16	17	18	19	20	21				
1	2	3		4	5	6	7	8											
16	20	Jameson Street Arterial Improvements Jameson Street from: SR-9 to: Railroad Rebuild Jameson to Phase I arterial section for arterial loop - 3 lanes, bike lane, curb & gutter, planter strip, sidewalk. Some ROW may be required.	03 05 12	P	1.2	C G P T W											EA Yes		
16	22	Railroad Street Arterial Improvements Railroad Street from: Jameson to: Township Rebuild Railroad to Phase I arterial section for arterial loop - 3 lanes, bike lane, curb & gutter, planter strip, sidewalk. Some ROW may be required.	03 04 12	P	0.7	C G P T W											EA Yes		
16	23	Bennett & Jameson Intersection Improvements Jameson Street from: Bennett to: Bennett Improve intersection. Possible Roundabout.	03 04 12	P	0.12	C G P T W											EA Yes		
14	24	North Township Street Arterial Improvements Township Street from: SR-20 to: City Limits Rebuild Township to Phase I arterial section for arterial loop - 3 lanes, bike lane, curb & gutter, planter strip, sidewalk. Some ROW may be required.	03 04 12	P	1.2	C G P T W											EA Yes		
		Totals																	
		Totals																	
		Totals																	



Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2007 to 2012

Agency: Sedro Woolley

Co. No.: 29 Co. Name: Skagit Co.

Hearing Date: Adoption Date:

City No.: 1150 MPO/RTPO: Skagit

Amend Date: Resolution No.:

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars							Expenditure Schedule (Local Agency)				Federally Funded Projects Only								
		A. PIN/Federal Aid No.	B. Bridge No.					Fund Source Information		Phase Start (mm/dd/yyyy)	State Fund Code	State Fund Code	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	Required Date (MM/YY)							
		C. Project Title	D. Street/Road Name or Number					Federal Funding	Federal Fund Code												Federal Cost by Phase	1st	2nd	3rd	4th	EA	Yes
1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21						
14	25	Fruitdale Arterial Improvements South Fruitdale Road from: Minkler Road to: SR-20 Widen Fruitdale to Phase I Arterial Standards between Hohen Road and SR-20 for arterial loop.		03 04 23 32	P	0.87	C G P T W																				
14	26	Cook Road / Trail Road Traffic Signal Cook Road and Trail Road from: -0.06 to: 0.06 Install traffic signal at Cook Road / Trail Road intersection.		12	P	0.02	C G P T W							290	290									CE	No		
16	27	Reconstruct 3rd Street 3rd Street from: Sterling Street to: State Street Repave 3rd Street and coordinate crossing improvements at high school with School District. Improve drainage.		12 07	P	0.44	C G P T W								290 350									EA	No		
14	28	SR-20 / N. Bell Street Intersection SR-20 from: 65.90 to: 66.02 Improve North Bell intersection with SR-20 on north side of SR-20 - widen N. Bell, improve radiuses, add curb, gutter, and sidewalk. May require ROW.		03 05 12	P	0.12	C G W T P							350	350									EA	Yes		
Totals																											
ALL 6/1/2008																290	290										
Totals																											
ALL 6/1/2007																290	350										
Totals																											
ALL																350	350										



Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Sedro Woolley
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Hearing Date: _____ Adoption Date: _____
 Amend Date: _____ Resolution No.: _____

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars						Expenditure Schedule (Local Agency)				Federally Funded Projects Only								
		A. PIN/Federal Aid No.	B. Bridge No.					Phase Start (mm/dd/yyyy)	Fund Source Information			Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	RW Required Date (MM/YY)								
		C. Project Title	D. Street/Road Name or Number						Federal Fund Code	Federal Cost by Phase	State Fund Code								State Funds	Local Funds						
1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21					
16	29	State Street Sidewalks State Street from: Murdock St. to: Township St. Construct sidewalks, ADA ramps, and other pedestrian improvements along the north side of State Street.		32 12	P	0.50																				
16	30	Reed Street Reconstruction Reed Street from: Ferry Street to: SR-20 Widen existing roadway including sidewalks, curb, and gutters, and install stormwater facilities.		03 05 06 12	P	0.36	G T W																No			
14	31	SR-20 / Reed Street Traffic Signal SR-20 / Reed Street from: 65.70 to: 65.72 Install Traffic Signal and intersection improvements at SR-20 / Reed Street intersection.		05 12	P	0.02	C G P T W																	No		
19	32	Central Business District Sidewalk & Street Improvements Ferry, Metcalf, Murdock, Woodworth, Puget, Reed, State, Walley, from: CBD to: CBD Improve various sidewalks within downtown Central Business District and widen to 12'. May include road widening for CBD parking. 80' ROW width throughout CBD.		12 32	P		C G P T W																	No		
Totals																										
Totals								ALL	6/1/2007							150	150									150
Totals																										150



Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

Agency: Sedro Woolley

Co. No.: 29 Co. Name: Skagit Co.

City No.: 1150 MPO/RTPO: Skagit

Hearing Date: Adoption Date:

Amend Date: Resolution No.:

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars							Expenditure Schedule (Local Agency)				Federally Funded Projects Only							
		A. PIN/Federal Aid No.	B. Bridge No.					Fund Source Information		Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)										
		C. Project Title	D. Street/Road Name or Number					Federal Fund Code	Federal Cost by Phase								State Fund Code	State Funds	Local Funds							
E. Beginning MP or Road - Ending MP or Road		F. Describe Work to be Done		Phase Start (mm/dd/yyyy)	Project Phase	Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	R/W Required Date (MM/YY)									
1	2		3	4	5	6	7					10	11	12	13	14	15	16	17	18	19	20	21			
	33	SR-20 BNSF Railroad Undercrossing Bridge	020/226	03 04 09 12	P	0.12	C G P T W																			
	34	SR-20 Other Improvements		05 06 12	P	2.56																				
	35	11th and Jameson Intersection Improvements		03 04 12	P	.12	G P T W																			
	36	Helmeick Road Improvements		03 04 01 06 05 12	P	0.60	C G P T W																			
Totals																										



Washington State Department of Transportation

Six Year Transportation Improvement Program

From 2007 to 2012

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 City No.: 1150 MPO/RTPO: Skagit

Hearing Date: _____
 Amend Date: _____

Adoption Date: _____
 Resolution No.: _____

Functional Class	Priority Number	Project Identification		Improvement Type(s)	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars						Expenditure Schedule (Local Agency)				Federally Funded Projects Only	
		A. PIN/Federal Aid No.	B. Bridge No.					Phase Start (mm/dd/yyyy)	Fund Source Information			1st	2nd	3rd	4th Thru 6th	Envir. Type	RW Required Date (MM/YY)		
									Federal Fund Code	Federal Cost by Phase	State Fund Code							State Funds	Local Funds
1	2		3	4	5	6	7						16	17	18	19	20	21	
14	37	SR-20 / Helmick Road Intersection		03 04 05 06 12 32	P	0.10	G L P										EA	No	
		SR-20																	
		from: SR-20	to: Helmick Road																
		Intersection improvements. Partner with County																	
14	38	SR-9 Other Improvements		06 05 03 12 13 22	P	2.79	C G P T W										EA	Yes	
		from: 55.45	to: 58.24																
		Ongoing capacity and safety improvements along SR-9 within City limits.																	
00	39	Misc Projects		03 04 05 06 07 12	S		C G P T W						100	100	100	100	CE		
		from: _____	to: _____																
		Miscellaneous capital improvements to CBD and arterials and collectors. Includes new ADA ramp retrofits.																	
16	40	Township / Ferry Intersection Improvements		03 05 12 32 22	P	0.10	C G P S T W						100	450	100	450	EA	Yes	
		Township St.																	
		from: Ferry St	to: Ferry St																
		Construct intersection improvements to include a roundabout or signal.																	
													450	450	450	450			
													450	450	450	450			
													450	450	450	450			

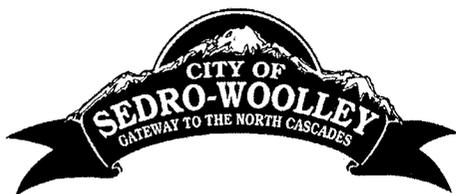
Six Year Transportation Improvement Program

Agency: Sedro Woolley
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From 2007 to 2012

Functional Class	Priority Number	Project Identification		Improvement Types	Status	Total Length	Utility Codes	Project Costs in Thousands of Dollars							Expenditure Schedule (Local/Agency)				Federally Funded Projects Only				
		A. PIN/Federal Aid No.	B. Bridge No.					Fund Source Information			1st				2nd		3rd		4th		RW Required Date (MM/YY)		
		C. Project Title	D. Street/Road Name or Number					Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	EA	Yes			
E. Beginning MP or Road - Ending MP or Road	F. Describe Work to be Done	Phase Start (mm/dd/yyyy)	Federal Fund Code	State Fund Code	State Funds	Local Funds	Total Funds	1st	2nd	3rd	4th Thru 6th	Envir. Type	EA	Yes									
1	2		3	4	5	6	7							16	17	18	19	20	21				
14	45	East SR-20 Widen to 3 Lanes SR-20	from: Township St. / 66.30 to: Fruitdale Rd. / 67.00	05 12 22 32	P	0.70	C S P O S W					1900	1900	1900					EA	Yes			
14	46	SR-20 Safety Improvements SR-20	from: Township St. / 66.30 to: Fruitdale Rd. / 67.00	06 12	P	0.70	P					370	370	370					CE	No			
14	47	SR-20 Widen to 5 Lanes - Phase 1 SR-20	from: SR-9 South Leg / 64.75 to: BNSF BR. 020/226 / 65.46	04 12 22 32	P	0.71	W S T P G C					370	3760	3760					EA	Yes			
14	48	SR-20 Widen to 5 Lanes - Phase 3 SR-20	from: BNSF BR. 020/226 / 65.46 to: Township St. / 66.30	04 12 22 32	P	0.84	C G P S T W					3760	3990	3990					EA	Yes			
Totals												1900	1900	1900									
Totals												370	370	370									
Totals												3760	3760	3760									
Totals												3760	3990	3990									
Totals												3990	3990	3990									

UNFINISHED BUSINESS



CITY OF SEDRO-WOOLLEY
CITY COUNCIL AGENDA Sedro-Woolley Municipal Building
REGULAR MEETING 720 Murdock Street
Sedro-Woolley, WA 98284

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 8

Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
RE: City Hall Update (*no action requested*)
DATE: May 23, 2007

The project has been stalled for the week of May 7 with work resuming following a change order request that was approved on May 16. The problem was an unanticipated conflict between a Cascade Natural Gas line on the north edge of the site where we planned to install drainage infrastructure. CNG indicated it would take them two weeks or more to relocate the line; the approved change order redesigned the drainage line to work around the CNG line and allow the project to proceed without further delay.

A copy of the change order is attached for your information.

MODIFICATION PROPOSAL REQUEST

PROJECT **Sedro-Woolley Courtroom/Council Expansion**

TITLE OF CHANGE Storm Revisions and Delays

PROPOSAL NO. 1

REQUEST FOR MODIFICATION: Colacurcio Brothers Construction Company, Inc. Contractor, THE MAIN CONTRACT with City of Sedro-Woolley dated April 17, 2007 request the changes as outlined below and/or detailed on the attachments.

ISSUED BY: Manley McIntyre - Colacurcio Brothers, Inc.

DATE ISSUED: 5/15/07

Additional costs and project delays due to conflicts with existing gas line and power conduits and per responses to RFI #006. Pricing is based on approval and written direction to proceed by 5/16/07 so that our forces can be dispatched to re-mobilize on 5/17/06.

DISTRIBUTION via fax/e-mail (1) Colacurcio Brothers Construction (Manley McIntyre) (3) Carletti Architects (Quienten Sutter)

MODIFICATION PROPOSAL TO: City of Burlington *Sedro Woolley*

We propose to perform all changes described in the above request for a total **(ADDITION)** ~~(DEDUCTION)~~ to the

contract sum of: Nine thousand five hundred seventy-five dollars and ninety-three cents \$ 9,575.93
State Sales Tax ~~(INCLUDED)~~ **(EXCLUDED)**

The amount covers all direct and indirect costs related to the change including effects of the change on the remainder of the project. All other provisions of the contract remain in full effect. Attached are Cost Proposal Detail Sheets. We request and **(EXTENSION)** ~~(REDUCTION)~~ (leave blank if "0" days) of 9 calendar days in the completion time because of this change. We agree to be bound by this proposal for 30 days from signature date.

SUBMITTED BY *[Signature]* DATE 5-15-07
(Contractor's Signature)

DISTRIBUTION (1) signed originals with attached cost breakdown to Brody Harris (Lewis Architecture)

[] Returned to Contractor for revision/reevaluation. ~~See comments above/attached~~

AUTHORIZATION TO: Lewis Architecture (Brody Harris) recommends acceptance of the foregoing proposal.

RECOMMENDED BY _____ DATE _____

AUTHORIZED BY _____ DATE _____
(Owner's signature or telephone approval)

As indicated above, the Owner accepts the foregoing proposal and authorizes performance of the changes specified. A Change Order (CO) will follow which includes the MP amount. Billing cannot be honored for the MP until issuance of the CO.

DISTRIBUTION After signature, (1) original retained by Owner, (1) original to Architect, (1) original to Contractor



Granite Precasting & Concrete
 4116 Bakerview Spur
 Bellingham, WA 98226
 Phone: (360) 671-2251
 Fax: (360) 671-0780

INVOICE 6778

Invoice Date: 4/25/2007

Job Number: 1578
Ship to: SERDO-WOOLLEY COUNCIL/CHAMBERS EXPAN
 220 MUNRO STREET
 SEDRO WOOLEY, WA

Sold to: COLACURCIO BROS CONST.
 3287 H STREET
 BLAINE, WA 98230

APR 28 2007

SHIP DATE	SHIP VIA	F.O.B.	TERMS	PAGE
4/25/2007			NET 10TH	1
CUSTOMER PO#	LOAD	SALES REP	EXEMPT #	REFERENCE
27235		DDA	600-555-169	

Qty	Item	Description	Weight	Unit Price	TX	Extension
Structure:						
6	CB-1	TYPE I CATCH BASIN	10,800	\$104.16	<input type="checkbox"/>	\$624.96
3	CB-1L	IL-CB	6,720	\$168.26	<input type="checkbox"/>	\$504.78
3	CB-1LRED	IL-RED SLAB	1,500	\$60.00	<input type="checkbox"/>	\$180.00
7	CBR-06	6" CB RISER	1,820	\$35.20	<input type="checkbox"/>	\$246.40
7	CBR-04	4" CB RISER	1,260	\$34.32	<input type="checkbox"/>	\$240.24
4	CBR-02	2" CB RISER	400	\$25.52	<input type="checkbox"/>	\$102.08
20	MDRY-RECRETE	RECRETE - 50 LBS (20 MINUTE)	1,000	\$18.78	<input type="checkbox"/>	\$375.60
Structure Total						\$2,274.06
Total Weight			23,500			

Taxable	\$0.00
Non-Taxable	\$2,274.06
Sub Total	\$2,274.06
Tax	\$0.00
Invoice Total	\$2,274.06
Less Deposit	\$0.00
Invoice Balance	\$2,274.06

25140
 207008
 02-7000



3287 H Street Road
Blaine, WA 98230
Ph 360-332-4044
Fax 360-332-5079
Lic# COLACBI150P8

REQUEST FOR INFORMATION

RFI NUMBER: 006

Attention: Quienten Sutter

CC: Manley McIntyre, Peter Carletti

RFI Author: Tim Post

Project: Sedro-Woolley Council/Courtroom Expansion

RE: Project # 207008

Information Requested

Conduits from the existing power pole on Murdock Street on Grid E have been located and run directly under the building footing on Grid 2 from Grid F to G, continuing through Grid H, then turning East behind the building running through Grid 7 as shown. Proposed storm line is in conflict with existing gas and power elevations. The top of the existing gas line elevation is 54.43, the bottom is 54.07. The existing power conduit top elevation is 54.37, the bottom is 54.00. The existing storm is at i.e. 53.83 at the existing catch basin to the east. The existing catch basin on Munro St i.e. is 53.38. The outside diameter of the existing 18" pipe is 1'9 5/8". Colacurcio cannot proceed with storm line, catch basins, or building excavation until conflict is resolved. The storm line must be installed prior to building foundation due to space access restrictions. Please direct ASAP.

Reference Drawings Number Sheet E2.0

Date Required: ASAP

Notification1: 5-3-07

Is Extra Time required: Yes

Will Extra Cost Result: Yes

(Colacurcio Bros. Const. Co. Inc. specifically reserves the right to claim extra time and extra costs for work involved with this RFI if it is deemed to be extra to the contract as directed by the Owner, Engineer, or Architect, and this hereby serves as notice.)

Response:

The electrical conduits can be pushed up in order to allow the installation of the storm drain. The conduits will become abandoned after the existing service is backfed. The location of these conduits is different than anticipated. Please see the attached sketch for a revised location for intercepting and re-routing these conduits.

Signed: Bill Diephuis

Date: 5/4/07

THIS IS NOT AN AUTHORIZATION TO PROCEED WITH WORK INVOLVED EXTRA COSTS AND/OR TIME. CHANGES TO THE CONTRACT MUST BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

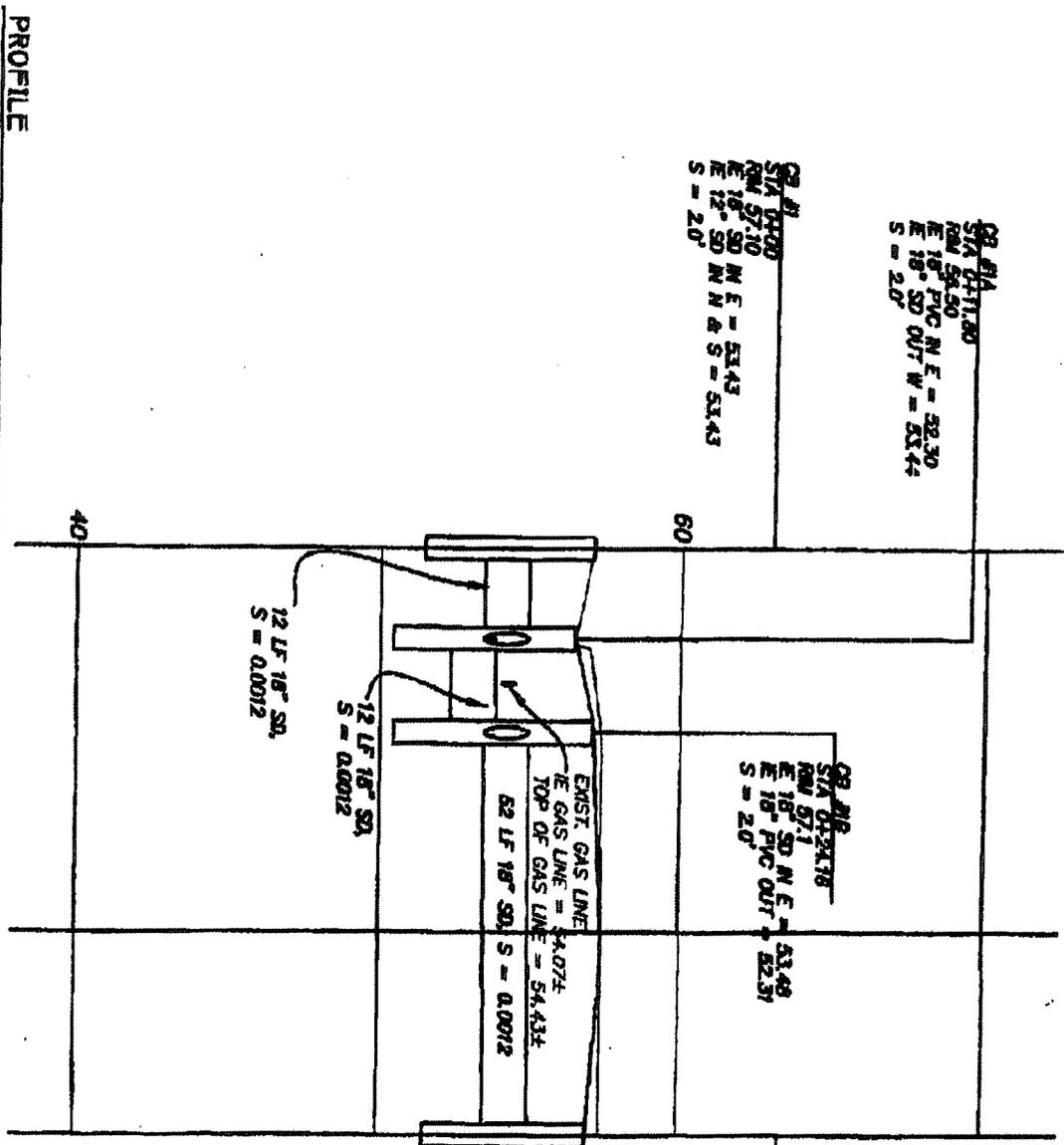
From: CARETTI ARCH PS

3804245726

06/14/2007 13:51

#24B P.003/003

04-674 COURTROOM/COUNCIL EXPANSION SEDRO WOOLLEY
 CR #4 REVISED STORM DRAIN
 DATE: 5-14-07 SHEET 2/2



CR #1A
 STA 0+11.80
 RM 5+50
 E 18\"/>

CR #1
 STA 0+00
 RM 5+10
 E 18\"/>

CR #1B
 STA 0+21.18
 RM 5+1
 E 18\"/>

CR #2
 STA 0+78.12
 RM 5+00
 E 18\"/>

EXIST. GAS LINE
 E GAS LINE = 54.074
 TOP OF GAS LINE = 54.434
 82 LF 18\"/>

12 LF 18\"/>

CARETTI ARCHITECTS P.S.
 110 E. Fir Street
 Suite A
 Mount Vernon, WA 98279
 Phone: (360) 424-0394
 Fax: (360) 424-5726

From: CARETTI ARCH PS

3804245728

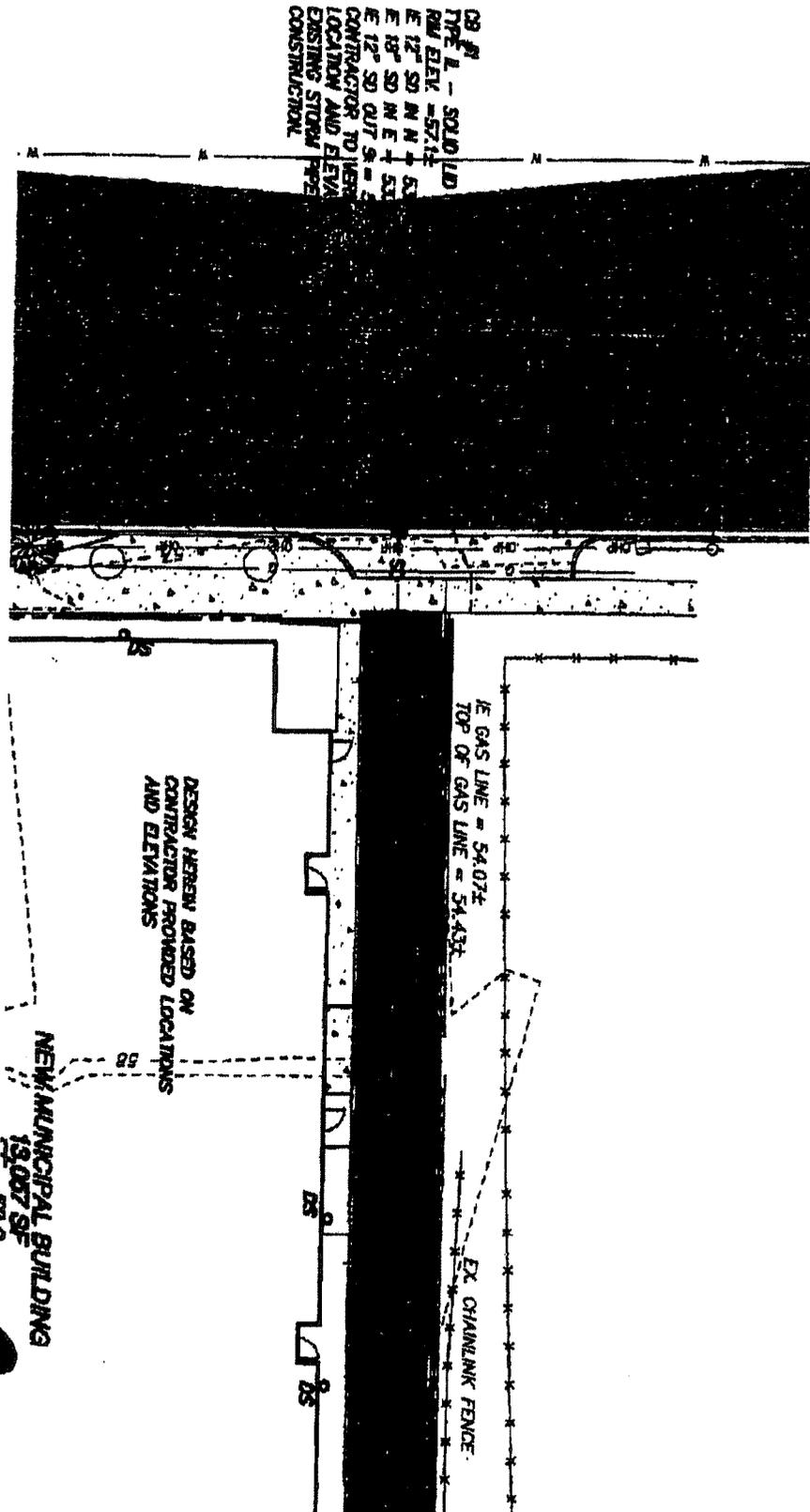
05/14/2007 13:50

#246 P.002/009

04-874 COURTROOM/COUNCIL EXPANSION SEDRO WOOLLEY	
CR #4	REVISED STORM DRAIN
DATE: 6-14-07	
SHEET 1/2	

SITE PLAN

1"=20'



CB #1 - SOLID
 RW ELEV = 57.1
 E 12" SD IN N E + 5.3
 E 18" SD IN E + 5.3
 E 12" SD OUT S = 2
 CONTRACTOR TO VERIFY
 LOCATION AND ELEVATION
 EXISTING STORM PIPE
 CONSTRUCTION.

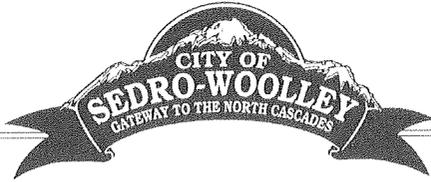
DESIGN HEREBY BASED ON
 CONTRACTOR PROVIDED LOCATIONS
 AND ELEVATIONS

NEW MUNICIPAL BUILDING
 13,087 SF

CARETTI ARCHITECTS P.S.

118 E. Fir Street
 Suite A
 Mount Vernon WA 98273
 Phone: (360) 424-0394
 Fax: (360) 424-0720





CITY OF SEDRO-WOOLLEY

Wastewater Treatment Plant
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 856-1100
Fax (360) 856-5269

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 9

Memorandum

Date: May 14, 2007

To: Mayor Anderson and City Council

From: Debbie Allen, Wastewater Treatment Supervisor 

Subject: **Proposed Pretreatment Ordinance-2nd Reading**

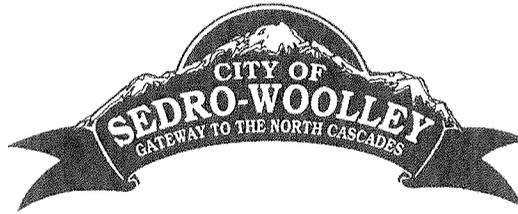
Background Information:

The attached Pretreatment Ordinance sets forth uniform requirements for Users of the Sedro-Woolley Wastewater Treatment Plant and Collection System and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations.

Once a Pretreatment Ordinance is in place, our intention is to begin inspections on grease traps, oil/water separators and dental amalgam traps in an attempt to prevent the introduction of pollutants into the Wastewater system.

Recommended Action:

Authorize Mayor Anderson to approve an Ordinance adopting Pretreatment Standards related to the Wastewater Treatment Plant for the City of Sedro-Woolley.



ORDINANCE NO.

AN ORDINANCE ADOPTING PRETREATMENT STANDARDS RELATED TO THE WASTEWATER TREATMENT PLANT FOR THE CITY OF SEDRO-WOOLLEY

WHEREAS, SWMC 13.24 regulates certain discharges into the City's wastewater treatment system;

WHEREAS, inspections of the collection system have resulted in increased knowledge about prohibited discharges which are occurring within the City's system;

WHEREAS, prohibited discharges vary but include fats, oils, grease, toxic substances and metals; and

WHEREAS, the City of Sedro-Woolley desires to set forth clear standards, rules and regulations to prohibit certain discharges, allow for inspections of sewer connections and equipment on private property and establish penalties for the violations of these standards, rules and regulations.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY AS FOLLOWS:

Section 1. SWMC 13.24 is repealed in its entirety.

Section 2. Attachment A hereto is hereby adopted as a new chapter under Title 13 of the Sedro-Woolley Municipal Code.

Section 3. The City Council authorizes the Mayor and/or the Mayor's designee, as appropriate, to administratively interpret these provisions as necessary to implement the intent of the Council.

EFFECTIVE DATE. This ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

**ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, AT A REGULAR
MEETING THEREOF, THIS 23rd DAY OF MAY, 2007.**

CITY OF SEDRO-WOOLLEY:

BY: _____
MIKE ANDERSON, Mayor

ATTEST:

Patsy Nelson, City Clerk-Treasurer

APPROVED AS TO FORM:

Eron Berg, City Attorney

Filed with the City Clerk: May 3, 2007
Public Hearing: n/a
First Reading: May 9, 2007
Second Reading: May 23, 2007
Passed by the City Council:
Date of Publication:
Effective Date:

ATTACHMENT A
SEDRO-WOOLLEY PRETREATMENT ORDINANCE

ARTICLE 1 – GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

- A. This Ordinance may be referred to as the Wastewater Pretreatment Ordinance. This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) of the City of Sedro-Woolley, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Ordinance are:
1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 3. To ensure that the quality of POTW biosolids is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
 4. To protect POTW personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public;
 5. To improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW; and
 6. To promote strategies to reduce the amounts of pollution generated by users, thereby reducing the associated hazards to the POTW and receiving waters.
- B. This Ordinance shall apply to all users of the POTW. This Ordinance defines certain prohibited discharges; sets forth local limits for use by the State agencies in the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 ADMINISTRATION

Except as otherwise provided herein, the Mayor or designee shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Department Head may be delegated by the Department Head to other City personnel.

1.3 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

- ◆ **Accessible:** Accessible when applied to required pretreatment monitoring or treatment equipment shall mean direct access without the necessity of removing any panel, door, vehicle, equipment, materials, or other similar obstruction.
- ◆ **Act or “the Act:”** The Federal Water Pollution Control Act, also known as the Clean Water Act, (33 U.S.C. 1251 et seq), as amended.
- ◆ **AKART:** An acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. AKART shall be applied by all Industrial and Commercial Users of the POTW. Best Management Practices are a subset of the AKART requirement.
- ◆ **Applicable Pretreatment Standards:** For any specified pollutant, City of Sedro-Woolley prohibitive standards, City of Sedro-Woolley specific pretreatment standards (local limits), State of Washington pretreatment standards, or National Categorical pretreatment standards, whichever standard is most appropriate or stringent.
- ◆ **Approval Authority:** Washington State Department of Ecology or Ecology.
- ◆ **Authorized Representative of the User:**
 - A. If the user is a corporation, the president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation who has signing authority granted by corporate bylaws;

- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively, if partner has the right of signature or limited power of attorney;
- C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- D. The individuals described in paragraphs A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City .

- ◆ **Best Management Practices (BMPs):** Schedules of activities, provisions of practices, maintenance procedures, and other management practices to prevent or reduce pollution discharge to the POTW. BMPs also include treatment requirements, operating procedures, and practices to control all discharges to the POTW.
- ◆ **Biochemical Oxygen Demand (BOD₅):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures during five (5) days at 20° centigrade, usually expressed as a concentration [milligrams per liter (mg/l)].
- ◆ **Bypass:** The intentional diversion of waste streams from any portion of a user's pretreatment facility.
- ◆ **Categorical Pretreatment Standard or Categorical Standard:** Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- ◆ **Categorical User:** A user covered by one or more Categorical Standards as defined herein.
- ◆ **Chemical Oxygen Demand (COD):** A measure of the oxygen-consuming capacity of inorganic and organic matter present in wastewater. COD is expressed as the amount of oxygen consumed from a chemical oxidant in mg/l during a specific dose.

- ◆ **City:** Sedro-Woolley, Washington, or its authorized deputy, agent, or representative, and includes the term “Department Head” or his or her designee as used in this Ordinance, and the Mayor.
- ◆ **Class I User:** A commercial and/or industrial user with a waste concentration greater than 0 mg/l BOD₅ and less than 300 mg/l BOD₅.
- ◆ **Class II User:** A commercial and/or industrial user with a waste concentration greater than 300 mg/l BOD₅ and less than 900 mg/l BOD₅.
- ◆ **Class III User:** A commercial and/or industrial user with a waste concentration greater than 900 mg/l BOD₅ and less than 1,500 mg/l BOD₅.
- ◆ **Class IV User:** A commercial and/or industrial user with a waste concentration greater than 1,500 mg/l BOD₅.
- ◆ **Color:** The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- ◆ **Composite Sample:** The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- ◆ **Control Authority:** A state entity whose pretreatment program has been approved by the EPA or a municipal entity whose pretreatment program has been approved by the duly authorized state or EPA.
- ◆ **Cooling Water/Non-Contact Cooling Water:** Water used for cooling, which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.
- ◆ **County:** Skagit County, Washington or its authorized deputy, agent, or representative; Skagit County Department of Public Works, includes the Director and authorized agents.
- ◆ **Day:** Day shall be defined as a calendar day.
- ◆ **Department Head:** The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, and specifically including his/her duly authorized representative or inspector.

- ◆ **Domestic User (Residential User):** Any ERU that contributes, causes, or allows the contribution of wastewater into the POTW that is similar in volume and/or chemical makeup to domestic wastewater.
- ◆ **Domestic Wastewater:** Wastewater from residential kitchens, bathrooms, and laundries, and water-borne human wastes from sanitary facilities in all other buildings, together with such groundwater infiltration or surface waters as may be present.
- ◆ **Ecology:** The Washington State Department of Ecology or authorized representatives thereof.
- ◆ **Environmental Protection Agency (EPA):** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- ◆ **Existing Source:** Any categorical user which discharges wastewater to the POTW, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- ◆ **Existing User:** Any non-categorical industrial user which discharges wastewater to the POTW prior to the effective date of this Ordinance.
- ◆ **Fats, Oils, and Grease (FOG):** Those components of wastewater amenable to measurement by the methods described in Standard Methods for the Examination of Water and Wastewater, 20th Edition, 1998, Section 5520, or latest edition. The term “fats, oils, and grease” shall include polar and nonpolar fats, oils, and grease.
- ◆ **Food Service Users:** Any user who operates a restaurant, café, lunch counter, grill, deli, catering service, bakery, grocery store, butcher shop, take-out counter, cafeteria, bar, or club, hotel, hospital, nursing home, retirement village, sanitarium, factory, or school kitchens, or any commercial establishments where grease may be introduced to the sewer system.
- ◆ **Grab Sample:** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- ◆ **Grease Interceptor:** An interceptor of at least 750 gallon capacity to serve one or more fixtures and which shall be remotely located. Alternately, a UPC-approved mechanical device for grease removal.

- ◆ **Grease Trap:** A device designed to retain grease from one to a maximum of four fixtures.
- ◆ **High Strength Waste:** Any waters or wastewater have a concentration of BOD or total suspended solids in excess of 300 mg/l or having a concentration of fats, oil and grease in an excess of 100 mg/l.
- ◆ **Indirect Discharge or Discharge:** The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.
- ◆ **Industrial User:** Throughout this document, the term “Industry” or “Industrial User” is meant to apply to ANY “Person” (defined in 173-216-030(13) WAC) within the POTW’s service area which has, or may have, a discharge of “industrial wastewater” (as defined below), or who would be subject to Categorical Standards promulgated by EPA if they were discharging.
- ◆ **Industrial Wastewater:** Water or liquid-carried waste from any industry, manufacturing operation, trade, business, or commercial establishment which includes process wastewater, cooling water, contaminated stormwater, contaminated leachates, or other waters in some combination such that the combined effluent differs in some way from purely domestic wastewater, or is subject to regulation under Federal Categorical pretreatment Standards, the State Waste Discharge Permit Program, or this Ordinance.
- ◆ **Interceptor:** An interceptor is a device designed and installed so as to separate and retain deleterious or undesirable matter from normal wastes and permit normal liquid wastes to discharge by gravity.
- ◆ **Interference:** The effect of a discharge or discharges on the POTW from one or more non-domestic users which results in either:
 - A. Inhibition or disruption of the POTW, its treatment processes or operations, or its biosolids processes, use, or disposal;
 - B. Violation of any permit regulating the POTW’s wastewater discharge or biosolids; or
 - C. Prevention of biosolids use or disposal in compliance with any applicable statutory or regulatory provision or permit issued hereunder. (Applicable sludge regulations shall include Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred

to as the Resource Conservation and Recovery Act (RCRA); State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and 40 CFR Part 503.)

- ◆ **Maximum Allowable Discharge Limit:** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- ◆ **Medical Wastes:** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- ◆ **New Source:**
 - A. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (C) of the Act which will be applicable to such sources if such standards are thereafter promulgated in accordance with that section, provided that:
 - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3. The production of wastewater generating processes of the building structure, facility, or installation or substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Paragraphs A(2) or (3) above, but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as defined herein has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program, any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase or facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies, do not constitute a contractual obligation under this paragraph.

- ◆ **New User:** Any non-categorical user that plans to discharge a new source of wastewater to the City’s sewerage system after the effective date of this Ordinance. This discharge may be from either a new or an existing facility. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an “existing user” if no significant changes are made in the manufacturing operation.
- ◆ **Pass Through:** A discharge which exits the POTW in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES or State Waste Discharge Permit (including an increase in the magnitude or duration of a violation) or causes a violation of any water quality standard for waters of the State promulgated under State regulations, including Chapter 173-201(A) WAC.
- ◆ **Permittee:** A person or user issued a wastewater discharge permit, or discharge authorization.
- ◆ **Person:** Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, any federal, state, or local governmental agency or entity, or any other entity whatsoever; or their legal representatives, agents, or assigns.
- ◆ **pH:** A measure of the acidity or alkalinity of a substance, expressed in standard units.

- ◆ **Pollutant:** Any substance, either liquid, gaseous, solid, or radioactive, discharged to the POTW which, if discharged directly, would alter the chemical, physical, thermal, biological, or radiological properties of waters of the state of Washington including pH, temperature, taste, color, turbidity, oxygen demand, toxicity, or odor. This includes any discharge likely to create a nuisance or render such waters harmful, detrimental, or injurious to any beneficial uses, terrestrial, or aquatic life, or to public health, safety, or welfare.
- ◆ **Pollution Prevention:** Source reduction; protection of natural resources by conservation; or increased efficiency in the use of raw materials, energy, water, or other resources.
- ◆ **Pretreatment:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).
- ◆ **Pretreatment Facilities:** Any device, structure or method that which will remove specified pollutants and/or chemicals from the wastewater prior to its discharge into the POTW.
- ◆ **Pretreatment Program:** An Industrial Wastewater Pretreatment Program administered by Ecology or applicable Control Authority and/or the U.S. EPA under their respective laws and regulations and includes any requirements for local municipalities necessary to assist and support Ecology and/or EPA's Program.
- ◆ **Pretreatment Requirements:** Any substantive or procedural state, local, or federal requirement related to pretreatment developed under Chapter 90.48 RCW and/or Sections 307 and 402 of the Clean Water Act.
- ◆ **Pretreatment Standards or Standards:** Any pollutant discharge limitations including categorical standards, state standards, and local limits of Article 2.4 of this Ordinance applicable to the discharge of non-domestic wastes to a POTW. The term shall also include the prohibited discharge standards of this Ordinance, WAC 173-240-060, and 40 CRF Part 403.5.
- ◆ **Process Wastewater:** Industrial wastewater discharged from one or more commercial or industrial processes or cleanup procedures. Process wastewater does not include domestic waste or non-contact cooling water. Process wastewater may refer to one process discharge or several commingled process discharges.

- ◆ **Prohibited Discharge Standards or Prohibited Discharges:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Article 2 of this Ordinance.
- ◆ **Public Sewer:** A sewer constructed for conveyance of liquid wastes which is controlled by a public authority.
- ◆ **Publicly Owned Treatment Works (POTW):** Any “treatment works,” as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the treatment plant. Also known as the Wastewater Treatment Plant (WWTP) and the associated collection system and all appurtenances contained within City-owned Rights-of-Way and other City-owned property.
- ◆ **Recreational Vehicle Waste (RV Waste):** Any domestic and/or residential wastes from holding tanks on private recreational vehicles, including travel trailer, pickup truck-mounted campers, and mobile domestic single-family recreational vehicles. This category does not include tour buses and public transportation vehicles. This category does not include wastes from vehicles which collect wastewater from holding tanks.
- ◆ **Self Monitoring Reports:** A report, submitted to the City , Ecology, or applicable Control Authority by the user, containing sampling test results on wastewater discharges quality and quantity. Results shall be from certified lab as required by WAC 173-216.
- ◆ **Septic Tank Waste or Septage:** Any sewage and sludge from individual wastewater disposal systems such as septic tanks and cesspools; and domestic wastes from holding tanks and chemical toilets.
- ◆ **Severe Property Damage:** Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- ◆ **Sewage or Wastewater:** Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm, or other waters or wastes as may be present.

- ◆ **Sewer:** Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source to the POTW.
- ◆ **Shall:** “Shall” defines a mandatory requirement.
- ◆ **Significant Industrial User (SIU):**
 - A. A user subject to categorical pretreatment standards; or
 - B. A user that:
 1. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
 2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. Is designated as such by Ecology with input from the City on the basis that it, alone or in conjunction with other sources, has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
 - C. Upon finding that a user meeting the criteria in Subsection (B) has no reasonable potential for adversely affecting the POTW’s operation or for violating any applicable pretreatment standard or requirement, Ecology may at any time, on its own initiative or in response to a petition from a user or the City and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a Significant Industrial User.
- ◆ **Significant Non-Compliance (SNC):** Shall refer to a violation or pattern of violations of one of the following natures:
 - A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 - B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC [1.4 for BOD, TSS, fats, oils and grease,

and 1.2 for all other pollutants except pH];

- C. Any other discharge violation that the City believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public);
 - D. Any discharge of pollutants that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
 - E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - G. Failure to accurately report non-compliance; or
 - H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the Pretreatment Program.
- ◆ **Slug Load:** Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Articles 2.1 through 2.4 of this Ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.
 - ◆ **Standard Industrial Classification (SIC) Code:** A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
 - ◆ **State:** The State of Washington.
 - ◆ **Stormwater:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
 - ◆ **Total Suspended Solids (TSS):** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

- ◆ **Toxic Pollutant:**
 - A. Any pollutant or combination of pollutants listed as toxic in the regulations promulgated by EPA pursuant to authority under the Clean Water Act (“CWA” 33 U.S.C. Section 1251 et seq.), the Resource Conservation and Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA” 42 U.S.C. Section 9601 et seq.); or
 - B. Any Dangerous Waste or Extremely Dangerous Waste or Mixed Waste as listed in the regulations promulgated by the Washington State Department of Ecology pursuant to the Hazardous Waste Management Act (RCW 70.105 et seq.).

- ◆ **Treatment Plant Effluent:** The discharge from the POTW.

- ◆ **Uniform Plumbing Code:** The Uniform Plumbing Code stated shall be the Uniform Plumbing Code as adopted by the County and in effect at the time of construction.

- ◆ **Upset:** An exceptional incident causing unintentional and temporary non-compliance with applicable pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- ◆ **User or Commercial and/or Industrial User:** A source of wastewater discharge to the POTW exclusive of “Domestic Users” as defined herein.

- ◆ **Wastewater:** (See Sewage.)

- ◆ **Wastewater Discharge Permit (Industrial Wastewater Discharge Permit, Discharge Permit):** An authorization or equivalent control document issued by Ecology to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this Ordinance.

- ◆ **Wastewater Treatment Plant or Treatment Plant:** That Portion of the POTW designed to provide treatment of sewage as defined herein.

- ◆ **Zero Discharge Permit:** A permit for a categorical user that operates its processes so that no industrial wastewater is discharged to the POTW.

1.4

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ASPP	Accidental Spill Prevention Plan
AKART	All Known, Available, and Reasonable means of prevention, control and Treatment (see Definitions)
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CWA	Clean Water Act
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
ERU	Equivalent Residential Unit
FIFRA	Federal Insecticide Fungicide Rodenticide Act
FOG	Fats, oils and grease
gpd	Gallons per day
l	Liter
LEL	Lower Explosive Limit
Mg	Milligrams
Mg/l	Milligrams per liter
NPDES	The National Pollutant Discharge Elimination System as defined under Section 402 of the Clean Water Act
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classifications
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	Total Suspended Solids
USC	United States Code
WAC	Washington Administrative Code

ARTICLE 2 – GENERAL REQUIREMENTS

2.1

PROHIBITED DISCHARGE STANDARDS

- A. **General Prohibitions:** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements (40 CFR 403.5(a) and WAC 173-216-060(2)(b)(i)).
- B. **Specific Prohibitions:** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or gases, either singly or combined in a waste stream:
1. Any pollutant which either alone or by interaction may create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, (40 CFR 403.5(B)(1)), or are capable of creating a public nuisance (WAC 173-216-060(2)(b)(ii));
 2. Any pollutant which will cause corrosive structural damage to the POTW, but in no case discharges with a pH less than 5.5 or more than 10, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system, unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under the State Waste Discharge Permit program (40 CFR 403.5(b)(2) and WAC 173-216-060(2)(b)(iv));
 3. Any solid or viscous substances including fats, oils, and grease in amounts which may cause obstruction to the flow in a POTW or other interference with the operation of the POTW (40 CFR 403.5(b)(3) and WAC 173-216-060(2)(b)(iii));
 4. Any discharge of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, is sufficient to cause interference with the POTW (40 CFR 403.5(b)(4) and WAC 173-216-060(2)(b)(vi));
 5. Any waste stream having a temperature which will inhibit biological activity in the treatment plant resulting in interference, or cause worker health or safety problems in the collection system.

In no case shall wastewater be discharged at a temperature which causes the temperature at the introduction to the POTW treatment plant to exceed 104°F (40°C) unless the system is specifically designed to accommodate such a discharge, and the discharge is authorized under the State Waste Discharge Permit Program (40 CFR 403.5(b)(5) and the WAC 173-216-060(2)(b)(v));

6. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through (40 CFR 403.5(b)(6) and WAC 173-216-060(2)(b)(i));
7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within any portion of the POTW in a quantity that may cause acute worker health and safety problems (40 CFR 403.5(b)(7));
8. Any trucked or hauled wastes, except at discharge points designated by the City and in compliance with all applicable City requirements and during specified hours (40 CFR 403.5(b)(8));
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair (WAC 173-216-060(2)(b)(ii));
10. Any of the following discharges unless approved by the City under extraordinary circumstances, such as the lack of direct discharge alternatives due to a combined sewer service or need to augment sewage flows due to septic conditions (WAC 173-216-060(2)(b)(vii)):
 - (a) Non-contact cooling water in significant volume;
 - (b) Stormwater, and other direct inflow sources;
 - (c) Wastewater significantly affecting system hydraulic loading, which does not require treatment or would not be afforded a significant degree of treatment by the System;
 - (d) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, deionized water, and unpolluted wastewater;
11. Any dangerous or hazardous wastes as defined in Chapter 173-303 WAC, as amended, except as allowed in compliance with

that regulation (WAC 173-216-060(1) and 40 CFR Part 261);

12. Any substance which will cause the POTW to violate its NPDES or other disposal system permits or causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
13. Any substance which may cause the POTW's effluent or treatment residues, biosolids, or scum to be unsuitable for reclamation and reuse, or would interfere with the reclamation process or cause the POTW to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed pursuant to the federal, state, or local statutes or regulations applicable to the biosolids management method being used;
14. Any liquid, solids, or gases which either singly, in conjunction, or by interaction with other waste streams cause two (2) successive readings on an explosion meter to be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter at any point in the collection system or treatment works;
15. Anything which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES Permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
16. Any discharge containing radioactive wastes or isotopes except as specifically approved by the City in compliance with applicable state or federal regulations including WAC 246-221-190 "Disposal by Release into Sanitary Sewerage System;" and meeting the concentration limits of WAC 246-221-290 Appendix A, Table 1, Column 2, and WAC 246-221-300 appendix B, and not violating any other prohibition;
17. Any sludge, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
18. Any medical wastes or infectious wastes, except as specifically authorized by the City ;

19. Any detergents, surface-active agents, or other substances in amounts which may cause excessive foaming in the POTW;
20. Any incompatible substance such as: grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or any other organic or inorganic matter greater than 0.5 inches (1/2-inch) in any dimension;
21. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA);
22. Any wastewater, which in the opinion of the City can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the City (except that no waiver shall be given from categorical pretreatment standards);
23. Any wastewater having a total fat waste, oil, or grease (whether or not emulsified), hexane or ether-soluble matter content in excess of one hundred (100) mg/L; or any substance which may solidify or become discernibly viscous at temperatures above zero degrees Centigrade (0 degree C) (32 degrees F);
24. Any wastewater having an average BOD₅ concentration more than 300 mg/l;
25. Any wastewater having an average TSS concentration more than 300 mg/l;
26. The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City and paid all assessed fees for testing and discharge;
27. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to

cause interference to the POTW.

28. Any substance which may cause the POTW's effluent or treatment residues, biosolids, or scums to be unsuitable for reclamation and reuse, or interface with the reclamation process.

C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

National categorical pretreatment standards as adopted and hereafter amended by the EPA pursuant to the Act shall be met by all Industrial Users of the regulated industrial categories. These standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405-471, are hereby incorporated by reference.

2.3 STATE REQUIREMENTS

- A. State requirements and limitations on discharges to the POTW as incorporated into Washington State Law by Chapter 90.48 RCW and implemented in Chapters 173-201A, 173-216, and 173-270 of the WAC, shall be met by all users who are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this Ordinance.
- B. Any user determined by the City to qualify as a Significant Industrial User (SIU) shall file an application for a State Waste Discharge Permit with Ecology in accordance with the requirements of WAC 173-216-070. Proof of acceptance of the application, and payment of permit fees shall be kept at the user's facilities, and produced upon request by the City. Failure to submit the application or rejection of the application by Ecology is sufficient grounds to terminate or refuse to provide sewer service.

2.4 LOCAL LIMITS

- A. The City shall have the authority to establish effluent limitations and/or require compliance with applicable effluent limitations or other pretreatment requirements. The City shall also have the authority to enforce the following limitations on wastewater strength, and any subsequent limitations adopted pursuant to this Ordinance.
- B. No person shall discharge process wastewater containing concentrations in excess of the following daily maximum allowable discharge limits unless prior written approval has been obtained from the City. These limits shall apply at the point where the wastewater is discharged to the POTW (end of the pipe). All

concentrations for metallic substances are for “total” metal unless indicated otherwise. The City or applicable control authority may impose mass limitations in addition to or in place of the concentration-based limitations below. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment shall apply.

Material		Maximum Daily Allowable Discharge Concentration (mg/l)
Arsenic	As	0.50
Cadmium	Cd	0.11
Copper	Cu	3.38
Chromium	Cr	2.77
Cyanide	CN	0.86
Lead	Pb	0.69
Mercury	Hg	0.10
Nickel	Ni	3.98
Silver	Ag	0.43
Zinc	Zn	2.61
Total Toxic Organics (TTO)		2.13
Fats, Oil & Grease	FOG	100

2.5 CITY ’S RIGHT OF REVISION

The City reserves the right to establish more stringent standards or requirements on discharges to the POTW.

2.6 **SPECIAL AGREEMENTS**

- A. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 403.13.

- B. The City may enter into agreements with users to accept pollutants compatible with the treatment system at greater than domestic strengths. Within such agreements, the City may establish terms of the user's discharge to the POTW including, but not limited to, maximum flow rates, and concentrations. The City may also establish fees to recover costs associated with treating such wastes and monitoring schedules in such agreements. In no case will a special agreement waive compliance with a state or federal pretreatment standard or requirement including categorical standards.

- C. Users discharging or intending to discharge pollutants other than BOD and TSS, and claiming compatibility, must prove to the satisfaction of the City , that such pollutants are compatible with the POTW. The City may require any claim of compatibility to be endorsed by Ecology.

- D. The City may assist, by arrangement or formal agreement, agencies that regulate hazardous wastes and materials, and air emissions from users in order to maximize State, County, and City resources.

- E. The City specifically may arrange to act as an agent of Ecology to determine compliance with treatment or disposal requirements and inspect on-site disposal activities and shipping documents.

2.7 **DILUTION**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on users who they believe may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.8

PRETREATMENT FACILITIES

- A. **Review and Acceptance of Pretreatment Facilities:** Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set forth in this Ordinance within the time limitations specified by the EPA, the State, or the City, whichever is more stringent. Users shall procure, install, operate, and maintain the wastewater facilities which, combined with appropriate practices, are necessary to achieve AKART as defined herein. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to Ecology for review and approval in accordance with the procedures of Chapter 173-240 WAC, and shall be disclosed to the City before construction of the facility. Proof of Ecology approval should be disclosed to the City upon request. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Ordinance. The user will obtain all necessary construction/operating permits from the City, County, or Ecology. Prior to completion of the wastewater pretreatment facility, the user shall furnish its plan of operations and maintenance procedures to Ecology to review. Such pretreatment facilities shall be under the control and direction of a person qualified to operate such facilities.
- B. **Standards of Pretreatment:** Users shall provide all known, available, and reasonable methods of prevention, control, and pretreatment including Best Management Practices to comply with this Ordinance and State and Federal regulations.
- C. **New Construction:** Any subsequent proposal for significant changes in pretreatment facilities or method of operation shall be reported to and be reviewed and accepted by the applicable control authority prior to the user's initiation of such changes. Proof of approval by the applicable control authority shall be disclosed to the City upon request. Any necessary construction permits shall be obtained, before new construction or modifications of an existing facility. If applicable, the user shall obtain a Discharge Permit. The review of such plans shall in no way relieve the user from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the City or applicable control authority under the provisions of this Ordinance.
- D. **Submission of Plans and Reports:** Pretreatment facilities shall comply with the applicable requirements of Chapter 173-240 and Section 173.216.050(3) of the WAC, and Section 90.48.010 of the RCW. Users shall comply with approved engineering reports, plans and specifications, and operation and maintenance manuals, and shall modify such documents to reflect any proposed modifications

of pretreatment facilities. Users shall submit proposals to modify pretreatment facilities to Ecology before implementation in accordance with Chapter 173-240 WAC. Users shall submit a copy of Ecology's acceptance to the City before implementing changes to approved pretreatment facilities. Any subsequent proposal for significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the City and/or applicable control authority prior to the user's initiation of the changes.

2.9 PRETREATMENT FACILITIES FOR FATS, OILS, AND GREASE (FOG)

A. General

1. All persons are prohibited from discharging, or causing to be discharged, processing wastewater to the collection system or POTW which contains oils, greases, solids, or liquids sufficient to cause obstruction or otherwise interfere with the proper operations of the POTW or collection system.
2. All persons are prohibited from disposing any grease waste or processing waste containing oils, greases, solids, or liquids and discharge said waste into any drainage piping, public or private sanitary sewer, storm drainage system, sufficient to interfere with the proper operation of that system, or to discharge said waste to any land, street, public way, river, stream, or other waterway.
3. All persons are prohibited from accumulating liquid waste on his property or in his possession which is injurious to public health or emits offensive odors.
4. All persons are prohibited from utilizing any chemical emulsifying agent for the purpose of hindering or eliminating the interception of fats or grease prior to entering the City's wastewater collection system.
5. Food service establishments and other facilities described in Article 2.9(D) discharging wastewater shall install, operate, clean, and maintain a sufficiently sized oil and grease, water and solids separator (herein called grease interceptor), and/or a UPC mechanical device necessary to achieve compliance with requirements set forth under this provision. No grease interceptor shall be less than 750 gallons capacity. Grease traps shall be sized according to pounds of grease retained and be compatible with UPC standards.
6. Oil or grease of petroleum or mineral origin shall not be discharged to the City's sewer system at a concentration in excess of 100 mg/l.

7. Fats, oil, or grease of animal or vegetable origin shall not be discharged to the City 's sewer system at a concentration in excess of 100 mg/l.
8. The concentration of oils and grease shall be measured in samples taken from the sampling chamber following pretreatment in an approved grease interceptor or UPC-approved mechanical device in accordance with the requirements of this section. Oil and grease concentration shall be measured using the partition-gravimetric method or the partition-infrared method outlined in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

B. Waste Discharge Requirements

9. Waste discharge from fixtures and equipment in establishments that may contain grease, including but not limited to scullery sinks, pot and pan sinks, vent hood drains, dishwashing machines, soup kettles and floor drains located in areas where grease containing materials may exist, may be drained into the sanitary sewer only after such discharges are pretreated in an approved grease waste interceptor and/or UPC-approved mechanical device in accordance with this section.
10. No sanitary wastes from toilets, urinals, or other similar fixtures may be discharged through any grease waste interceptor and/or UPC-approved mechanical device. All wastes shall enter the interceptor through the inlet pipe only. The use of garbage grinders/shredders into any fixture which discharges to a grease waste interceptor is prohibited.

C. Location

11. Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and the removal of the intercepted grease. Location of the interceptor shall meet the approval of the City , per UPC and/or Skagit County Health City Code.
12. Interceptors shall be placed as close as practical to the fixture(s) they serve.
13. Each business establishment for which a grease interceptor and/or UPC-approved mechanical device is required shall have an interceptor or device which shall serve only that establishment unless otherwise approved by the City.

D. Pretreatment Required

14. Dischargers who operate newly constructed or remodeled restaurants, meat cutting facilities, cafes, lunch counters, bakeries, cafeterias, bars, or clubs; or hotel, hospital, sanitarium, factory or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat waste, oil, or grease.
15. Dischargers who operate automatic and coin-operated laundries, car washes, filling stations, commercial garages, or similar businesses having any type of washing facilities (including pressure washing and steam cleaning) or any other dischargers producing grit, sand, oils, lint, or other materials which have the potential of causing partial or complete obstruction of the building site sewer or other areas in the POTW shall install and maintain approved interceptors, oil/water separators, or tanks such that excessive amounts of oil, sand, and inert solids are effectively prevented from entering the POTW.

E. Design

16. Grease interceptors shall be multiple compartment flotation chambers where grease floats to the water surface and is retained while the clear water underneath is discharged. The clear water discharged is subject to the discharge prohibitions of subsection A(6) and (7) of this section.
17. The grease interceptor shall be followed by a sampling compartment to allow for monitoring of discharges from the pretreatment unit. The geometry of the sampling compartment shall be in accordance with City standard plan for grease interceptors available at the City's office. Interceptors shall have fittings designed for grease retention.
18. There shall be an adequate number of manholes to provide access for cleaning and maintenance of all areas of the interceptors and oil/water separators.

F. Sizing Criteria

19. New grease interceptors, grease traps, and mechanical grease removal devices must be sized in accordance with the Uniform Plumbing Code and any other requirements by the City as set forth herein.
20. Grease interceptors that include dishwasher effluent shall be sized and located to provide sufficient detention time to allow for cooling of the

effluent following guidelines from Appendix H of the Uniform Plumbing Code.

G. Source Control

All food establishments which deep fry, pan fry, or otherwise generate liquid or semi-solid restaurant grease shall maintain a container on site for containment of liquid and semi-solid grease wastes. This liquid or semi-solid grease shall be transported to an approved rendering plant. In no case shall free liquid grease be disposed of directly into fixtures which are connected to the sewer system. Unused butter, margarine, or other solid grease products shall not be discharged to the sewer system through garbage disposals or other means. No exceptions to the prohibitions of this subsection are allowed for fixtures which discharge to the sewer system through an approved grease interceptor. Hauling and recycling of restaurant grease shall be accomplished at a facility holding a state rendering permit, and the user shall maintain a log for disposal as described later in this Ordinance.

H. Additives

The use of any additive, such as enzymes, emulsifiers, chemicals, or bacteria is prohibited.

I. Grease Interceptor and Oil/Water Separator Pumping and Maintenance

1. Each facility required to install and maintain a grease waste interceptor, mechanical device or oil/water separator under this chapter shall provide regular maintenance to the satisfaction of the Department Head in accordance with the requirements set forth in this chapter.
2. Each person who removes grease waste from the grease interceptor shall, to the extent technically and mechanically possible, remove the entire content of the grease interceptor. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor for the purpose of reducing the volume to be hauled is prohibited. All grease interceptors shall be maintained by the user at the user's expense.
3. Grease Removal and Grease Interceptor Pumping Frequency. All grease interceptors and/or mechanical device must be pumped out completely once every three months, or more frequently, as required by the City . Exception to this minimum frequency of pumping may be made with special written approval from the Department Head for generators of small quantities of grease wastes. In no case shall the frequency of pumping be less than once every six months. Pumping shall include the complete removal of all contents including floating materials, wastewater, and

bottom sludges and solids.

4. Oil and Debris Removal from Oil/Water Separator Frequency. Oil/water separators must be pumped out completely when the oil level on top reaches 2 inches in thickness or the debris or sludge level occupies 25 percent of the volume, or more frequently, as required by the City. Pumping shall include the complete removal of all contents including floating materials, wastewater, and bottom sludges and debris.
5. Failure to Pump. If in the opinion of the Department Head pumping of the grease interceptor or the oil/water separator is required, the owner will be notified in writing and shall arrange to have the grease interceptor pumped and disposal of, at the owner's cost, within 30 days. If the owner or user does not pump within the 30 day time period, the City will arrange to have the interceptor pumped and disposal of, and will present the owner with a bill for pumping plus an administrative fee of 10 percent. The City shall bill and collect said charges in the same manner as other sewer utility rates are collected including, but not limited to, the sewer lien procedures provided under Chapter 35.67 RCW.
6. Disposal of Grease Interceptor Pumpage. All waste removed from each grease interceptor must be disposed of at a facility permitted by the Health Department in the county in which the disposal facility is located. Under no circumstances shall the pumpage be returned to any POTW or any sewer.
7. Maintenance Requirements. Each person who engages in grease waste handling shall maintain all vehicles, hoses, pumps, tanks, tools, and equipment associated with grease waste handling in good repair, free of leaks, and in a clean and sanitary condition. All hoses and valves on grease waste handling vehicles or tanks shall be tightly capped or plugged after each use to prevent leakage, dripping, spilling, or other discharge of grease wastes and any public or private property.
8. Maintenance Records. A log indicating each pumping of a grease interceptor for the previous 12 months shall be maintained by each food service establishment. A log indicating each pumping of an oil/water separator for the previous 12 months shall be maintained by the Owner or his representative. This log shall include date, time, amount pumped, hauler and disposal site, and shall be kept in a conspicuous location for inspection by Health Department or City personnel. The maintenance record log shall be recorded in the format on file with the City.

9. Maintenance Reporting. The information required in the maintenance log shall be submitted to the City annually. The reporting period is January 1st through December 31st of each year. The report shall be submitted within 30 days after the end of the reporting period.
10. Failure to Maintain. If a failure to maintain settling tanks, grit traps, grease interceptors, or oil/water separators results in partial or complete blockage of the building sewer, private sewer system discharge to the City's sewer system, or other parts of the City's sewer system, or adversely affects the treatment or transmission capabilities of the POTW, or requires excessive maintenance by the City, or poses a possible health hazard, the discharger responsible for the facilities shall be subject to costs associated for cleaning and maintaining the City's sewer.

The City shall contract directly with an outside contractor to clear the blockage and/or clean the sewer and bill the owner for the cost of the work, plus an administrative fee of 10 percent. The City shall bill and collect said charges in the same manner as other sewer utility rates are collected including, but not limited to, the sewer lien procedures provided under Chapter 35.67 RCW.

11. Hazardous Material Prohibited. No person shall collect, transport, or handle any hazardous material in any vehicle used for grease waste handling.

J. **Maintenance Log Format**

1. All pumpage collected by haulers from grease interceptors and oil/water separator shall be verified by a maintenance log which confirms pumping, hauling, and disposal of waste. Maintenance records and maintenance reporting requirements are specified in Articles 2.9(I)8 and 9. Each person who engages in grease waste hauling shall complete the log each time such person services a grease interceptor. Such person shall provide a copy of the log to the generator of the grease waste.
2. Type I Maintenance Log Format. The Type I format shall be used when the transporter of the pumpage maintains and operates a grease waste treatment facility where such facility is permitted by the local Department of Health in the county in which the facility is located. The local Health Department Permit shall specifically cover activities associated with grease waste recycling and/or disposal activities.
3. Type II Maintenance Log Format. The Type II grease waste interceptor maintenance log format shall be used when the transporter of the pumpage does not maintain and operate a permitted grease waste treatment facility.

The Type II format shall be used by all transporters not on the list of permitted and approved grease waste receiving facilities maintained by the City. Any transporter on the approved list who does not dispose of the hauled grease waste at its own permitted treatment facility shall use the Type II format.

4. All hauling and recycling of restaurant, grease which are disposed of at an approved rendering plant shall have a record log for such hauling and disposal (Article 2.9(G)).

K. Inspection and Entry

1. Any and all premises serviced by a grease interceptor and oil/water separator and any and all records pertaining thereto shall be subject to inspection by City personnel for the purpose of determining compliance with this chapter.
2. Any and all premises and vehicles used by any person performing grease waste handling any and all records of such person which relate to such person's grease waste handling activities shall be subject to inspection by the City for the purpose of determining compliance with this chapter.

L. Existing Dischargers of Grease Wastes

1. All existing restaurants, cafes, bakeries, lunch counters, cafeterias, meat cutting facilities, bars, clubs, hotels, hospitals, sanitariums, factories or school kitchens; or other establishments that serve or prepare food where grease may be introduced to the sewer system which do not have grease interceptors; or do not have adequately sized interceptors at the time of adoption of the Ordinance shall meet the requirement for interception of grease, oils and fats by installing an approved grease interceptor and/or UPC-approved mechanical device.
2. Approved grease interceptors or devices shall be installed within 6 months of the adoption of the Ordinance for existing facilities. Facilities will be notified in writing by the City.
3. Existing facilities which currently have grease interceptors and oil/water separators of adequate size to meet the requirements of this article shall submit drawings of the existing installation along with calculations to demonstrate the adequacy of the existing installation. If the Department Head determines that the existing grease interceptor and oil/water separator meets the requirements of this Article, the facility will be required to install only the sampling chamber as shown on the standard plan for grease interceptors.

2.10

COMPLIANCE DEADLINE FOR PRETREATMENT REQUIREMENTS

- A. Existing sources covered by one or more Categorical Pretreatment Standards shall comply with such standards within 3 years of the date the standard is effective unless the pretreatment standard includes a more stringent compliance schedule. Ecology shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any Categorical User when the state limits for said user are more restrictive than EPA's Categorical Pretreatment Standards.
- B. New sources and new users shall comply with applicable pretreatment standards within the shortest feasible time. Such time shall not exceed 90 days from the beginning of discharge. Prior to commencing discharge, such users shall install and start up all pollution control devices necessary for compliance with pretreatment standards.

2.11

ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- C. Each user discharging more than 10,000 gallons per day or ten percent (10%) of the average daily flow into the POTW, whichever is less, may be required by the City to install and maintain, on his/her property and at his/her expense, a suitable storage and flow-control facility to ensure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least 50 percent (50%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the City. The City may require the user to obtain a wastewater discharge permit solely for flow equalization, or to develop a Slug Discharge Control Plan (below). Such user may be required to install an approved flow measuring device.

2.12

ACCIDENTAL SPILL/SLUG DISCHARGE CONTROL PLANS

- A. The City may require any user to install, properly operate, and maintain, at his/her own expense, facilities to prevent slug loads or accidental discharges of pollutants to the POTW. The City may require users to produce and/or implement spill plans developed in compliance with OSHA, Health, Fire, and Ecology regulations relative to discharges to the POTW. When such plans are required by the City, the user shall provide:
1. A description of discharge practices, including non-routine batch discharges;
 2. A description of stored chemicals;
 3. Procedures for immediately notifying the City of any accidental or slug load discharges, with a follow-up written notification within five (5) days; and
 4. Procedures to prevent adverse impact from any accidental or slug load discharge, including, but not limited to, the following: inspection and maintenance of storage areas; handling and transfer of materials; loading and unloading operations; control of plant site runoff; worker training; building of containment structures or equipment; and measures for emergency response.
- B. Users shall verbally notify the City immediately upon the occurrence of a “slug” or “accidental discharge” of substances regulated by this Ordinance and take immediate actions to correct the situation. This notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. The user shall follow-up with a written notification to the City containing the same information within five (5) days following the accidental discharge.
- C. Any user who discharges an accidental discharge or slug load shall be liable for:
1. Recovery of any resultant expenses, losses, and damages to the POTW;
 2. Recovery of any fines or settlements levied upon the City on account thereof by any government agency or court of competent jurisdiction;
 3. Applicable fines and penalties assessed by the City for noncompliance with this Ordinance.

2.13

SEPTIC OR LIQUID HAULED WASTES

- A. Septic tank and liquid waste haulers may introduce substances into the POTW only at a designated receiving structure and at such times as are established by the City. No load may be discharged without prior consent of the City.
- B. Such wastes shall not violate any discharge prohibition or standard of this Ordinance or any other requirements established by the City.
- C. Septage haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, addresses of sources, and waste volume and characteristics.
- D. The City may exercise absolute discretion in whether or accept any load of septage or hauled wastes. In determining whether to accept a load, the City may collect samples of each hauled load and/or require the hauler to provide a waste analysis of any load prior to discharge.
- E. Fees for discharge of hauled wastes to the City's POTW will be established as part of the user fee system as authorized in this Ordinance.

ARTICLE 3 – WASTEWATER DISCHARGE PERMIT REQUIREMENTS

3.1 REQUIREMENTS TO COMPLETE INDUSTRIAL USER SURVEYS

The City shall periodically notify new, existing, and potential users of the requirement to complete an industrial user survey form. Upon notification, users shall fully and accurately complete the survey form, and return the completed form to the City within 30 days of receipt. Each user shall maintain a copy of the latest completed survey form at their place of business. Failure to fully or accurately complete a survey form, or to maintain the latest survey form on the premises where a wastewater discharge is occurring shall be a violation of this Ordinance.

3.2 PERMIT REQUIREMENTS: DISCHARGE

- A. No Significant Industrial User (SIU) shall discharge wastewater into the POTW without first applying for a wastewater discharge permit from Ecology and obtaining a discharge authorization from the City. The City shall require proof of such permit application. Obtaining a wastewater discharge permit does not relieve a permittee of his/her obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of federal, state, and local law including the requirement for applying AKART.
- B. The City may require other users, including liquid waste haulers, to apply for wastewater discharge permits to uphold the provisions of this Ordinance.
- C. The City may also establish, and require users by letter, permit, or rule, to implement best management practices as determined by the applicable control authority to be representative of AKART, or to discontinue use of any substance for which an effective substitute is available which will lessen the potential for violating this Ordinance or any water quality standard, or which may represent a significant decrease either singly, or in combination with other similar users, in the toxicity of pollutant loadings to the POTW.
- D. The City encourages all users seeking authorization to discharge to the POTW to complete a pollution prevention review before submitting their request to discharge to the City. The City shall require users who must submit a pollution prevention plan under the State of Washington's Hazardous Waste Reduction Act to provide this plan to the City as a condition of initial or continued discharge.

3.3 **PERMIT REQUIREMENTS: DANGEROUS WASTE
CONSTITUENTS**

Users discharging a wastestream containing dangerous wastes as defined in Chapter 173-303 WAC (listed, characteristic, or criteria wastes) are required to comply with the following permit provisions:

- A. Obtain a written authorization to discharge the waste from the City , and either obtain specific authorization to discharge the waste in a State Waste Discharge Permit issued by Ecology, or accurately describe the wastestream in a temporary permit obtained pursuant to 90.48.165 RCW. The description shall include at least:
 - 1. The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number.
 - 2. The mass of each constituent expected to be discharged.
 - 3. The type of discharge (continuous, batch, or other).
- B. Compliance shall be obtained on the following schedule:
 - 1. Before discharge for new users.
 - 2. Within 30 days after becoming aware of a discharge of dangerous wastes to the POTW for existing users.
 - 3. Within 90 days after final rules identifying additional dangerous wastes or new characteristics or criteria of dangerous waste are published for users discharging a newly listed dangerous waste.

ARTICLE 4 – REPORTING REQUIREMENTS

4.1 **DISCLOSURE OF RECORDS**

All records and reports required by this Ordinance, any applicable state and federal regulation, or any permit or order issued hereunder, will be available on site for review by the City during business hours, when activities are being conducted at the facility, and at all reasonable times.

4.2 **REPORTS FROM UNPERMITTED USERS**

All Users not obligated to obtain a wastewater discharge permit from Ecology shall provide appropriate reports to the City as the Department Head may require. The

schedule and format of such reports, and the pollutant properties, flow rates, and other pertinent information to be reported shall be determined by the Department Head.

**4.3 REPORTING REQUIREMENTS: DANGEROUS WASTE
CONSTITUENTS**

Any User discharging 100 Kg or more of dangerous waste in any calendar month to the POTW where the pollutants are not reported through self monitoring under an applicable State Waste Discharge permit, shall report to the City and Ecology, the following information to the extent that it is known or readily available to the user:

- A. The name of the dangerous waste as set forth in Chapter 173-303 WAC, and the dangerous waste number.
- B. The specific hazardous constituents.
- C. The estimated mass and concentration of such constituents in wastestreams discharged during the calendar month.
- D. The type of discharge (continuous, batch, or other).
- E. The estimated mass of dangerous waste constituents in wastestreams expected to be discharged in the next 12 months.

4.4 RECORD KEEPING

- A. Users subject to this Ordinance shall retain, and make available for inspection and copying, all records of information maintained to comply with this Ordinance, a State Waste Discharge Permit, if applicable, and approved Operations and Maintenance procedures (inspections, lubrication, repair, calibrations, etc.), if applicable. Users subject to monitoring requirements shall keep records of all monitoring activities required or voluntary. Monitoring records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.
- B. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the City.

ARTICLE 5 – SAMPLING AND ANALYTICAL REQUIREMENTS

5.1 SAMPLING REQUIREMENTS FOR USERS

- A. **Applicable Requirements:** Users which discharge into the POTW shall abide by the applicable wastewater monitoring requirements of this Ordinance, any applicable Order, and any state or federal regulation or permit, including a State Waste Discharge permit. The City may require self-monitoring and reporting as a requirement of discharge to the POTW, or may conduct its own monitoring of any discharge.
- B. **Categorical User Sampling Requirements:** Categorical Users with combined discharges shall measure flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e). Where feasible, such users shall sample immediately downstream from any pretreatment facilities, unless the control authority determines end-of-pipe monitoring to be more stringent or applicable.
- C. **Non-Categorical Users:** All other users, where required to sample, shall measure the flows and concentrations necessary to evaluate compliance with pretreatment standards and requirements.
- D. **Data Required:** All sample results shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that the samples are representative of normal work cycles and expected pollutant discharges from the User. Whenever a user samples and analyzes any regulated pollutant more frequently than required, using methodologies in 40 CFR Part 136, the results of such analysis shall be submitted with the next required discharge report.

5.2 ANALYTICAL REQUIREMENTS

All pollutant analyses required to be reported, with the exception of flow and temperature, shall be performed by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC. Laboratories must be accredited for the analyses for which they are performing. Sampling and analysis techniques used in collection, preservation, and analysis, shall be in accordance with 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by EPA or Ecology.

To ensure that the reported data is valid for determining compliance with requirements, all data shall have a detection level (DL) no greater than 25 percent of the regulatory limit included in this ordinance or applicable state or federal regulation. (i.e., for arsenic (As), with a regulatory limit of 0.50 mg/L, the DL shall be no greater than 0.125 mg/L.)

5.3

CITY MONITORING OF WASTEWATER

The City shall follow the procedures required of users described in Articles 5.1 and 5.2 above whenever conducting wastewater sampling of any Industrial User, when such sampling is conducted to ensure compliance with this Ordinance and applicable pretreatment standards and requirements.

ARTICLE 6 – COMPLIANCE MONITORING

6.1 RIGHT OF ENTRY FOR INSPECTION AND SAMPLING

- A. The City shall have the right to enter the facilities of any user to ascertain whether the purpose of this Ordinance, and any wastewater discharge permit or order issued under this Ordinance or by Ecology, is being met and whether the user is complying with all requirements thereof. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- B. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security operations so that, upon presentation of suitable identification, the Department Head, or his or her agents or assigns, and representatives of local, state, and federal authority will be allowed to enter without delay for the purposes of performing their respective duties.
- C. The City, in coordination with Ecology for users with State Waste Discharge Permits, shall have the right to set up on the user's property such devices as are necessary to conduct sampling and/or metering of the user's operations.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the City access to the user's premises shall be a violation of this Ordinance.

6.2 MONITORING FACILITIES

- A. Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the City. Such facilities may be required by Ecology or the City. Monitoring facilities shall be situated on the user's premises, unless this would be impractical or cause undue hardship on the user. In such cases, the user must receive permission from the City to construct the facility in the public street or sidewalk

area, providing it will not be obstructed by landscaping or parked vehicles.

- B. The City or applicable control authority, may require the construction and maintenance of sampling facilities at other locations (for example, at the end of a manufacturing line, wastewater treatment system) when deemed appropriate.
- C. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The user shall maintain the facility, sampling, and measuring equipment at all times in a safe and proper operating condition at his/her own expense.
- D. All monitoring facilities shall be constructed and maintained in accordance with all applicable City development standards and specifications. At a minimum, the monitoring equipment shall include an inspection/sampling manhole with an internal diameter of no less than 48 inches and a surface opening of no less than 24 inches. Any devices used to measure wastewater flow and quality shall be regularly calibrated to ensure their accuracy.

6.3 ACCESS AND INSPECTIONS

- A. If the City or an inspector acting as its agent has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect, as part of a routine inspection program of the City designed to verify compliance with this Ordinance or any order issued hereunder or any wastewater discharge permit issued by Ecology, or to protect the overall public health, safety, and welfare of the community, then the City shall seek access to the property or building through the **Skagit County Superior Court**.
- B. In the event the Mayor or designee has reason to believe a situation represents an imminent threat to public health and safety, and where entry has been denied or the area is inaccessible, an agent of the City may enter in the company of a uniformed police officer in order to determine if the suspected situation exists, and if so, to take such actions necessary to protect the public.

6.4 VANDALISM

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this Ordinance.

ARTICLE 7 – CONFIDENTIAL INFORMATION

7.1 CONFIDENTIAL INFORMATION

- A. Records kept by the City with respect to the nature and frequency of discharges from any user shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Mayor or designee, that the release of such information would divulge information, processes or methods of production entitled to confidentiality under the law.

- B. Users shall clearly mark “confidential” on all area of reports requested to be held confidential from the public. Upon request for this information, the Mayor or designee shall determine if such information is legally afforded this protection under the law. Only information marked “confidential,” which the Mayor or designee determines qualifies as such, shall be withheld from the public.

- C. Documents claimed as “confidential,” however, shall not be withheld from any state or federal agency responsible for oversight of the City’s NPDES Permit or authority to implement the NPDES, or federal or state pretreatment programs. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE 8 – ADMINISTRATIVE ENFORCEMENT REMEDIES

8.1 STATE RESPONSIBILITY FOR ADMINISTRATIVE ACTIONS

The Washington State Department of Ecology is charged with permitting and regulating Significant Industrial Users of the City’s POTW. Except for emergency actions, the City shall coordinate actions in regard to control of such users with Ecology. Failure to do so, however, shall not invalidate any action of the City authorized by this Ordinance.

8.2 NOTIFICATION OF VIOLATION

- A. When the City finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written Notice of Violation. The City may select any means or service which is reasonable under the circumstances.

- B. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or

after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

8.3 CONSENT ORDERS

- A. The City is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such consent orders shall include specific action to be taken by the user to correct the non-compliance within a time schedule also specified by the consent order.
- B. Compliance schedules, when included in consent orders, may not extend the compliance date beyond any applicable state or federal deadlines. Consent orders shall have the same force and effect as compliance orders issued pursuant to Article 8.4 below and shall be judicially enforceable. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the user.

8.4 COMPLIANCE ORDERS

- A. Whenever the City finds that a user has violated, or continues to violate, any provision of this Ordinance, or order issued hereunder, the City or applicable control authority may issue a compliance order to the user responsible for the violation directing that, following a specified time period, wastewater services, including collection and treatment, may be discontinued and/or applicable penalties imposed unless adequate pretreatment facilities, devices, or other related appurtenances have been installed and are properly operated and maintained.
- B. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the non-compliance, including, but not limited to, the installation of pretreatment facilities, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged into the POTW. A compliance order may not extend the deadline for compliance beyond any applicable state or federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
- C. Failure to comply with any terms or requirements of a compliance order by the user shall be an additional and independent basis for termination of wastewater services, including collection and treatment, or for any other enforcement action authorized under this Ordinance and deemed appropriate by the City.

8.5 ADMINISTRATIVE HEARING

- A. A user shall be afforded the opportunity to have or participate in an administrative hearing before the City Council to contest the City's determination to impose penalties, recover costs, or establish compliance schedules. A user shall also have the right to a hearing prior to termination of a user's wastewater services.
- B. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served on an authorized representative of the user (return receipt requested) at least fifteen (15) days prior to the scheduled hearing.
- C. An administrative hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

8.6 CEASE AND DESIST ORDERS

- A. When the City finds that a user has violated (or continues to violate) any provision of this Ordinance, a Wastewater Discharge permit or order by Ecology, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur and may cause a violation of the POTW's NPDES Permit, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - 1. Immediately cease such actions or discharges as described.
 - 2. Comply with all applicable pretreatment standards and requirements.
 - 3. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- B. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

8.7 EMERGENCY SUSPENSION OF WASTEWATER SERVICES

- A. The City or applicable control authority may immediately suspend wastewater services including collection and treatment, after notice to the user, if it appears to the City that such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to either the environment, normal operation of the

POTW, or the health or welfare of any person or the general public.

- B. Any user notified of a suspension of its discharge shall immediately cease all wastewater discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or the danger to the public. The City may allow the user to recommence its discharge when the user has demonstrated that the period of endangerment has passed, unless the termination proceedings in Article 8.8 of this Ordinance are initiated against the user.
- C. No person shall attempt to prevent the City from terminating wastewater services in an emergency situation, by barring entry, by physically interfering with City employees or contractors, or by any other means.
- D. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing authorized by this Ordinance.
- E. Nothing in this Article shall be interpreted as requiring a hearing prior to any emergency suspension under this Article.
- F. Any suspension of wastewater services, emergency or otherwise, shall include notification to the local Health Department as shown below:

SKAGIT COUNTY HEALTH DEPARTMENT
P.O. BOX 91071
MOUNT VERNON, WA 98273-1071

**8.8 TERMINATION OF TREATMENT SERVICES
(NON-EMERGENCY)**

- A. The City shall have authority to terminate wastewater services, including collection and conveyance to the treatment plant, for any user upon determining that such user has:
 - 1. Refused access as allowed by this Ordinance thereby preventing the implementation of any purpose of this Ordinance.
 - 2. Violated any provision of this Ordinance including the discharge prohibitions and standards of Article 2.

3. Violated any lawful order of the City issued with respect to this Ordinance.
- B. For users holding permits to discharge to the POTW, violation of any of the following conditions is also grounds for terminating discharge services:
1. Failure to accurately report wastewater constituents and characteristics.
 2. Failure to report significant changes in operations or wastewater constituents or characteristics.
 3. Violation of any condition of the user's waste discharge permit.
- C. Any suspension of wastewater services, emergency or otherwise, shall include notification to the local Health Department as shown below:

SKAGIT COUNTY HEALTH DEPARTMENT
P.O. BOX 91071
MOUNT VERNON, WA 98273-1071

ARTICLE 9 – JUDICIAL ENFORCEMENT REMEDIES

9.1 INJUNCTIVE RELIEF

When the City finds that a user has violated (or continues to violate) any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Skagit County Superior Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

9.2 CIVIL PENALTIES

- A. A user which has violated or continues to violate any provision of this Ordinance, or order issued hereunder, or any other pretreatment standard or requirement not reserved by a permit by Ecology shall be liable to the City for a maximum civil penalty of \$10,000 per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. In the case of a monthly or other long-term average discharge limits, penalties shall accrue for each day a violation occurs.

- B. In addition to the penalty amounts assessable under Article 9.2(A) above, the City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City including penalties for noncompliance with the City's NPDES Permit to the extent attributable to the user.
- C. The City shall petition the Skagit County Superior Court to impose, assess, and recover such sums. In recommending the amount of civil liability, the City shall consider all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires, and shall present this analysis as evidence in support of the recommended penalty.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

9.3 REMEDIES NON-EXCLUSIVE

The provisions in Articles 8 through 10 of this Ordinance are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions concurrently or sequentially against a non-compliant user or to take other actions as warranted by the circumstances.

ARTICLE 10 – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

10.1 GENERAL PROHIBITED DISCHARGE STANDARDS

- A. The City may allow an affirmative defense to an enforcement action brought against it for non-compliance with the general and specific prohibitions in Article 2.1(A) and 2.1((B)3) through ((B)7) of this Ordinance. Such defense requires the user to prove to the satisfaction of the City that:
1. The user did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources, would cause pass through or interference;
 2. The discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit; and
 3. In the case of interference, the user was in compliance with applicable sludge use of disposal requirements.
- B. This defense does not relieve the user from responsibility for enforcement to recover costs.

10.2 UPSET

- A. Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the pretreatment facility is reduced, lost, or otherwise fails.
- B. A user who wishes to establish the affirmative defense of upset to an action brought for non-compliance with applicable pretreatment standards shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred; the user can identify the cause(s) of the upset; and it was not due to improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation;

2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset. If this information is provided orally, a written report must follow within five days:
 - (a) A description of the indirect discharge and cause of non-compliance;
 - (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- C. Users will only have the opportunity for a judicial determination on a claim of upset in an enforcement action brought for non-compliance with applicable pretreatment standards. In any such enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

10.3 BYPASS

- A. A user may allow a bypass to occur if it does not cause applicable pretreatment standards or requirements to be violated, and if it is for essential maintenance to ensure efficient operations. These bypasses are not subject to the provision of paragraphs (B) and (C) of this Section.
- B. Requirements for bypasses subject to pretreatment standards or requirements:
 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass, if possible;
 2. An Industrial User shall give verbal notification to the City of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours of becoming aware of the bypass, and submit a written report to the City within five days of becoming aware of the bypass;
 3. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to

continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report if the verbal notification has been received within 24 hours.

- C. **Exceptions:** Bypass is prohibited, and the POTW may take an enforcement action against a user for a bypass, unless:
1. Bypass was unavoidable to prevent loss of life, personal injury, or sever property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 3. The user submitted notices as required under paragraph (B) of this Section.
- D. The POTW may approve an anticipated bypass, after considering its adverse effects, and that the City determines that it will meet the three conditions listed in paragraph (C) of this Section.

ARTICLE 11 – CHARGES AND FEES

11.1 PURPOSE

- A. The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City’s pretreatment program.
- B. These fees relate solely to the matters covered by this Chapter and are separate from all other rates or charges for sewer services; provided that the City shall collect said charges in the same manner as other sewer utility rates are collected, including but not limited to, the sewer lien procedures provided under Chapter 35.67 RCW.
- C. Fees may include:
1. Fees for wastewater discharge authorizations, including the cost of processing the authorization applications, public noticing, issuing and administering the authorization, and reviewing monitoring reports submitted by users;

2. Fees for modifying or transferring authorizations;
3. Fees for monitoring, inspection, surveillance and enforcement procedures including the cost of collection and analyzing a user's discharge;
4. Fees for reviewing and responding to accidental discharge procedures and construction;
5. Fees for preparing and executing enforcement action;
6. Fees for filing appeals;
7. Fees for high strength waste and industrial process flow; and
8. Other fees as the City may deem necessary to carry out the requirements contained herein.

D. All fees or charges will be collected by direct billing. Unless the City has been made aware of extenuating circumstances that would prevent prompt payment, all fees are payable within 30 days of the billing. Fees past due will be considered a violation of this Chapter. Users not paying fees within 60 days of the billing period may be subject to termination of service. The City may change existing or adopt new fees.

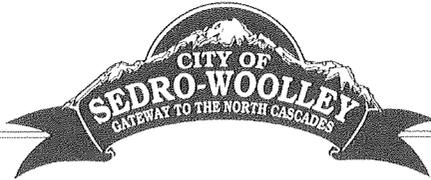
ARTICLE 12 – MISCELLANEOUS PROVISIONS

12.1 SEVERABILITY

The provisions of this Ordinance are severable, and if any provision of this Ordinance, or application of any provision of this Ordinance to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this Ordinance shall not be affected thereby.

12.2 REGULATORY CONFLICTS

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance, are hereby repealed to the extent of the inconsistency or conflict.



CITY OF SEDRO-WOOLLEY

CITY COUNCIL AGENDA
REGULAR MEETING

Wastewater Treatment Plant
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 856-1100
Fax (360) 856-5269

MAY 23 2007

Memorandum

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 10

Date: May 11, 2007
To: Mayor Anderson and City Council
From: Debbie Allen, Wastewater Treatment Supervisor 
Subject: **Biodiesel Pilot Project Results**

Background Information:

The City began a Council approved B20 Biodiesel pilot project with Whole Energy in September of 2006. Three diesel vehicles were selected for the study; a backhoe from Public Lands, a Vac truck from the WWTP and a garbage truck from the Solid Waste Division.

During the pilot study, there have been no reports of power loss in the three selected vehicles and employees say the exhaust odors are more pleasant. Opacity testing conducted before and after the use of Biodiesel indicates a decrease in emissions, from 14.22% with diesel to 10.55% with B20 Biodiesel. Please see the attached report.

I have also included is a spreadsheet of fuel usage in the WWTP Vac truck. On average, the increased cost of using B20 Biodiesel is 0.15 cents per gallon.

Councilman Tony Splane brought to our attention the controversial use of palm-oil as a feed stock for Biodiesel. This product does not meet with Whole Energy's standards and therefore is not used in their process. For your information, I have included both a copy of Tony's press release and Whole Energy's response.

The use of Biodiesel in City vehicles has been a positive experience and the Public Works staff would like to recommend using Biodiesel fleet wide.

Recommended Action:

Authorize Mayor Anderson to approve the use of Biodiesel in all Public Works vehicles under direction of the City Supervisor.

Sedro-Woolley Vector Truck
Diesel verses Biodiesel

Date	Diesel Per Gallon	Gallons Diesel	B99 Biodiesel Per Gallon	Gallons B99	Total Fuel Cost	Cost per Gallon	Added Cost per gallon
9/12/2006	\$2.765	10.0	\$3.140	10	\$59.050	\$2.953	\$0.188
9/21/2006	\$2.395	22.5	\$3.140	5.6	\$71.472	\$2.543	\$0.148
10/2/2006	\$2.295	22.5	\$3.140	5.6	\$69.222	\$2.463	\$0.168
10/6/2006	\$2.235	15.0	\$3.140	3.8	\$45.457	\$2.418	\$0.183
10/13/2006	\$2.345	22.6	\$3.140	9	\$81.257	\$2.571	\$0.226
10/19/2006	\$2.375	18.0	\$3.140	9.3	\$71.952	\$2.636	\$0.261
10/23/2006	\$2.355	15.0	\$3.140	3.8	\$47.257	\$2.514	\$0.159
10/27/2006	\$2.395	16.5	\$3.140	3.8	\$51.450	\$2.534	\$0.139
11/6/2006	\$2.455	15.4	\$3.140	4.8	\$52.879	\$2.618	\$0.163
12/19/2006	\$2.715	20.5	\$3.140	5	\$71.358	\$2.798	\$0.083
1/5/2007	\$2.486	15.9	\$3.080	4.3	\$52.771	\$2.612	\$0.126
2/16/2007	\$2.465	22.2	\$3.080	2.8	\$63.347	\$2.534	\$0.069
3/31/2007	\$2.645	12.5	\$3.080	8.2	\$58.319	\$2.817	\$0.172
4/20/2007	\$2.655	12.0	\$3.080	7.5	\$54.960	\$2.818	\$0.163
4/27/2007	\$2.705	18.6	\$3.080	3.7	\$61.709	\$2.767	\$0.062

Average Price	\$2.486		\$3.120			\$2.640	\$0.154
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AFP/GETTY IMAGES, 2005

A laborer works on a palm plantation outside Medan, North Sumatra, part of Indonesia. More than 85 percent of the world's supply of palm oil comes from Indonesia and Malaysia.

Palm-oil frenzy taking toll

PLANTATIONS SUPPLANT ASIAN RAINFORESTS

Biodiesel source isn't as "green" as hoped

BY LES BLUMENTHAL
McClatchy Newspapers

WASHINGTON — America's drive for energy independence and clean air could threaten orangutans, Sumatran tigers, elephants, rhinoceroses and the world's largest butterflies. All could be hurt as the rainforests of Southeast Asia are cleared to produce palm oil for use in biodiesel.

It's the downside of the crash effort to rein in global warming.

And the owners of what will be the largest biodiesel plant in the nation — at a deepwater port on Washington state's coast — are well aware of the environmental consequences of logging and burning some of the most biologically diverse forests in the world to provide the prime ingredient for a much-in-demand clean fuel.

"We recognize there are serious deforestation issues," said John Plaza, the founder of Imperium Renewables, which is building the plant in the Port of Grays Harbor. "It's not OK to clear rainforest to put palm down. But to demonize an entire industry doesn't do anyone any good. We

Besides palm, the Grays Harbor plant will convert soy, canola and other feedstocks directly into biodiesel without blending it with any petroleum products.

Oil palm growers, processors, traders, users and several environmental groups have formed the Roundtable for Sustainable Palm Oil, which is developing regulations to ensure an eco-friendly supply of palm oil. Imperium and other U.S. biodiesel manufacturers have joined the roundtable.

But some remain wary of the roundtable, and even Plaza is frustrated by how long it's taking to develop sustainable standards.

An earlier report prepared for Friends of the Earth, a member of the roundtable, found that the "actual on-the-ground impact of these private-sector initiatives remains negligible at present." The report went on to warn that the palm-oil industry may be incapable of self-regulation.

Efforts to police the palm industry come at a time when worldwide demand for palm oil is soaring, driven mostly by what's expected to be a doubling in biodiesel production by the end of next year.

Billions of people around the world use palm oil for cooking, and it's found in thousands of products including soaps, shampoos, cosmetics and detergents, along with such foods as margarine, mayonnaise, sal-

confectionaries, cakes, pastry, bread and ice cream.

Existing biodiesel plants and those on the drawing boards will easily "soak up" all of the palm oil currently available, according to a January report from the financial company Credit Suisse.

More than 85 percent of the world's supply of palm oil comes from two nations — Indonesia and Malaysia. The rainforests on the islands of Borneo and Sumatra are ground zero in the dispute over expanding palm plantations.

The forests are logged and burned to make way for the plantations, at times producing a thick blanket of smog that can cover parts of Southeast Asia for weeks and release millions of tons of greenhouse gases. The plantations also are moving into peat swamps, which are drained. As the peat dries, it also releases tons of carbon dioxide.

The trend is accelerating. Indonesia is already the third-largest producer of carbon dioxide in the world, behind the United States and China. By 2015, an area of Indonesia the size of West Virginia is expected to be covered with palm plantations.

"It's absolutely disingenuous to suggest that biodiesel made from palm oil is green or sustainable," said David Waskow, international program director for Friends of the

For Immediate Release

Josh Clements
Whole Energy Fuels
360-410-9398
360-395-6991
joshua@wholeenergy.org
www.whole-energy.com

Bellingham Company Practicing Sustainable Biodiesel Production and Distribution

Bellingham, WA - March, 19 2007 - Whole Energy Fuels, a Bellingham based Biodiesel company, is committed to producing and distributing the highest quality biodiesel fuels throughout the Northwest region and Canada. Moreover, our company declares that feedstocks for our biofuel production must come from sustainable sources grown within North America using methods that encourage positive economic, environmental and social growth. During pilot production Whole Energy produced over 30,000 gallons of biodiesel primarily from WVOs (waste vegetable oils). This feedstock produced a superior product which was well received by the community and provided an alternative to virgin feedstocks like canola or palm oil.

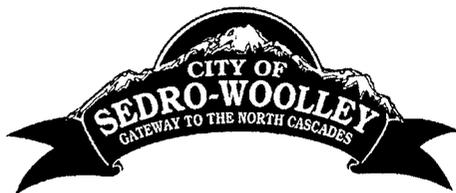
“One advantage to WVOs is they have a higher oxidative stability, longer shelf life, higher energy content and better viscosity,” said Orion Polinsky, director of research for Whole Energy Fuels. “They also have less impact on the environment since it’s a recycled product.”

Whole Energy categorizes feedstocks based on their individual performance characteristics as well as their origins and methods of growth or their sustainability profile. Our manufacturing process is designed to be robust, accepting varying feedstocks including but not limited to WVOs and virgin plant oils. Our goal is to utilize WVOs whenever possible. However, due to the finite supply, our production will also be derived from organic in-state virgin feedstocks as well as domestically grown virgin feedstocks.

As part of our commitment to high quality fuel, Whole Energy became the first producer of ASTM certified biodiesel in the Pacific Northwest and has continued improving our processes to offer our customers products that exceed these national qualifications.

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NEW BUSINESS



CITY OF SEDRO-WOOLLEY
CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. _____

Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
RE: Deluxe Disposal Resolution
DATE: May 23, 2007

ISSUE: Should the Council approve the attached resolution which indicates the City's support for the concept if Deluxe locating a facility in the City of Sedro-Woolley (note: nothing in the resolution is intended to indicate any regulatory approval of the project)?

BACKGROUND: Officials from Deluxe will be in attendance to present their concept to the City Council; they have requested a letter of support from the City. Attached is a draft resolution that would provide an indication of the City's support for this project. Also attached is a site plan from Deluxe showing how their facility would be located on the Tree Source site.

RECOMMENDATION: Motion to adopt the attached resolution.

RESOLUTION NO.

A **RESOLUTION** indicating the City's support for the concept presented by Deluxe Recycling for the location of a materials handling facility within the City of Sedro-Woolley.

WHEREAS, a majority of the City Council of the City of Sedro-Woolley believe that the location of such a facility, if constructed operated lawfully and appropriately, would benefit the citizens of the City of Sedro-Woolley; Now, Therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY AS FOLLOWS:

Section 1. The City Council does hereby support the concept presented by Deluxe Recycling for the location of a materials handling facility within the City of Sedro-Woolley.

Section 2. Nothing herein is to be construed as any sort of regulatory or permitting approval of any project that may be developed consistent with the concept. This resolution is intended to be an expression of support for the concept of this business and facility within the City and nothing more.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 23rd day of May, 2007, and signed in authentication of its passage this 24th day of May, 2007.

Mike Anderson, Mayor

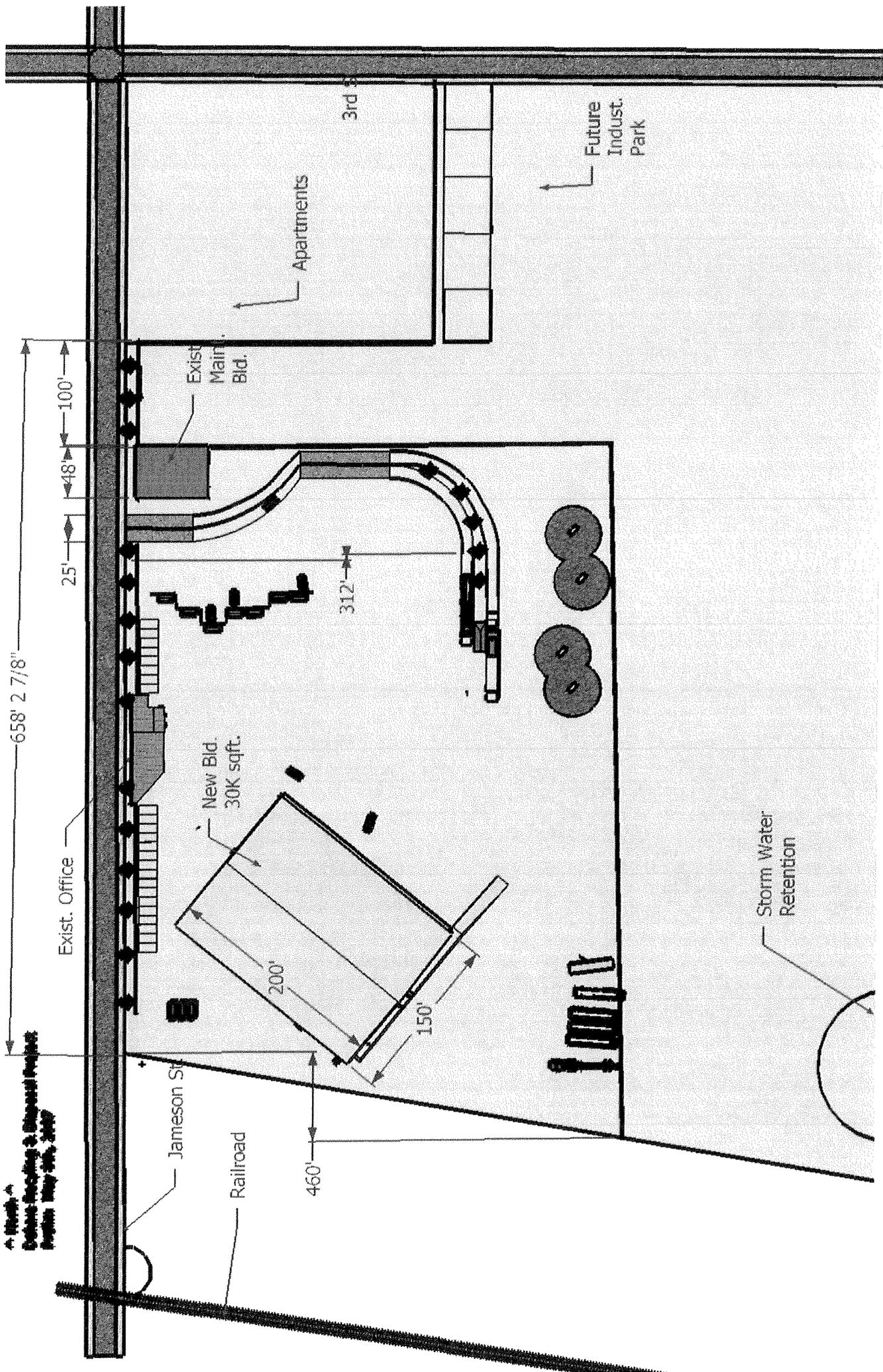
Attest:

Patsy Nelson, Clerk/Treasurer

Approved as to form:

Eron Berg, City Attorney

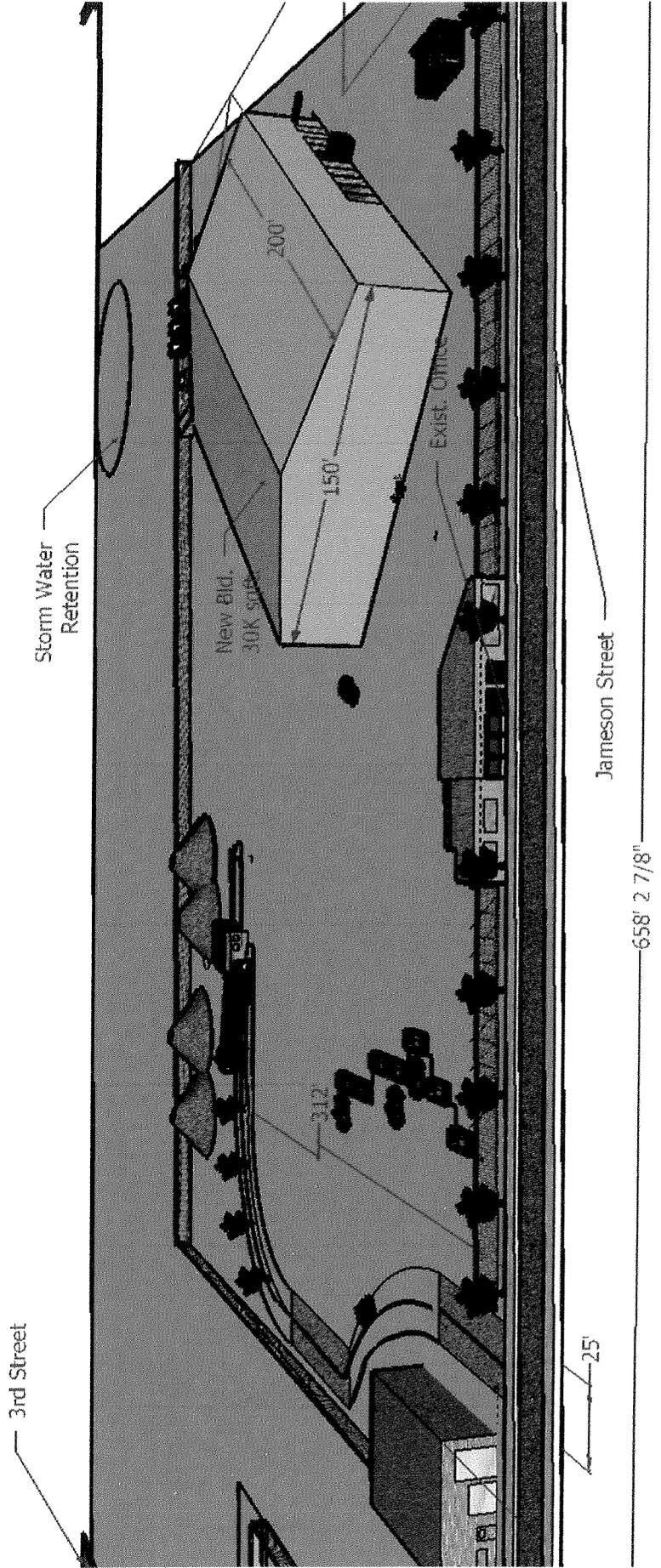
North
Define Recycle & Disposal Project
Region May 2014, 2017



Deluxe Recycling & Disposal 5-7-07

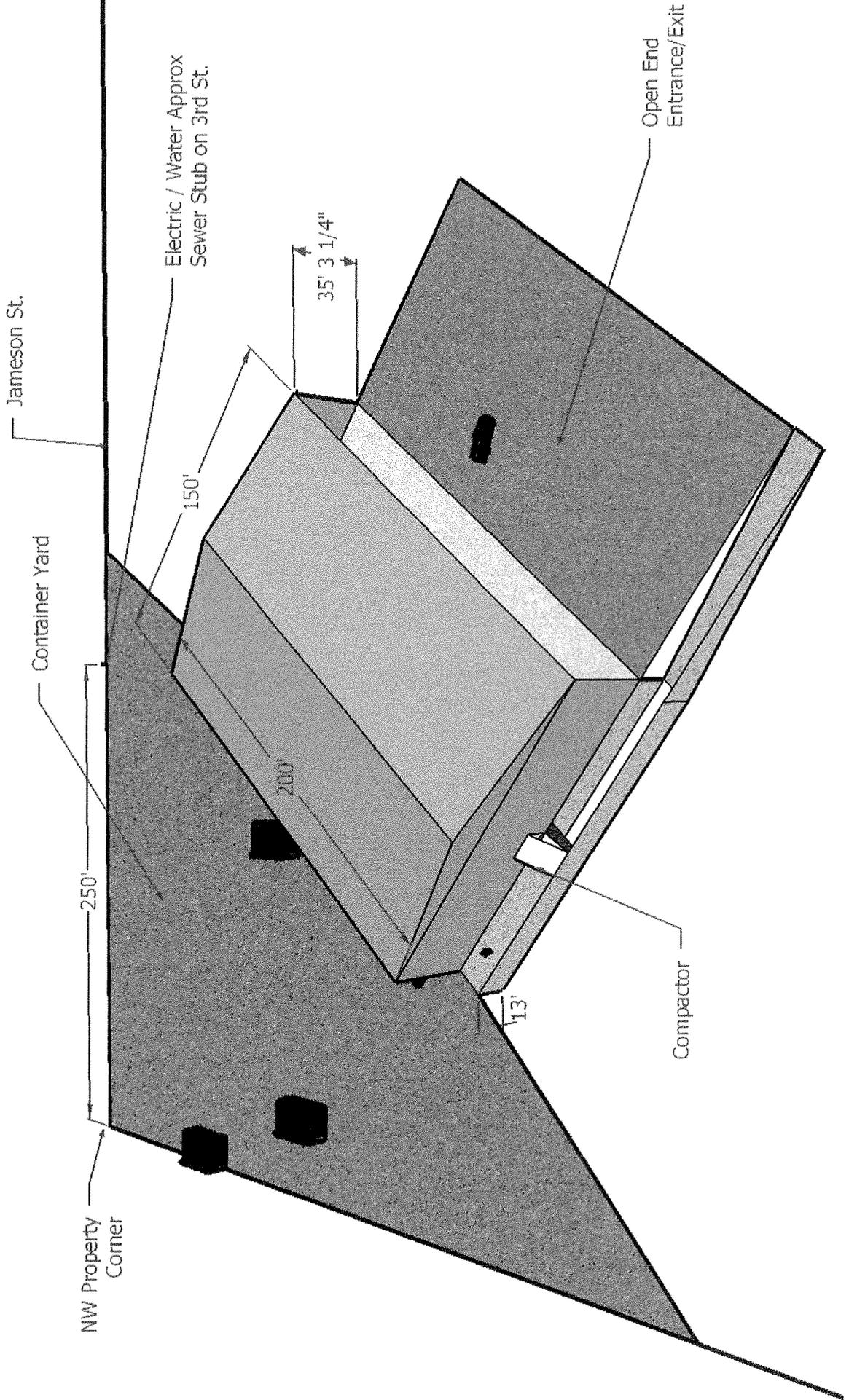
Ariel View from North

^ South ^



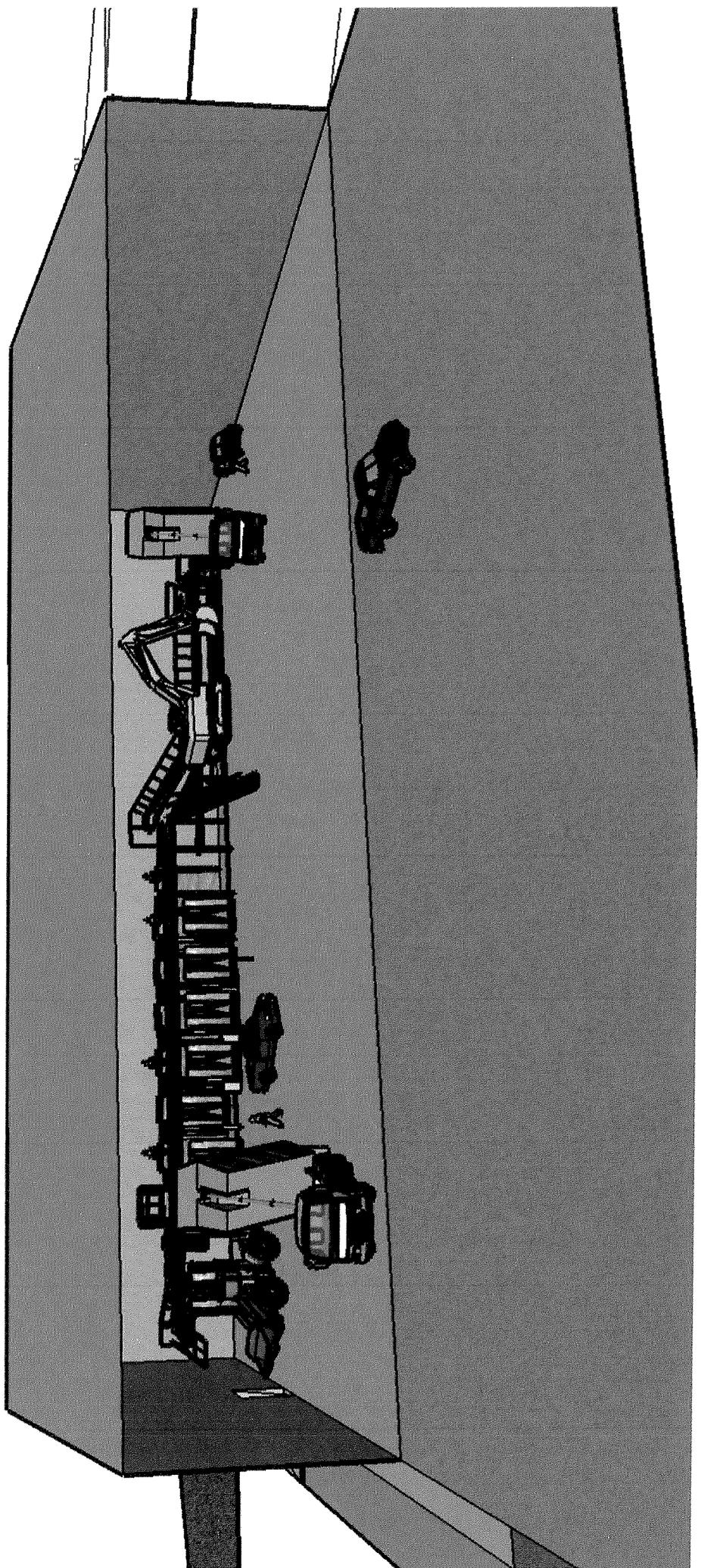
^ North ^

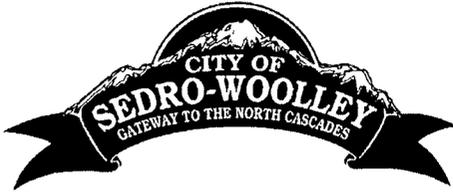
Deluxe Recycling & Disposal 5-7-07
Recycle Center (New Bid.)



Deluxe Recycling & Disposal 5-7-07
Recycle Center Interior (New Bld.)

North





CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 12

CITY OF SEDRO-WOOLLEY

Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
RE: Storm Water Utility (*First Reading – no action requested*)
DATE: May 23, 2007

ISSUE: Should the Council revise SWMC 2.46 to include a utility fee and mechanism to assess the fee?

BACKGROUND: The Council adopted SWMC 2.46 in 1999. At that time, the City did not include a fee for the new stormwater utility. Between then and now, the City has expended resources to manage stormwater, but has done so without the benefit of a revenue stream.

NPDES Phase II permitting became effective this year and requires the City to manage and regulate stormwater in a manner that will cost the City substantially more than we currently have to spend. The Council has discussed this issue at several worksessions and has been briefed on the requirements of Phase II compliance; working with our consultants, we are proposing a fee of \$3.50 per month per residential equivalent (with the same fee structure as the City of Ferndale for commercial properties).

Attached is the ordinance that created the City of Ferndale's fee structure with slight modifications to adapt it to the City of Sedro-Woolley. Time is of the essence as we are already spending money for stormwater – the City needs to get a recurring source of revenue in place as soon as possible.

RECOMMENDATION: Motion to adopt the draft ordinance.

Ordinance No.

AN ORDINANCE ESTABLISHING STORM DRAINAGE FEES

Whereas, the City has established a Stormwater Utility; and

Whereas, the purpose of this utility is to collect funds to regulate and operate a system of collection and treatment of storm and surface water; and

Whereas, it is recognized that storm and flood control measures benefit all citizens of Sedro-Woolley; and

Whereas, it has been determined that a dedicated revenue source is need to complete additional capital improvements in the future, repay debt incurred for this purpose and operate the utility;

NOW THEREFORE, THE CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. SWMC 2.46.050 and SWMC 2.46.060 are repealed in their entirety.

Section 2. SWMC 2.46 is hereby augmented to include the following new sections:

Generally

The rules and regulations set forth in this chapter shall be used and established for the regulation, operation, and rate setting of the Storm and Flood Control operations of the City.

Purpose

The purpose of the funds derived from the storm drainage utility is to pay for all or part of the construction, reconstruction, repair, enlargement, improvement, acquisition, maintenance, operation, administration of the storm drainage system of Sedro-Woolley.

Definitions

“Equivalent Residential Unit (ERU)” shall mean the basic unit for the computation of storm drainage fees. The baseline ERU is hereby established to be 10,000 square feet.

“Impervious Surface” shall mean any part of any developed parcel of land that has been modified by the action of persons to reduce the land’s natural ability to absorb and hold rainfall. This included any hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions pre-existent to development.

By way of example, common impervious surfaces areas include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel road, or any cleared, graded, paved, graveled, or compacted surface or packed earthen materials, or areas covered by structures or other surfaces which similarly impede the natural infiltration of surface water into the soil mantle.

“Parcel” shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Skagit County Assessor.

Billing Mechanism

It is the intention of the City to include the storm drainage fees as a component of the utility (garbage/sewer) billings currently conducted for our customers.

Notification of Utility Ownership

It shall be the responsibility of the property owner to notify the City within ten (10) calendar days of the date of assumption of ownership, together with the name and correct mailing address of the owner for utility billing purposes. Subsequent changes in correct mailing address of the owner shall also be reported within fifteen (15) calendar days.

Responsibility of Owner for Billing

It shall be the responsibility of the owner to inform the City as to the correct name and mailing address for utility billing purposes. The property owner shall have the option of receiving the billing himself or having the billing mailed to a renter or lessee. In all cases, the billings shall accrue to the property and any unpaid amounts due to the City as the result of changes in renters or lessees shall be due and payable in full prior to the transfer of utility billings to the new renter or lessee.

Rates – Customer Classifications

The following customer classifications are established for storm drainage purposes. It is the intention to include all utility customers within the storm drainage fees. Should there be a customer whose use does not fit into one of the following classification, they shall be so classified in the most appropriate classification as solely determined by the City’s Public Works Director.

Class 1 Customers – includes all single-family residential units and all multi-family and condominium units with one, two or three units (up to triplex).

Class 2 Customers – includes all multi-family units and condominium with four or more units.

Class 3 Customers – includes all commercial and industrial customers, excluding home-occupation businesses

Class 4 Customers – includes all public-use customers (schools, hospitals, churches, government buildings, etc.).

Class 5 Customers – includes all mixed use structures

Rates – Methodology - ERU

It is the intention of the City to impose a baseline standard residential storm drainage fee equaling \$3.50 per month. This Equivalent Residential Unit (ERU) fee is based on the assumption that the average single-family lot equals approximately 10,000 square feet.

The fees for other customers classifications shall use this 10,000 square-foot ERU baseline as the basis for the calculation of the fee.

Rates – Fee Calculation

The following ERU-derived fees shall apply. The derived ERU-based fees shall be calculated out to two decimal points and in no case shall the ERU-based fee be less than \$3.50

Class 1 Customers – includes all single-family residential units and all multi-family and condominium units with one, two or three units (up to triplex).

Class 1 Fee = \$3.50 per month per unit

Class 2 Customers – includes all multi-family units and condominium with four or more units.

Class 2 Fee = 50% of the Class 1 fees on a per-unit basis

Class 3 Customers – includes all commercial and industrial customers.

Class 3 Fee = \$3.50 per month for every 10,000 square feet of land area or \$7.00 per month for every 10,000 square feet of impervious surface.

Class 4 Customers – includes all public-use customers (schools, hospitals, churches, government buildings, etc.).

Class 4 Fee = \$3.50 per month for every 10,000 square feet of land area or \$7.00 per month for every 10,000 square feet of impervious surface.

Class 5 Customers – includes all mixed use structures

Class 5 Fee = \$3.50 per month per commercial unit for every 10,000 square feet of land area and \$3.50 per month for every residential unit. However, should there be more than three residential units, the fee shall be 50% of the Class 1 fees on a per-unit basis

Fee Calculation for Class 3 and Class 4 Customers

Class 3 and Class 4 customers have a choice of two billing calculation methodologies – either one based on the total size of the parcel or one that uses only the impervious surface area of the parcel or parcels. The following steps will be used to determine the individual fees for Class 3 and Class 4 customers:

Step 1 All existing Class 3 and Class 4 customers will be notified, in writing, of their two fee calculation options. New Class 3 and Class 4 customers will be notified of the two fee calculation options at the time of request for utility service.

Step 2 The fee calculation methodology that utilizes total parcel size shall be the default fee calculation option the City will use unless the City is notified, in writing, of the Class 3 or Class 4 customer's desire to implement a fee calculation option that uses only impervious surface area rather than total parcel area.

Step 3 For those Class 3 and Class 4 customers who opt for the billing option that utilizes impervious surface area shall be required to submit to the City a detailed drawing of their parcel or parcels showing the total area of the parcel or parcels and the total area of the parcel or parcels that contains impervious surface area together with a calculation of the impervious and non-impervious surface area.

Step 4 The City will then verify the impervious surface area calculations and if, in the sole opinion of the City Clerk/Treasurer, the information submitted by the customer in Step 3 is deemed accurate, the storm drainage fee shall be recalculated.

Step 5 The revised storm drainage fee shall commence with the utility billing mailed out following the recalculation in Step 4. In no instance shall the storm drainage fee be recalculation apply to previously mailed utility billings.

Delinquent Charges

All charges for sewer service shall be due and payable when rendered. Sewer service charges shall be deemed delinquent if not paid in full within twenty-five days after the date of billing. Delinquent charges shall bear interest beginning on the first day of the month following delinquency at the rate of eight percent per annum until paid in full.

Applicability of Fees

The billing of Storm Drainage fees shall be applicable to all utility customers within the City's Urban Growth Area.

Applicability to Out-Of-City Residents

The Storm Drainage fees established in this Chapter shall bear a 100% surcharge for those utility customers outside of the City limits but within the Urban Growth Area.

City Utility Tax

All fees related to Storm Drainage shall also be subject to the city's utility tax at such rates as established by the City Council.

Section 3. If any provision, or portion thereof, contained in this ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this ordinance shall be unaffected and shall remain in full force and effect.

Section 4. These fees shall be imposed and become effective for the billings mailed out by the City in August 2007 for services provided in July 2007.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 13th day of June, 2007, and signed in authentication of its passage this 14th day of June, 2007.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Clerk/Treasurer

Approved as to form:

Eron Berg, City Attorney

Filed with the City Clerk: May 16, 2007
Public Hearing: June 13, 2007
First Reading: May 23, 2007
Second Reading: June 13, 2007
Passed by the City Council:
Date of Publication:
Effective Date:

CITY OF SEDRO-WOOLLEY SOLID WASTE & FLEET DIVISION

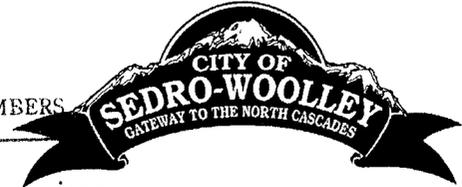
315 Sterling Street Sedro-Woolley, WA 98284 (360) 855-1884

**CITY COUNCIL AGENDA
REGULAR MEETING**

Memorandum

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 13



To: Mayor Anderson and City Council

From: Leo Jacobs Solid Waste Division & Fleet Division Supervisor

Date: 5/15/2007

Re: Sedro-Woolley Recycling and Block Clean up Program 2 PARTS

Part 1

ISSUE: It was asked by Mayor Anderson to reimplement the block clean-up program in The City of Sedro-Woolley.

BACKGROUND: Two years ago we were doing block clean-ups followed by a City wide clean up. While the block clean ups were doing very well it was slow at cleaning up the City as a whole and the City clean up was extremely successful, it was costly, approximately \$15,000.00. This year we would like to implement a different type of clean up program with an emphasis on recycling at our new recycling site, in combination with individual problem houses and blocks that need to be cleaned up. To minimize overall costs to the utility and its ratepayers this is how we would like to move forward.

- 1.) Offer free appliance tire, propane tanks and paints drop off and pick up for two weeks, starting June 4, 2007 through June 16, 2007. Approximate cost to the utility is \$750.00 and we should include the urban growth area except for pick up of these items.
- 2.) Offer a free brush clean up including the urban growth area. Approximate cost to the utility \$1,000.00.
- 3.) Offer a free drop off and pick up of upholstered and non upholstered furniture for two weeks July 16 through July 28, 2007 approximate cost to the utility is \$750.00

What this will do is get citizens into are recycling facility so we can help teach them about bringing in there stuff for recycling at a lower cost than throwing it out. This will help lower our costs over all. This also promotes our facility and recycling.

FUNDING PART 1: \$2,500.00 or less

Part 2

- 1.) We should target blocks for the block clean ups since these are the problem areas that need attention. In this cleanup program we will drop off roll off boxes at the specific house and they

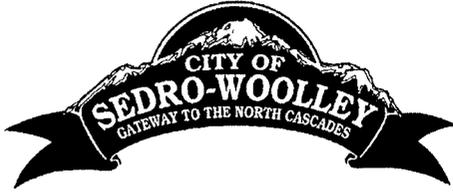
will have one week to throw out there garbage. We will change out the drop box several times if necessary. We can do several blocks at a time. If the property owner needs help in throwing items away we can offer limited assistance, on a specified day. Approximate cost to the utility this will depend on the amount of garbage we get. We can only estimate \$500.00 (per house) with no assistance. \$800.00 with assistance (per house).

- 2.) We will have several block clean ups also. Again this is where we will drop off Roll off boxes on Saturdays starting June 9th from 9:00 am till 2 pm and continuing until August 18, 2007. Approximate cost to the utility \$800.00 per clean up per day. To ensure we are helping our utility customers we will be requiring of proof on residency to participate in the clean ups.

Approximate cost to the utility in excess of \$11,000.00

FUNDING PART 2: For this portion of the clean up we have two choices we can take a one-time deduction from our year ending fund balance or we will need to consider raising rates on the residential side to cover these costs. An estimated cost per household would be about 28 cents. This will not include a CPI increase that should be considered this year for normal operating costs.

RECOMMENDATION: Authorize the Solid Waste Division to move forward on the Recycling part 1 of the Clean up program. Start date June 9 2007 finish date July 28 2007. Consider raising the rates for funding part 2 of clean up program.



CITY COUNCIL AGENDA
REGULAR MEETING

MAY 23 2007

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 14

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
720 Murdock Street
Sedro-Woolley, WA 98284
Phone (360) 855-1661
Fax (360) 855-0707

Eron M. Berg
City Supervisor/Attorney

MEMO TO: City Council
RE: Interfund Loan resolution
DATE: May 23, 2007

ISSUE: Should the Council approve the attached resolution which authorizes the loan of certain funds to purchase the Swedelius property and includes the terms of repayment of those funds?

BACKGROUND: This issue was discussed at the time Ordinance 1568-07 was approved as it was known then that this property purchase would require an interfund loan. The attached resolution allows for the Sewer Cumulative Reserve Fund (410) to loan the money for the purchase of the property, earn interest at the same rate as funds invested in the LGIP and be repaid through the sale of a portion of the property (two acres and the house) and from the Stormwater Utility Fund (425).

This transaction is set to close on June 1, 2007.

RECOMMENDATION: Motion to adopt the attached resolution.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY AUTHORIZING AN INTERFUND LOAN FROM THE SEWER CUMULATIVE RESERVE FUND (410) TO PURCHASE LAND, AND PROVIDING FOR REPAYMENT THEREOF.

WHEREAS, the City needs to certain real estate described in Ordinance 1568-07, and

WHEREAS, in order to pay the cost thereof, it is deemed reasonable to permit a loan of funds from the Sewer Cumulative Reserve Fund (410) to purchase that land, bearing interest at a rate which equals the average of the Washington State Treasurer's Investment Pool rate for the period which the loan is outstanding, and subject to repayment to the Sewer Cumulative Reserve Fund (410) from future budget allocations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sedro-Woolley that a loan in an amount not to exceed \$425,000.00 shall be made from the Sewer Cumulative Reserve Fund (410) to purchase the land identified in Ordinance 1568-07 to be repaid as follows: by the sale of a portion of the acquired property and then by the Stormwater Utility Fund (425), and that said loan shall bear interest at a rate which equals the Washington State Treasurer's Investment Pool rate for the period which the loan is outstanding, and that it be repaid on or before December 31, 2009, upon receipt of future revenues and allocations by the sale of real estate and to the Stormwater Fund.

PASSED by the City Council of the City of Sedro-Woolley, Washington, and approved by its Mayor at a regular meeting of said Council held on the 23rd day of May, 2007.

M A Y O R

Attest:

City Clerk

Approved as to form:

City Attorney