

Next Ord: 1666-10
Next Res: 822-10

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL AGENDA

February 10, 2010

7:00 PM

Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf 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 (Including February 2, 2010 Work Session)
 - b. Finance
 - Claim Checks #68593 to #68704 in the amount of \$666,408.09
 - Payroll Checks #47104 to #47208 in the amount of \$228,698.12
 - c. Ordinance 1665-10 - Changing the date and time of the last Council meeting in December
 - d. Change Order 12 Construction Contract 2009-PW-02; G.G. Excavation, Inc. Fruitdale Road and McGarigle Road Improvements Project and SR9 Pedestrian/Bicycle Improvements Project
4. Public Comment (Limited to 3-5 minutes)

PUBLIC HEARING(S)

5. Resolution - Proposed Annexation of UGA Properties on Fruitdale Road (*action requested*)

UNFINISHED BUSINESS

6. SWMC 12.36 (*2nd reading*)

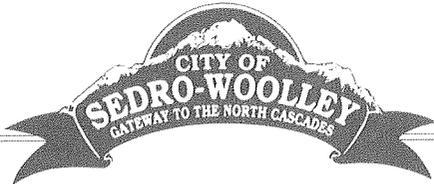
NEW BUSINESS

7. Offender Work Program (*1st reading*)
8. Code Enforcement (*1st reading*)

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

9. Public Safety
 - Covered Shelter at Skate Park - Police Chief Doug Wood
 - Wapato Jail Update - Police Chief Doug Wood

There may be an Executive Session immediately preceding or following the meeting.



DATE: February 10, 2010
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Finance Director
SUBJECT: 1) CALL TO ORDER; 2) PLEDGE OF ALLEGIANCE; 3) CONSENT
CALENDAR

1. CALL TO ORDER - The Mayor will call the February 10, 2010 Regular Meeting to Order. The Finance Director will note those in attendance and those absent.

___ Ward 1 Councilmember Ted Meamber
___ Ward 2 Councilmember Tony Splane
___ Ward 3 Councilmember Thomas Storrs
___ Ward 4 Councilmember Pat Colgan
___ Ward 5 Councilmember Hugh Galbraith
___ Ward 6 Councilmember Rick Lemley
___ At-Large Councilmember Brett Sandström

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.

FEB 10 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
January 13, 2010 – 7:00 P.M. – City Hall Council Chambers

ROLL CALL: Present: Mayor Anderson, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley and Brett Sandström. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Engineer Freiburger (7:23 P.M.), Planner Moore, Senior Planner Coleman, Fire Chief Klinger and Police Chief Wood.

EXECUTIVE SESSION

6:00 PM – 7:00 P.M. Potential Litigation

The Meeting was called to order at 7:02 P.M.

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Vouchers #68049 to #68127 in the amount of \$199,069.44 (Bank of America) Warrants #68128 to #68499 voided due to bank change.
 - Claim Checks #68500 to #68592 in the amount of \$362,729.53 (US Bank)
 - Payroll Checks #47000 to #47103 in the amount of \$165,808.52 (US Bank) (Warrants #46931 through #46999 voided due to bank change)
- Supplemental Agreement 12 to the David Evans & Associates, Inc. Local Agency Standard Consultant Agreement – SR20/F&S Grade Road/Skagit Industrial Park Intersection Improvements.
- Professional Services Agreement No. 2010-PS-01 for On-Call Environmental Services – Widener & Associates
- Supplemental Agreement 2 – Agreement 2009-PS-05 Construction Phase Services – Fruitdale Road and McGargile Road Improvements Project and SR9 Pedestrian/Bicycle Improvements Project

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

Skagit Valley Tulip Festival Presentation

Nancy Jankelson with the Skagit Valley Tulip Festival addressed the Council thanking them for their support of the festival and presented the City with the 2010 Tulip Festival Poster.

Public Comment

No comment received.

PUBLIC HEARINGS

Proposed Annexation of UGA Properties on Fruitdale Road

Planner Moore reviewed the proposed annexation of properties within the Sedro-Woolley urban growth area (UGA), located east of Fruitdale Road, north of S.R. 20 referred to as the "Fruitdale UGA". Moore noted there was some question whether the necessary 60% was obtained. The Skagit County Assessor's office has since certified that the minimum criteria have been met. Because of the uncertainty of the petition no advertising was done necessary for action. Moore recommended that because the public hearing has already been published, Council conduct the public hearing for the annexation request under the understanding that the annexation area may change and that another public hearing will be held in the future. No Council action is necessary after the public hearing.

Mayor Anderson opened the public hearing on the proposed annexation at 7:08 P.M.

No comment received.

Mayor Anderson closed the public hearing at 7:08:30 P.M.

UNFINISHED BUSINESS

2009 Comprehensive Plan Docket

- Overlay Zone Information
- Ordinance – Amending Comp Plan
- Ordinance – Amending Municipal Code

Planner Moore reviewed changes to the 2009 Comprehensive Plan as directed by Council at the January 13, 2010 meeting. The changes were noted as 1). Revise the Comprehensive Land Use Map and Zoning Map to remove the proposed designation of Central Business District zoning along W. State Street, retaining its current designation as Industrial. 2). Revise the Comprehensive Land Use Map and Zoning Map to designate 305/307, 313 and 317 F & S Grade Road as Mixed Commercial. Also requested was additional information regarding Zoning Overlays.

City Supervisor/Attorney Berg reviewed the Planning Commission process which included open houses and public hearings. He noted that tonight's the packet was prepared for Council action should Council be ready.

Discussion ensued regarding the effect on properties if rezoned, compromise of zoning on property along Cook Road, overlay zones and uses, comp plan mapping of urban village overlay, lack of municipal code for urban village overlay, and the Rimmer zoning change request.

Bill Rimmer – reviewed his property line in answer to a question by Councilmember Lemley. He noted that he is requesting 150 feet off Patrick and 150 feet off William roads be commercial zoning and the remainder as residential lots R-15 (Lots 1 through 4, 8 acres total).

Councilmember Meamber moved to direct staff to review the Rimmer property rezone of R-15 in the northeast corner and Mixed Commercial on the remainder. Seconded by Councilmember Storrs.

Councilmember Galbraith discussed the promise to the citizens and the purpose of the round-a-bout for industrial uses.

Councilmember Meamber called for the question.

Mayor Anderson also addressed the intent and funding of the round-about with the Economic Development grant.

Rimmer addressed the Council noting that the demand for industrial property in Sedro-Woolley is not at a high level. He referred to property zoned industrial near the High School which has been sitting empty for a number of years.

Discussion continued regarding the rights of property owners, Rimmer's plan to build apartments if rezoned R-15, and increased traffic, and parking issues should the property be rezoned R-15 and elimination of industrial zones.

Motion denied 2-5, (Councilmember's Splane, Colgan, Galbraith, Lemley and Sandström opposed).

Councilmember Splane moved direct staff to remove the overlay off the Skagit Industrial property. Councilmember Storrs seconded.

Discussion ensued regarding revisiting the overlay request, property changes of the Skagit Industrial park and necessary yard space, transition difficulties from Industrial to Commercial and potential precedent setting regarding overlay.

Motion denied 3-4, (Councilmember's Galbraith, Colgan, Storrs and Meamber opposed).

City Supervisor/Attorney Berg reviewed steps for action should Council be ready.

Planner Moore reviewed conditional uses in industrial zones with discussion held regarding Foundries and uses addressed in the essential public facilities ordinance.

Councilmember Storrs moved to approve CPA-1-09, Update Economic Development Element as shown in Exhibit 1 with the amendments. Seconded by Councilmember Colgan. Motion carried 6-1, (Councilmember Meamber opposed)

Councilmember Meamber moved to approve CPA-2-09, Update of the Public Utilities Element as shown in Exhibit 2. Councilmember Colgan seconded. Motion carried (7-0).

Councilmember Storrs moved to approve CPA-3-09, Land Use Elements, Chapter 9 with amendments, Exhibit 3. Seconded by Councilmember Colgan. Motion carried (7-0).

Councilmember Meamber moved to approve CPA-4-09, Revisions to Zoning Map, Landscape Buffer Requirements and Zoning Code with amendments shown in Exhibit 4. Seconded by Councilmember Storrs. Motion carried 6-1. (Councilmember Splane opposed).

Councilmember Storrs moved to adopt Ordinance 1663-10 Amending the Comprehensive Plan as Part of the 2009 Docket Process. Seconded by Councilmember Lemley. Motion carried 6-1, (Councilmember Splane opposed).

Councilmember Splane moved to adopt Ordinance #1664-10 Amending the Municipal Code as Reviewed During the 2009 Docket Process with Exhibit E, Item 11 taken out of it "foundries". Councilmember Storrs seconded. Motion carried (7-0).

Councilmember's noted their thanks to the Planning Commission for their hard work.

NEW BUSINESS

SWMC 12.36

City Supervisor/Attorney Berg reviewed proposed change regarding SWMC 12.36 in order to address issues of bad behavior within City Parks. He noted the Ordinance is modeled after one the City of Everett uses. The ordinance would add restrictions to all City parks, compliance with department rules, prohibit the use of profane or inappropriate language, intimidation and damaging or acting in a manner that may cause damage to City parks. The Mayor would be authorized to establish conditions of use for city premises, orders of exclusion process and draft procedures for exclusion.

Berg noted this was a first read with no action necessary at this meeting.

Discussion ensued regarding clarification of Item G – use of City Park Facilities and consideration of a no smoking ban in City parks.

Ordinance – Changing the Date and Time of the last Council Meeting in December

City Supervisor/Attorney Berg reviewed the purpose for the need of a second meeting in December for the purpose of bill paying only. He noted the change becomes necessary with the change from Warrants to Checks and no longer being able to extend payables from the prior year into the next.

Council direction was to include as part of the Consent calendar for next meeting for action.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Fire Chief Klinger – reviewed the final design for Station 2 and reported on the progress on the ladder truck. He noted a picture of the ladder truck will be coming soon. Chief Klinger also received notice of being successful on a grant from FEMA for bunker gear.

Police Chief Wood – noted the difficult time within the department regarding the officer involved shooting. He noted the Officer is doing well and has received unbelievable support from the public and staff.

Senior Planner Coleman – thanked the Council, Planning Commission and community for the hard work put into the process of the 2009 Comp Plan Update.

Engineer Freiberger – reviewed his Council report on various Public Works projects. He reported that the City has engaged a landscape architect in order to soften the look of the Fruitdale/McGargile pump station. Freiberger noted he has been researching grant opportunities and will be coming back with a Resolution authorizing the Mayor and City Staff to commit to certain amounts of matching funds for the various programs.

City Supervisor/Attorney Berg – reviewed a late material item which is a contract agreement for the Riverfront Park caretaker.

Councilmember Lemley moved to approve the Riverfront Park Caretaker Agreement with Glen Gardner. Seconded by Councilmember Meamber. Motion carried (7-0).

City Supervisor/Attorney Berg requested the Public Safety committee meet prior to the next Council worksession (Councilmember Colgan, Storrs and Splane) at 6:00 P.M. Councilmember Colgan requested reminder calls.

Councilmember Meamber – thanked the Planning Department for their hard work on the 2009 Comp Plan Update.

Councilmember Colgan – reported on a Public Safety Committee meeting for a possible grant opportunity. He referred to City Supervisor/Attorney Berg for further details.

City Supervisor/Attorney Berg noted the issue discussed was how to address the current Police Fleet, noting the current vehicle rotation for the 15 immediate response vehicles has been on a 7 year plan. Due to the funding difficulties we have been facing there was none purchased last year and only one vehicle slated for the 2010 budget. Berg requested Council authorization to apply for a USDA loan/grant package for replacement vehicles. If successful, further Council authorization will be necessary.

Councilmember Splane moved to authorize the City Supervisor to apply for a USDA grant/loan package to fund the project. Councilmember Sandström seconded. Motion carried (7-0).

Councilmember Colgan – commented on the absence of the Council Ward Map on the City website.

Councilmember Galbraith – questioned if Ball Street is scheduled to be paved this year.

Engineer Freiburger noted that staff will be coming with a proposed paving schedule in the near future for Council review.

Councilmember Colgan – also questioned the filling of the ditches along John Liner Road and the drainage.

Engineer Freiburger noted the project is not quite complete and they will be placing slotted lids and will be doing more contouring to finish the project.

Councilmember Sandström -- thanked the Planning Commission for their commitment with the 2009 Comp Plan Update.

City Supervisor/Attorney Berg – reported on a recent conference attended by Councilmember Sandström and himself presented by AWC for newly elected Councilmember's. Berg encouraged all Councilmember's to consider attending the next time it's offered.

EXECUTIVE SESSION

The meeting adjourned to Executive Session for approximately 30 minutes for discussion of potential litigation and personnel at 8:30 PM. with no decision anticipated.

The meeting reconvened at 9:02 P.M.

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

The meeting adjourned at 9:02 P.M.

FEB 10 2010

CITY OF SEDRO-WOOLLEY

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3a

Joint Council/Planning Commission Worksession
February 2, 2010 – 7:00 P.M. – Fire Training Room

Mayor Anderson called the meeting to order at 7:00 P.M. with the Flag Salute. Introductions were made including four members of the public.

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Rick Lemley and Brett Sandström. Planning Commission: Terry Carter, Rick Judd, Jim Johnson and Pat Huggins. Staff: City Supervisor/Attorney Berg, Planner Moore, Senior Planner Coleman and JoAnn Lazon.

Planning Commission 2010 Work Plan

- Planner Moore introduced the 2010 Work Plan. The floor was open for discussion of the five items on the work plan. Support was expressed for the urban forestry program. Concern was mentioned about using incentives rather than strict requirement for tree preservation.

Desired Zoning Designation for Properties East of Fruitdale Road

- Planner Moore introduced the question regarding zoning in the proposed Fruitdale Road annexation area. Discussion followed regarding PRD ordinances. Councilmembers, Commissioners and members of the public discussed possible zoning. Interest in a mix of R-7 and Mixed Commercial was expressed.
- More discussion regarding tree preservation followed with concerns expressed about how a tree preservation program might work.

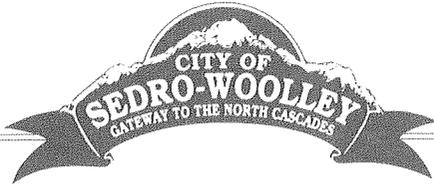
Councilmember Splane moved to adjourn. Seconded by Councilmember Lemley. Motion carried.

The worksession adjourned at 8:10 P.M.

CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 36



DATE: February 10, 2010
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Finance Director
SUBJECT: FINANCE - CLAIMS

Attached you will find the Claim Checks register proposed for payment for the period ending February 10, 2010.

Motion to approve Claim Checks #68593 to #68704 in the amount of \$666,408.09.

Motion to approve Payroll Checks #47104 to #47208 in the amount of \$228,698.12.

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-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 02/10/2010 (Printed 02/04/2010 16:02)

PAGE 1

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68593	SEDRO-WOOLLEY POSTMASTER	POSTAGE	SWR	473.04
		POSTAGE	SAN	225.60
		OPERATING SUPPLIES	SWTR	29.12
		WARRANT TOTAL		727.76
68594	SEDRO-WOOLLEY POSTMASTER	POSTAGE	SWR	813.31
		WARRANT TOTAL		813.31
68595	ALL-PHASE ELECTRIC	MACHINERY & EQUIPMENT	PD	23.70
		REPAIR/MAINT-CITY HALL	PK	199.80
		WARRANT TOTAL		223.50
68596	ALPINE FIRE & SAFETY	SAFETY EQUIPMENT	SWR	113.34
		WARRANT TOTAL		113.34
68597	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	CEM	17.14
		MISC-LAUNDRY	CEM	24.52
		MISC-LAUNDRY	ST	21.49
		MISC-LAUNDRY	ST	19.04
		LAUNDRY	SWR	32.72
		WARRANT TOTAL		114.91
68598	ARTIST'S MAGAZINE	BOOKS, PERIOD, RECORDS	LIB	23.96
		WARRANT TOTAL		23.96
68599	AWC DRUG & ALCOHOL	PROFESSIONAL SERVICES	PK	117.23
		MISC-DUES/SUBSCRIPTIONS	CEM	58.62
		PROFESSIONAL SERVICES	ST	175.83
		PROFESSIONAL SERVICES	SWR	410.27
		PROFESSIONAL SERVICES	SAN	293.05
		WARRANT TOTAL		1,055.00
68600	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS	40.40
		AUTO FUEL	CS	119.70
		AUTO FUEL	PD	959.98
		AUTO FUEL/DIESEL	FD	506.56
		AUTO FUEL/DIESEL	CEM	78.53
		AUTO FUEL/DIESEL	ST	128.30
		AUTO FUEL/DIESEL	SWR	172.61
		WARRANT TOTAL		2,006.08
68601	AT & T	TELEPHONE	JUD	.60
		TELEPHONE	FIN	10.81
		TELEPHONE	LGL	4.80
		TELEPHONE	PLN	2.40
		TELEPHONE	ENG	12.01
		TELEPHONE	PD	52.85
		TELEPHONE	FD	16.81
		TELEPHONE	INSP	3.60
		TELEPHONE	LIB	1.20
		TELEPHONE	SWR	14.41
		TELEPHONE	SAN	.60

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		120.09
68602	BANK OF AMERICA	SUPPLIES	LGS	10.79
		MEALS/TRAVEL	EXE	24.00
		COMMUNICATIONS	EXE	79.99
		WARRANT TOTAL		114.78
68603	BANK OF AMERICA	SUPPLIES	LIB	257.17
		SUPPLIES	LIB	43.17
		BOOKS, PERIOD, RECORDS	LIB	60.66
		BOOKS, PERIOD, RECORDS	LIB	66.53
		WARRANT TOTAL		427.53
68604	BANK OF AMERICA	SUPPLIES & BOOKS	FD	26.92
		WARRANT TOTAL		26.92
68605	BANK OF AMERICA	OFFICE/OPERATING SUPPLIES	IT	35.75
		NETWORK HARDWARE	IT	86.55
		WARRANT TOTAL		122.30
68606	BANK OF AMERICA	BANK FEES	FIN	1,304.09
		WARRANT TOTAL		1,304.09
68607	BAY CITY SUPPLY	OPERATING SUP - CITY HALL	PK	139.10
		OPERATING SUP - LIBRARY	PK	40.58
		REPAIR/MAINT-CITY HALL	PK	44.51
		REPAIR/MAINT-CITY HALL	PK	7.03
		WARRANT TOTAL		231.22
68608	ECOTONE SOLUTIONS LLC	PROFESSIONAL SERVICES	ENG	840.00
		WARRANT TOTAL		840.00
68609	BIO-ENVIRONMENTAL SOLUTIONS	MAINTENANCE OF LINES	SWR	1,866.45
		WARRANT TOTAL		1,866.45
68610	BLUMENTHAL UNIFORM & EQUIP	UNIFORMS/ACCESSORIES	PD	111.57
		UNIFORMS/ACCESSORIES	PD	38.05
		UNIFORMS/ACCESSORIES	PD	126.27
		UNIFORMS/ACCESSORIES	PD	82.77
		UNIFORMS/ACCESSORIES	PD	124.97
		WARRANT TOTAL		483.63
68611	BOY'S LIFE	BOOKS, PERIOD, RECORDS	LIB	28.00
		WARRANT TOTAL		28.00
68612	CARROT-TOP INDUSTRIES INC	FLAGS	FD	385.99
		WARRANT TOTAL		385.99
68613	CHAMPLAIN PLAN PRESS INC	MISC-DUES/SUBSCRIP/MEMSHIP	PLN	74.00
		WARRANT TOTAL		74.00
68614	CODE PUBLISHING INC.	CODE BOOK	LGS	1,119.33

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		1,119.33
68615	COLLINS OFFICE SUPPLY, INC	SUPPLIES/BOOKS	PLN	17.59
		SUPPLIES/BOOKS	PLN	115.40
		SUPPLIES	ENG	17.58
		SUPPLIES	ENG	115.41
		OFF/OPER SUPPS & BOOKS	INSP	17.59
		OFF/OPER SUPPS & BOOKS	INSP	115.41
		WARRANT TOTAL		398.98
68616	CPI PLUMBING & HEATING	REPAIR/MAINT-GARAGE	FD	314.21
		WARRANT TOTAL		314.21
68617	COMCAST	INTERNET SERVICES	IT	99.95
		WARRANT TOTAL		99.95
68618	COUNTRYSIDE CHEVROLET	REPAIR & MAINT - AUTO	PD	43.01
		WARRANT TOTAL		43.01
68619	CURRENT HISTORY	BOOKS, PERIOD, RECORDS	LIB	109.90
		WARRANT TOTAL		109.90
68620	DATA BASE RECORDS DESTRUCTION LLC	PROFESSIONAL SERVICES	JUD	21.88
		SUPPLIES	FIN	21.88
		SUPPLIES/BOOKS	PLN	6.16
		SUPPLIES	ENG	6.17
		OFFICE/OPERATING SUPPLIES	PD	88.53
		OFF/OPER SUPPS & BOOKS	INSP	6.16
		WARRANT TOTAL		150.78
68621	DAY WIRELESS SYSTEMS INC	REPAIR/MAINTENANCE	PD	119.07
		REPAIR/MAINTENANCE	PD	86.56
		REPAIR/MAINTENANCE	PD	86.56
		REPAIR/MAINTENANCE	PD	86.56
		REPAIR/MAINTENANCE	PD	86.56
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		REPAIR/MAINTENANCE	PD	86.56
		REPAIR/MAINTENANCE	PD	86.56
		TUITION/REGISTRATION	PD	86.56
		MACHINERY & EQUIPMENT	PD	80.07
		WARRANT TOTAL		1,757.22

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68622	DEPARTMENT OF LICENSING	DUES/SUBSCRIPTIONS	ENG	116.00
		WARRANT TOTAL		116.00
68623	DOG-ON-IT-PARKS	DOG PARK	PK	593.48
		WARRANT TOTAL		593.48
68624	E & E LUMBER	OPERATING SUPPLIES	FD	11.89
		OPERATING SUP - MEMORIAL PARK		20.06
		SMALL TOOLS & MINOR EQUIP	PK	41.91
		REPAIRS/MT-RIVERFRONT	PK	4.09
		REPAIRS/MT-RIVERFRONT	PK	29.76
		REPAIRS/MT-RIVERFRONT	PK	17.85
		REPAIRS/MT-PARKS SHOP	PK	181.51
		REPAIR/MAINT-CITY HALL	PK	4.09
		REPAIR/MAINT-CITY HALL	PK	183.64
		REPAIR/MAINT-CITY HALL	PK	12.17
		OPERATING SUPPLIES	ST	199.80
		OPERATING SUPPLIES	ST	12.53
		OPERATING SUPPLIES	SWR	30.08
		OPERATING SUPPLIES	SWR	28.56
		OPERATING SUPPLIES	SWR	9.65
		OPERATING SUPPLIES	SWR	96.16
		WARRANT TOTAL		520.73
68625	EDGE ANALYTICAL, INC.	PROFESSIONAL SERVICES	SWR	42.00
		PROFESSIONAL SERVICES	SWR	640.00
		WARRANT TOTAL		682.00
68626	ENTERPRISE OFFICE SYSTEMS	SUPPLIES	JUD	82.17
		WARRANT TOTAL		82.17
68627	EXCAVATION WEST, LLC	MAINTENANCE OF LINES	SWR	10,710.84
		WARRANT TOTAL		10,710.84
68628	FEDERAL CERTIFIED HEARING	MISC-PERMITS & LICENSES	PK	80.00
		MISCELLANEOUS	CEM	20.00
		MISC-DUES/SUBSCRIPTIONS	ST	60.00
		PROFESSIONAL SERVICES	SWR	20.00
		WARRANT TOTAL		180.00
68629	GENERAL FIRE APPARATUS	FIRE TRUCK	FD	208,084.00
		WARRANT TOTAL		208,084.00
68630	G.G. EXCAVATION INC.	TOWNSHIP SIDEWALK CONST	AST	19,191.26
		CONST-FRUITDALE MCGARIGLE	AST	4,500.00
		CONST-FRUITDALE MCGARIGLE	AST	132,040.46
		CONST-PUD FRUITDALE MCGARG	AST	6,133.90
		OTHER IMPROVEMENTS	SWR	92,511.00
		OTHER IMPROVEMENTS	SWR	26,832.58
		WARRANT TOTAL		281,209.20
68631	GREAT AMERICA LEASING COR	REPAIR/MAINTENANCE-EQUIP	LIB	139.63

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	139.63
68632	GUARDIAN SECURITY	PROFESSIONAL SERVICES PD	114.00
		OPERATING SUP - COMM CENTER PK	150.00
		OPERATING SUP - SENIOR CTR PK	135.00
		OPERATING SUP - CITY HALL PK	156.00
		OPERATING SUPPLIES SWR	114.00
		WARRANT TOTAL	669.00
68633	H.B. JAEGER CO. LLC	MAINTENANCE OF LINES SWR	83.57
		WARRANT TOTAL	83.57
68634	HACH COMPANY	OPERATING SUPPLIES SWR	106.69
		WARRANT TOTAL	106.69
68635	HARRIS, JASON	UNIFORMS/ACCESSORIES PD	101.68
		OFFICE/OPERATING SUPPLIES PD	10.37
		WARRANT TOTAL	112.05
68636	H. D. FOWLER COMPANY	MAINTENANCE OF LINES SWR	465.26
		WARRANT TOTAL	465.26
68637	HEWLETT PACKARD CO.	PORTABLE EQUIPMENT SWR	170.90
		PORTABLE EQUIPMENT SWR	1,625.33
		PORTABLE EQUIPMENT SWR	94.94
		MACHINERY & EQUIPMENT SAN	81.51
		MACHINERY & EQUIPMENT SAN	775.16
		MACHINERY & EQUIPMENT SAN	45.29
		EQUIPMENT SWTR	10.51
		EQUIPMENT SWTR	100.01
		EQUIPMENT SWTR	5.84
		WARRANT TOTAL	2,909.49
68638	H.W. LOCHNER, INC.	ENGINEERING-JAMESON SR9 AST	6,713.94
		WARRANT TOTAL	6,713.94
68639	IKON OFFICE SOLUTIONS	REPAIRS & MAINTENANCE PD	16.25
		EQUIPMENT LEASE FD	16.26
		WARRANT TOTAL	32.51
68640	INSITUFORM	PROF SVS-ENGINEERING SWR	8,540.83
		WARRANT TOTAL	8,540.83
68641	KIDS DISCOVER	BOOKS, PERIOD, RECORDS LIB	19.95
		WARRANT TOTAL	19.95
68642	KROESEN'S INC.	UNIFORMS FD	10.82
		WARRANT TOTAL	10.82
68643	LJF DOCUMENT IMAGING SERVICES	PROFESSIONAL SERVICES ENG	1,055.00
		WARRANT TOTAL	1,055.00

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68644	L N CURTIS & SONS	SUPPLIES & BOOKS	FD	41.47
		WARRANT TOTAL		41.47
68645	LAKESIDE INDUSTRIES	REPAIR/MAINT-STREETS	ST	1,731.41
		WARRANT TOTAL		1,731.41
68646	LEGACY TELECOMMUNICATIONS INC	MAINT OF GENERAL EQUIP	SWR	1,575.39
		WARRANT TOTAL		1,575.39
68647	LOGGERS AND CONTRACTORS	REPAIR/MAINTENANCE-EQUIP	ST	109.07
		OPERATING SUPPLIES	ST	497.72
		WARRANT TOTAL		606.79
68648	LIFE TEK, INC	SUPPLIES & BOOKS	FD	133.09
		WARRANT TOTAL		133.09
68649	MARTIN MARIETTA MATERIALS	REPAIR/MAINT-STREETS	ST	667.12
		WARRANT TOTAL		667.12
68650	MOUNT VERNON, CITY OF	OPERATING LEASE-COMPUTER	PD	2,686.23
		WARRANT TOTAL		2,686.23
68651	NATIONAL BARRICADE CO LLC	OPERATING SUPPLIES	ST	1,256.53
		WARRANT TOTAL		1,256.53
68652	NEWMAN SIGNS INC	OPERATING SUPPLIES	ST	771.85
		WARRANT TOTAL		771.85
68653	NEXTEL COMMUNICATIONS	TELEPHONE	PD	417.06
		WARRANT TOTAL		417.06
68654	NORTH SOUND 211 (VOA)	BOOKS, PERIOD, RECORDS	LIB	8.25
		WARRANT TOTAL		8.25
68655	OFFICE DEPOT	SUPPLIES	FIN	37.42
		SUPPLIES	FIN	91.62
		OFFICE/OPERATING SUPPLIES	PD	164.96
		OFFICE/OPERATING SUPPLIES	PD	79.88
		OFFICE SUPPLIES	FD	73.47
		WARRANT TOTAL		447.35
68656	OLIVER-HAMMER CLOTHES	SAFETY EQUIPMENT	PK	169.83
		WARRANT TOTAL		169.83
68657	PACIFIC COMMERCIAL LOCK & KEY	OPERATING SUPPLIES	ST	49.36
		OPERATING SUPPLIES	SWR	292.84
		OPERATING SUPPLIES	SWTR	303.14
		WARRANT TOTAL		645.34
68658	PARKSON CORPORATION	PLANT UPGRADES		40,569.45
		WARRANT TOTAL		40,569.45

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68659	PAT RIMMER TIRE CTR, INC	REPAIRS/MAINT-EQUIP	FD	1,011.86
		WARRANT TOTAL		1,011.86
68660	PEOPLE EN ESPANOL	BOOKS, PERIOD, RECORDS	LIB	18.00
		WARRANT TOTAL		18.00
68661	PETTY CASH-DEBRA PETERSON	SUPPLIES	LIB	47.06
		POSTAGE	LIB	37.48
		BOOKS, PERIOD, RECORDS	LIB	8.63
		WARRANT TOTAL		93.17
68662	PHYSICIANS CARE FAMILY MEDICINE	PROFESSIONAL SERVICES	PD	125.00
		WARRANT TOTAL		125.00
68663	PITNEY BOWES, INC.	SUPPLIES	FIN	174.73
		WARRANT TOTAL		174.73
68664	PITTMAN, HAROLD	RETIRED MEDICAL	PD	1,167.73
		WARRANT TOTAL		1,167.73
68665	PRINTWISE, INC.	OFF/OPER SUPPS & BOOKS	INSP	181.47
		WARRANT TOTAL		181.47
68666	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES	PD	17.40
		UTILITIES-RIVERFRONT	PK	148.34
		UTILITIES-TRAIN	PK	17.40
		UTILITIES-HAMMER SQUARE	PK	38.11
		UTILITIES-BINGHAM & MEMORIAL P		32.07
		UTILITIES - OTHER	PK	29.05
		PUBLIC UTILITIES-MUSEUM	PK	37.82
		PUBLIC UTILITIES-CITY HALL	PK	167.35
		PUBLIC UTILITIES	CEM	77.80
		PUBLIC UTILITIES	ST	32.07
		PUBLIC UTILITIES	LIB	29.48
		PUBLIC UTILITIES	SWR	261.66
		PUBLIC UTILITIES	SAN	35.09
		WARRANT TOTAL		923.64
68667	PUGET SOUND ENERGY	PUBLIC UTILITIES	PD	52.84
		REPAIRS & MAINTENANCE	PD	9.83
		UTILITIES-RIVERFRONT	PK	317.96
		UTILITIES-COMMUNITY CTR	PK	175.44
		UTILITIES-SENIOR CENTER	PK	333.61
		UTILITIES-TRAIN	PK	157.05
		UTILITIES-HAMMER SQUARE	PK	357.16
		UTILITIES-BINGHAM & MEMORIAL P		78.52
		UTILITIES - SHOP	PK	80.22
		UTILITIES - SHOP	PK	31.58
		UTILITIES - OTHER	PK	9.83
		PUBLIC UTILITIES-MUSEUM	PK	9.93
		PUBLIC UTILITIES-MUSEUM	PK	87.33
		PUBLIC UTILITIES-CITY HALL	PK	2,516.81

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		PUBLIC UTILITIES	CEM	104.45
		PUBLIC UTILITIES	ST	13.54
		PUBLIC UTILITIES	ST	206.31
		PUBLIC UTILITIES	ST	225.68
		PUBLIC UTILITIES	ST	97.35
		PUBLIC UTILITIES	ST	712.27
		PUBLIC UTILITIES	LIB	292.14
		ADVERTISING	HOT	25.27
		PUBLIC UTILITIES	SWR	9,522.38
		PUBLIC UTILITIES	SAN	152.94
		PUBLIC UTILITIES	SWTR	125.64
		WARRANT TOTAL		15,696.08
68668	RANGER RICK	BOOKS, PERIOD, RECORDS	LIB	33.90
		WARRANT TOTAL		33.90
68669	RIGHT WAY PLUMBING	REPAIR/MT-HAMMER SQUARE	PK	111.99
		WARRANT TOTAL		111.99
68670	RHODES, GLORIA	COMMUNITY GRANT PROGRAMS	LIB	599.19
		WARRANT TOTAL		599.19
68671	RONK BROTHERS, INC.	REPAIRS/MAINT-DORM	FD	577.79
		WARRANT TOTAL		577.79
68672	SCADA & CONTROLS ENGINEERING INC	PROFESSIONAL SERVICES	SWR	2,640.00
		WARRANT TOTAL		2,640.00
68673	SCIENTIFIC SUPPLY	OPERATING SUPPLIES	SWR	99.00
		OPERATING SUPPLIES	SWR	131.59
		OPERATING SUPPLIES	SWR	105.97
		WARRANT TOTAL		336.56
68674	SEDRO-WOOLLEY AUTO PARTS	REPAIR & MAINT - AUTO	PD	3.02
		REPAIRS/MAINT-EQUIP	FD	13.06
		WARRANT TOTAL		16.08
68675	SEDRO-WOOLLEY VOLUNTEER	SALARIES-VOLUNTEERS	FD	12,400.00
		WARRANT TOTAL		12,400.00
68676	SFE GLOBAL	PROF SVS-ENGINEERING	SWR	9,900.00
		WARRANT TOTAL		9,900.00
68677	SJOSTROM LAW OFFICE	MISC-FILING FEES/LIEN EXP	SWR	898.93
		MISC-FILING FEES/LIEN EXP	SAN	257.76
		OPERATING SUPPLIES	SWTR	156.31
		WARRANT TOTAL		1,313.00
68678	SKAGIT COUNTY AUDITOR	ELECTION COSTS	LGS	1,703.13
		WARRANT TOTAL		1,703.13
68679	SKAGIT COUNTY TREASURER	CRIME VCTM & WITNSS PROG	LGL	131.99

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		131.99
68680	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES-PROPANE	ST	5.66
		WARRANT TOTAL		5.66
68681	SKAGIT VALLEY COLLEGE	TUITION/REGISTRATION	LIB	72.00
		TUITION/REGISTRATION	LIB	72.00
		WARRANT TOTAL		144.00
68682	SK. VALLEY BARK & TOPSOIL, INC.	REPAIR/MAINT-CITY HALL	PK	55.83
		WARRANT TOTAL		55.83
68683	SKAGIT VALLEY PUBLISHING	ADVERTISING	PLN	150.00
		WARRANT TOTAL		150.00
68684	SK. VALLEY TULIP FESTIVAL	TULIP FESTIVAL	HOT	400.00
		WARRANT TOTAL		400.00
68685	STAPLES BUSINESS ADVANTAGE	SUPPLIES	FIN	85.50
		OFFICE/OPERATING SUPPLIES	IT	44.24
		SUPPLIES/BOOKS	PLN	48.45
		SUPPLIES	ENG	48.44
		OFF/OPER SUPPS & BOOKS	INSP	48.44
		OFFICE SUPPLIES	SWR	200.91
		WARRANT TOTAL		475.98
68686	SUBURBAN PROPANE, L.P.	PROPANE	CEM	37.17
		WARRANT TOTAL		37.17
68687	SUNRISE CAR WASH	REPAIR & MAINT - AUTO	PD	64.05
		WARRANT TOTAL		64.05
68688	TAP-RACK TACTICAL, LLC	TUITION/REGISTRATION	PD	350.00
		WARRANT TOTAL		350.00
68689	TAYLOR, PAUL	RETIRED MEDICAL	PD	128.60
		WARRANT TOTAL		128.60
68690	THOMAS, TAMARA N.	PROFESSIONAL SERVICES	SWR	1,162.50
		WARRANT TOTAL		1,162.50
68691	TRAFFIC SAFETY SUPPLY CO.	OPERATING SUPPLIES	ST	1,653.15
		WARRANT TOTAL		1,653.15
68692	TRUE VALUE	SPECIAL INVESTIGATIONS	PD	73.51
		OPERATING SUPPLIES	FD	23.78
		OPERATING SUPPLIES	FD	15.12
		OPERATING SUP - CITY HALL	PK	43.11
		REPAIR/MT-SENIOR CENTER	PK	5.81
		REPAIR/MT-SENIOR CENTER	PK	14.04
		REPAIR/MT-SENIOR CENTER	PK	21.08
		REPAIR/MT-SENIOR CENTER	PK	2.15

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		REPAIR/MT-HAMMER SQUARE	PK	6.57
		REPAIR/MAINT-CITY HALL	PK	5.94
		REPAIR/MAINT-CITY HALL	PK	8.74
		REPAIR/MAINT-CITY HALL	PK	16.85
		OPERATING SUPPLIES	ST	61.05
		OPERATING SUPPLIES	SWR	5.18
		OPERATING SUPPLIES	SWR	24.88
		OPERATING SUPPLIES	SWR	56.22
		OPERATING SUPPLIES	SWR	20.46
		WARRANT TOTAL		404.49
68693	UNIVAR USA INC	OP SUPPLIES-CHEMICALS	SWR	659.00
		OP SUPPLIES-CHEMICALS	SWR	2,332.37
		OP SUPPLIES-CHEMICALS	SWR	80.00-
		WARRANT TOTAL		2,911.37
68694	VERIZON WIRELESS	TELEPHONE	FIN	66.80
		TELEPHONE	FIN	67.66
		TELEPHONE	LGL	67.09
		TELEPHONE	IT	66.80
		TELEPHONE	IT	24.29
		NEXTEL CELL PHONES		66.80
		TELEPHONE	PD	559.13
		TELEPHONE	FD	129.03
		TELEPHONE	FD	145.74
		TELEPHONE	INSP	24.29
		TELEPHONE	PK	131.33
		TELEPHONE	CEM	24.29
		TELEPHONE	ST	73.11
		NEXTEL CELL PHONES		195.55
		NEXTEL CELL PHONES	SAN	175.03
		WARRANT TOTAL		1,816.94
68695	VERIZON NORTHWEST	PUBLIC UTILITIES	CS	29.19
		TELEPHONE	PD	58.50
		TELEPHONE	PK	90.23
		TELEPHONE	CEM	67.49
		TELEPHONE	LIB	120.79
		WARRANT TOTAL		366.20
68696	VISION MUNICIPAL SOLUTIONS LLC	PROFESSIONAL SERVICES	FIN	879.00
		MAINTENANCE CONTRACTS	SWR	1,500.00
		MACHINERY & EQUIPMENT	SAN	750.00
		OPERATING SUPPLIES	SWTR	200.00
		WARRANT TOTAL		3,329.00
68697	VISTEN, LESLIE	RETIRED MEDICAL	PD	106.00
		WARRANT TOTAL		106.00
68698	WA STATE DEPT OF ECOLOGY	DOE DISCHARGE PERMIT	SWR	4,340.50
		WARRANT TOTAL		4,340.50

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 02/10/2010 (Printed 02/04/2010 16:02)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
68699	WA ST DEPT OF ECOLOGY	DOE NPDES PERMIT	SWTR	1,108.00
		WARRANT TOTAL		1,108.00
68700	WA ST DEPT OF PROF LICEN	INTERGOV SVC-GUN PERMITS	PD	126.00
		WARRANT TOTAL		126.00
68701	WA ST OFF OF TREASURER	STATE REMITTANCES-COURT		7,547.32
		WARRANT TOTAL		7,547.32
68702	WHATCOM CO. LIBRARY SYSTEM	REPAIR/MAINT-COMPUTER	LIB	650.01
		WARRANT TOTAL		650.01
68703	WOOD'S LOGGING SUPPLY INC	POSTAGE	PD	21.14
		POSTAGE	FD	7.59
		POSTAGE	FD	10.77
		WARRANT TOTAL		39.50
68704	YOUR BIG BACKYARD	BOOKS, PERIOD, RECORDS	LIB	19.95
		WARRANT TOTAL		19.95
		RUN TOTAL		666,408.09

CITY OF SEDRO-WOOLLEY
SORTED TRANSACTION WARRANT REGISTER
02/10/2010 (Printed 02/04/2010 16:02)

PAGE 12

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	250,986.17
101	PARK FUND	7,103.87
102	CEMETERY FUND	510.01
103	STREET FUND	8,780.24
104	ARTERIAL STREET FUND	168,579.56
105	LIBRARY FUND	2,759.05
108	STADIUM FUND	425.27
401	SEWER FUND	181,863.87
402	OPERATIONS RESERVE FUND	40,569.45
412	SOLID WASTE FUND	2,792.03
425	STORMWATER	2,038.57
TOTAL		666,408.09

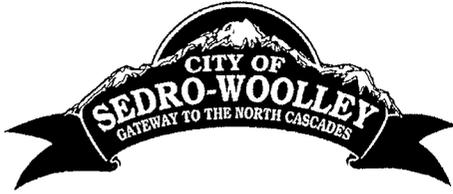
DEPARTMENT	AMOUNT
001 000 000	7,547.32
001 000 011	2,833.25
001 000 012	104.65
001 000 013	103.99
001 000 014	2,739.51
001 000 015	203.88
001 000 017	357.58
001 000 018	189.29
001 000 019	414.00
001 000 020	2,277.41
001 000 021	9,862.10
001 000 022	223,956.23
001 000 024	396.96
FUND CURRENT EXPENSE FUND	250,986.17
101 000 076	7,103.87
FUND PARK FUND	7,103.87
102 000 036	510.01
FUND CEMETERY FUND	510.01
103 000 042	8,780.24
FUND STREET FUND	8,780.24
104 000 042	168,579.56
FUND ARTERIAL STREET FUND	168,579.56
105 000 072	2,759.05
FUND LIBRARY FUND	2,759.05
108 000 019	425.27
FUND STADIUM FUND	425.27
401 000 035	181,863.87
FUND SEWER FUND	181,863.87
402 000 000	40,569.45
FUND OPERATIONS RESERVE FUND	40,569.45
412 000 037	2,792.03
FUND SOLID WASTE FUND	2,792.03
425 000 039	2,038.57
FUND STORMWATER	2,038.57
TOTAL	666,408.09

CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3C

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923



Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Council Meeting Ordinance
DATE: February 10, 2010

ISSUE: Should the Council adopt the attached ordinance changing the date and time of the last meeting in December?

BACKGROUND: Past practice has been to cancel the last meeting in December due to its proximity to the Christmas holiday. However, we find that our vendors suffer due to the delay in payment processing and in some cases, the City pays late fees as a result.

The recommendation from the finance department is to hold the last meeting for the limited purpose of paying bills and if desired, hosting a short open house for the public to interact with the Council. The draft ordinance would shift that last meeting to Tuesday and change the time to 4:00 P.M.

This item was reviewed on January 27th and requested to be placed on the consent agenda for consideration on February 10th.

RECOMMENDATION: Motion to adopt Ordinance _____-10, an ordinance changing the date and time of the last Council meeting in December.

ORDINANCE NO.

AN ORDINANCE AMENDING SWMC 2.04 REGARDING CITY COUNCIL MEETINGS

Whereas, SWMC 2.04 sets the time and location for meetings of the City Council,
and

Whereas, the City Council desires to change the date and time for regular council meetings held during the week of Christmas,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. SWMC 2.04.010 is amended to read as follows:

The city council shall hold regular meetings at seven p.m., on the first Tuesday and the second and fourth Wednesday of each month throughout the year, but whenever a regular meeting falls on a legal holiday now or hereafter designated as such by the laws of the state of Washington, such meeting shall be held at seven p.m. of the first day following which is not itself a legal holiday and provided that the meeting immediately before the Thanksgiving holiday each year shall be held on the fourth Tuesday of November rather than the fourth Wednesday and provided further than the meeting immediately before the Christmas holiday shall be held on the Tuesday before Christmas at 4:00 P.M. rather than the fourth Wednesday at 7:00 P.M.

Section 2. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 3. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

Passed and approved this ____ day of February, 2010.

MAYOR

Attest:

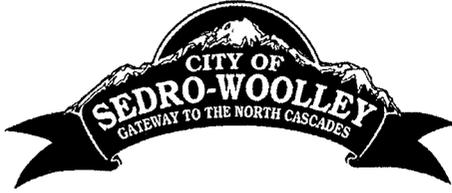
Finance Director

Approved as to form:

City Attorney

CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010



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

CITY OF SEDRO-WOOLLEY

Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0707

Mark A. Freiberger, PE
Director of Public Works/City Engineer

MEMO TO: City Council

FROM: Mark A. Freiberger, PE

RE: Change Order 12
Construction Contract 2009-PW-02; G.G Excavation, Inc.
Fruitdale Road and McGarigle Road Improvements Project and SR 9
Pedestrian/Bicycle Improvements Project

DATE: February 4, 2010 (for council meeting February 10, 2010)

ISSUE

Should the Council authorize the Mayor to sign the attached Change Order 12 to the Agreement with G.G. Excavation, Inc. in the amount of \$97,011?

BACKGROUND

This change order is the result of the settlement offer accepted by GG Excavation for the claim for differing site conditions for Fruitdale Sewer Dewatering. As discussed at the last council in executive session, staff negotiated the settlement at \$90,000 settle the dewatering claim for the Fruitdale Sewer. The settlement includes agreement by the contractor to withdraw the separate Fruitdale Sewer Over-excavation and Over-gravel borrow claim. The final amount of the change order is \$97,011, due to sales tax payable on a portion of the claim.

WSDOT acting as Certification Acceptance for the project has given approval for the change.

FINANCIAL

Construction Budget

Contract G.G. Excavating, Inc.	\$3,761,308.39
Misc Construction	\$ 229,318.56
Construction Engineering	\$ 506,816.00
Contingency	\$ 376,130.84
TOTAL BUDGET	\$4,873,573.79

Estimated Cost

GG Contract through CO11	\$3,934,226.65
CO 12	\$ 97,011.00
Unit Quantity Overruns	\$ 142,499.98
Pending Changes	\$ 12,580.00
Total Contract	\$4,186,317.88

CM & Misc CN (LBS SA2)	\$ 861,407.73
TOTAL EST COST	\$5,047,725.61
BALANCE = REMAINING CONT	\$ (113,505.38)

ANALYSIS

Projecting to project completion, the contingency is exhausted and overruns by approx. \$114,000. This breaks down \$42,300 for the Road project, \$22,100 for the SR9 Sidewalk project, \$47,700 for the Sewer project and \$1,400 for the PUD water. Project funding remains for the Road project from the city and county funds committed but not originally included in the budget due to the favorable bids, totaling over \$500,000. Additional funds will need to be transferred from the GMA Impact Fee account for the SR9 Sidewalk overrun; funds are available. Additional funds will need to be transferred from the Sewer Contingency account for the Sewer overrun; funds are available. PUD has covered the costs of their portion of the work.

RECOMMENDATION:

Motion to authorize the Mayor to sign the attached Change Order 12 to the Agreement with G.G. Excavation, Inc. in the amount of \$97,011.00.



**Washington State
Department of Transportation**

Change Order

Project (Name) Fruitdale Rd. & McGarigle Rd. & SR 9
(Address) Fruitdale Road

Change Order Number 12

Change Order Date February 3, 2010

To: (Contractor) G.G Excavation Inc.
9669 Padilla Heights Road
Anacortes, WA 98221

Contract Number TA 3340 & TA 3543

Contract Date June 1, 2009

You are directed to make the following changes in this Contract:

This change order adds \$97,011 to the contract amount as a settlement to the Contractors claim of changed conditions related to dewatering efforts for the sanitary sewer pump station and main on Fruitdale Road and dewatering at the storm water pump station on McGarigle Road.

A new bid item is created. Bid Item #122, Administrative Settlement of Fruitdale Sewer Dewatering Claim, lump sum payment. The lump sum payment is allocated as \$4,500.00 to Sch. A, Group 1, and the remainder (including applicable sales tax), \$92,511.00 to Sch. B, Group 3.

There are no adjustments to the contract time associated with this change order.

Not valid until signed by both the Approving Authority and Contractor.

Signature of the Contractor indicated agreement herewith, including any adjustment on the Contract Sum or Contract Time.

The original Contract Sum was	\$	<u>3,761,308.39</u>
Net change by previous Change Orders	\$	<u>172,918.26</u>
The Contract Sum prior to this Change Order	\$	<u>3,934,226.66</u>
The Contract Sum will be: <input checked="" type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> Unchanged by this Change Order	\$	<u>97,011.00</u>
The new Contract Sum including this Change Order will be	\$	<u>4,031,237.65</u>
The Contract Time will be: <input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input checked="" type="checkbox"/> Unchanged by <u>0</u> working days		
The new Contract Time will be _____ Working days		

Contractor	Approval Recommended	Approved
By <u>[Signature]</u>	Project Administrator	Approving Authority
Title <u>Vice President</u>	By <u>[Signature]</u>	By _____
Date <u>2/8/10</u>	Date <u>2/3/10</u>	Title _____
	Principal Architect <u>C. A.</u>	_____
	By _____	Date _____
	Date _____	

Original to: Contractor Copies to: Region Construction Administrator
 OSC Accounting Architecture Administrator

Fruitdale Rd. and McGarigle Rd. Improvements
and SR 9 Pedestrian/Bicycle Safety Improvements
TA-3340 & TA 3543
ARRA-HPP-7390(001) & ARRA-STPE-0009(057)
G.G. Excavation., Inc.
Change Order 12
Prepared by: David Lee, PE
3-Feb-10

Description & Justification

This change order adds \$97,011 to the contract amount as a settlement to the Contractors claim of differing site conditions related to dewatering efforts for the sanitary sewer pump station and sanitary sewer main on Fruitdale Road and the storm water pump station on McGarigle Road.

There are no adjustments to the contract time associated with this change order.

A new bid item is created. Bid Item #122, Administrative Settlement of Fruitdale Sewer Dewatering Claim, lump sum payment. The lump sum payment is allocated as \$4,500.00 to Sch. A, Group 1, and the remainder (included applicable sales tax), \$92,511.00 to Sch. B, Group 3.

The following Bid Items are deleted/modified to the contract:

BID ITEM	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL	GROUP 1	GROUP 3 (Taxable)
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The following Bid Items are added/modified to the contract:

BID ITEM	DESCRIPTION	EST. QTY	UNIT	UNIT PRICE	TOTAL	GROUP 1	GROUP 3 (Taxable)
122	Administrative Settlement of Fruitdale Sewer Dewatering Claim	1	LS	90,000.00	90,000.00	4,500.00	85,500.00
Subtotal added cost					90,000.00	4,500.00	85,500.00
Washington State Sales Tax					8.2%	\$7,011.00	7,011.00
<u>Total Change Order</u>					97,011.00	4,500.00	92,511.00
Original Contract Total					\$3,761,308.39		
Current Contract Total (with previous Change Orders)					\$3,934,226.65		
Estimated Net Change this Order					\$ 97,011.00		
Current Contract Total					\$4,031,237.65		

**Fruitdale Rd. and McGarigle Rd. Improvements
and SR 9 Pedestrian/Bicycle Safety Improvements
TA-3340 & TA 3543
ARRA-HPP-7390(001) & ARRA-STPE-0009(057)
G.G. Excavation., Inc.
Change Order 12
Prepared by: David Lee, PE
3-Feb-10**

Additional Justification

The City has negotiated a settlement with the project General Contractor, GG Excavation, Inc. regarding a claim for differing site conditions submitted by the General Contractor's dewatering sub-contractor. This settlement includes all costs associated with the claim. In addition, the contractor withdraws the claim for differing site conditions for Fruitdale Sewer Over-excavation and Over-Gravel Borrow.

Materials Requirements

Materials requirements are per the Standard Specifications for applicable items of work unless otherwise shown.

Construction Requirements

Construction requirements are per the Standard Specifications for applicable items of work unless otherwise shown.

Measurement

As shown per bid item above.

Payment

As shown per bid item above.

Contract Time

Contract time is NOT changed by this Change Order.

Exceptions and Disclaimers

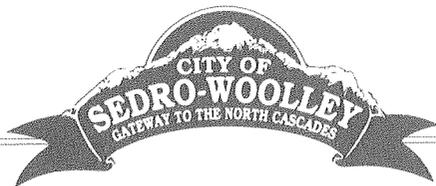
None.

Waivers

None.

PE Stamp (If Required)

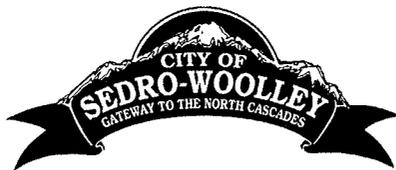
None.



SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

PUBLIC
HEARING(S)



CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 5

Planning Department
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore 
Planning Director/ Building Official

Date: February 10, 2010

Subject: Public Hearing for annexation of properties on Fruitdale Road

ISSUE

Should the City Council pass a resolution agreeing to the boundaries of the proposed Fruitdale Road annexation prior to sending in to the Skagit County Boundary Review Board?

DESCRIPTION / HISTORY

The City Council reviewed an intent to annex petition for 3 properties along Fruitdale Road on July 15, 2009. At that meeting the Council determined that the City would entertain the full petition request and expressed a will to have all of the adjoining properties in that portion of the UGA annexed at the same time if possible.

The annexation initiator, Roger Dean Earles, circulated a petition amongst the owners of all of the properties in the Fruitdale UGA. That signed petition was submitted to the Planning Department on November 25, 2009.

The petition was forwarded to the Skagit County Assessor for verification of the signatures and verification that the signatures represent the necessary 60% of the assessed value of the area. The Assessor has certified the petition as having the minimum required signatures to proceed.

A public hearing was held before the Council on January 27, 2010. There were no public comments received. Staff recommends that the City Council confirm its interest in annexing the Fruitdale UGA as proposed in the Annexation Petition and after the 45-day Skagit County Boundary Review Board review period, pass an ordinance to accept the annexation of the Fruitdale UGA.

ATTACHMENT

Exhibit 1- Resolution, including legal description and map

Exhibit 2- Assessor's certification

RECOMMENDED ACTIONS

1. Hold Public Hearing to receive comments.
2. Make a motion to pass Resolution _____ to approve proceeding with the annexation of properties as shown in Exhibit A and forward required materials to the Boundary Review Board.

Exhibit 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON,
STATING INTENT TO ANNEX REAL PROPERTY CONTIGUOUS TO THE EASTERN PORTION
OF THE CITY

WHEREAS, Roger Dean Earles, James Paul Hickman and Harry Weatherby all own real property contiguous to the City limits and within the Sedro-Woolley urban growth area; and

WHEREAS, Mr. Earles, Mr. Hickman and Mr. Weatherby initiated proceedings to annex the real property to the City by filing a notice of intent to commence annexation proceedings; and

WHEREAS, the City Council held a meeting with the initiating parties as required by RCW 35A.14.120; and

WHEREAS, the City Council agreed to accept an Petition for Annexation between the initiating parties and the City; and

WHEREAS, the initiating parties filed a Petition for Annexation with the City; and

WHEREAS, the Skagit County Assessor issued a Certification of Petition on January 26, 2010 certifying that the Petition for Annexation meets the 60% ownership criteria of RCW 35A.14.120; and

WHEREAS, on January 27 and February 10, 2010 pursuant to notice required by law, the City Council held public hearings on the proposed annexation; and

WHEREAS, the City Council determined that the Petition for Annexation meets the requirements of RCW 35A.14.120-150 and is sufficient according to the requirements of RCW 35A.14.120; and

WHEREAS, the City Council determined that the best interests and general welfare of the City and the real property will be served by the annexation; now therefore,

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, HEREBY
RESOLVES AS FOLLOWS:

Section 1. The City hereby declares its intention to annex and make part of the City of Sedro-Woolley, Washington, that portion of Skagit County, Washington not heretofore incorporated as any part of a city or town, lying east of the City limits, being the following described real property, situated in Skagit County, Washington, to wit:

Legally described on the attached Exhibit A, and illustrated and the attached Exhibit B (map).

Section 2. The City Clerk is authorized and directed to prepare and file a notice of intention to annex with the Skagit County Boundary Review Board, and to carry out all the requirements of state law with regard to the proposed annexation.

Section 3. When annexed property is accepted by future ordinance, said annexation shall be subject to the following conditions:

A. The property proposed for annexation shall be subject to the laws and regulations of the City of Sedro-Woolley, as now and hereafter adopted.

B. The property proposed for annexation shall be subject to and assume a pro-rata share of indebtedness of the City which has been approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

C. The property proposed for annexation shall be subject to the Residential-5 land use classification and zoning designations as set forth on the current Sedro-Woolley Comprehensive Plan and Zoning Code maps.

PASSED by majority vote of the members of the Sedro-Woolley City Council this _____ day of February, 2010, and signed in authentication of its passage this _____ day of February, 2010.

MAYOR

ATTEST:

CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

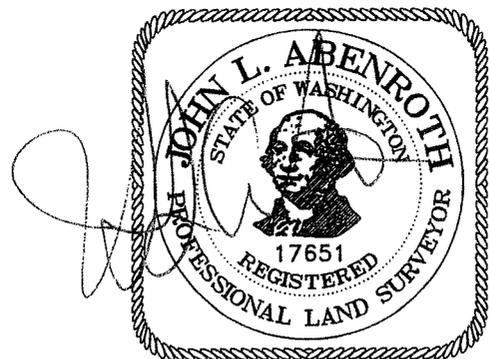
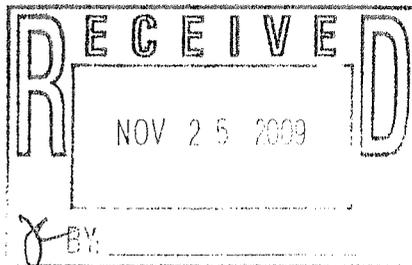
LEGAL DESCRIPTION
FOR
ROGER DEAN EARLES
OF
PROPERTY EAST OF FRUITDALE ROAD
INCLUDED IN PROPOSED ANNEXATION

November 24, 2009

EXHIBIT A

Beginning at the northeast corner of the southeast quarter of Section 18, Township 35 North, Range 5 East, W.M.; thence S 02°23'16" E along the east line of said southeast quarter, a distance of 969.20 feet to its intersection with the northwesterly right of way line of State Route 20; thence S 53°40'19" W along said northwesterly right of way line, a distance of 1604.36 feet to its intersection with the east right of way line of Fruitdale Road; thence northerly along the east right of way line of Fruitdale Road through the following thirteen courses; N 02°14'31" W, a distance of 1381.36 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 90.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 40.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 70.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet to the north line of said southeast quarter; thence N 88°19'16" E along the north line of said southeast quarter, a distance of 1326.33 feet to the point of beginning of this description.

Containing 43.39 acres.



11/24/09

SE1/4 of Section 18, Twp. 35 N., Rng. 5 E., W.M.

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N88°19'16"E 1326.33'

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N88°19'16"E 10.00'

S88°19'16"W 10.00'

N88°19'16"E 10.00'

S88°19'16"W 10.00'

N88°19'16"E 10.00'

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N02°14'31"W

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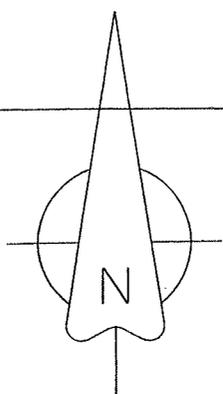
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S/P 73-79
AF197909270018

S/P 62-77



S02°23'16"E 969.20'

MW PIPELINE

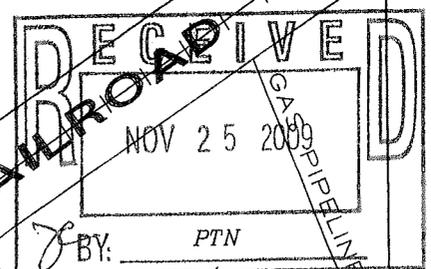


S55°40'19"W 1604.36'

STATE ROUTE 20

WILKINSON NORTHERN RAILROAD

EXHIBIT B



MAP OF
PROPOSED
ANNEXATION FOR
ROGER DEAN EARLES

CITY OF SEDRO-WOLLEY LIMITS

SKAGIT COUNTY

FRUITDALE ROAD

P.L.

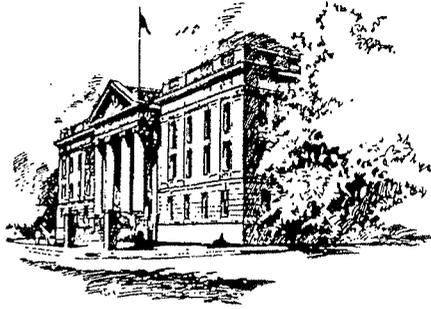
94-C

Exhibit 2

Mark Leander
Assessor

Wesley T. Hagen, Sr.
Chief Deputy Assessor

Kelly Briggs
Office Manager



SKAGIT COUNTY

Office of the Assessor

Administration Building, Room 204

700 South 2nd Street

Mount Vernon, WA 98273

Phone (360) 336-9370

Fax (360) 336-9308

E-Mail assessor@co.skagit.wa.us

January 26, 2010

CERTIFICATION OF PETITION

TO: John Coleman, Senior Planner

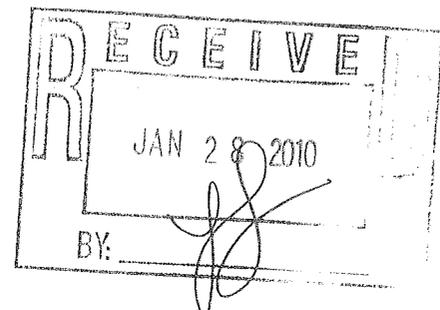
FROM: Kelly Briggs 

RE: Fruitdale Road/Earles Annexation Request

.....

Upon examination of the Assessor's Roll, I hereby certify that the petition's for the above proposed annexation by the City of Sedro Woolley meet the criteria required under RCW 34A.14.120 which states as follows: "... It must be signed by the owners, as defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned . . ."

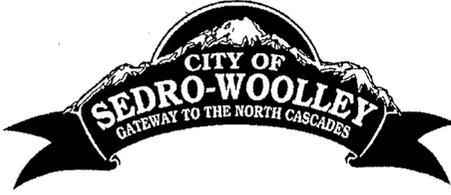
A copy of our Assessor's map hi-lighting the property in the legal description submitted with the petitions is attached hereto.



UNFINISHED
BUSINESS

CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010



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

CITY OF SEDRO-WOOLLEY

Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: SWMC 12.36
DATE: February 10, 2010

ISSUE: Should the Council adopt the attached ordinance adding new regulations for the use of City parks and facilities, allowing the mayor to add additional conditions of use for City premises and allowing the mayor or designee to exclude violators of those regulations or conditions from the City's premises?

BACKGROUND: This item was presented at your last meeting in response to the inundation of complaints received last year as a result of bad behavior by certain individuals in our parks. Specifically, spitting, fighting, swearing, stealing, intimidating, damaging city property, breaking laws and otherwise misbehaving individuals harassed and limited the use of our public parks by members of the general public.

This proposed ordinance is intended to give the SWPD additional regulations to enforce, as needed and create a whole new mechanism of excluding misbehaving individuals from City premises for a particular period of time.

Also attached is a draft of the type of policy the mayor would consider promulgating under the authority requested in this ordinance.

RECOMMENDATION: Motion to adopt Ordinance _____-10an ordinance amending chapter 12.36 of the SWMC adding new regulations for the use of city parks and facilities and authorizing the mayor to establish new rules and procedures.

Ordinance No.

AN ORDINANCE AMENDING CHAPTER 12.36 OF THE SEDRO-WOOLLEY MUNICIPAL CODE TO ADD NEW GENERAL REGULATIONS FOR THE USE OF CITY PARKS AND FACILITIES AND AUTHORIZING THE MAYOR TO ESTABLISH ADDITIONAL CONDITIONS OF USE, EXCLUDE INDIVIDUALS FOR VIOLATIONS OF THE GENERAL REGULATIONS OF ADDITIONAL CONDITIONS OF USE AND AUTHORIZING THE MAYOR TO PROMULGATE RULES TO EFFECTUATE THE AUTHORITY TO EXCLUDE.

Whereas, the City of Sedro-Woolley owns, maintains and operates a significant number of parks and facilities for the benefit and use of the public;

Whereas, the citizens of the community have complained about an increase in behavior that is disruptive to their use and enjoyment of City-owned premises;

Whereas, the City parks department staff have reported an increase in damage to City-owned premises due to destructive behavior;

Whereas, the City Council of the City of Sedro-Woolley wishes to implement policies that allow for the effective and efficient use of a variety of means of enforcement to discourage bad behavior and allow the public to use and enjoy their parks and facilities;

Whereas, the City Council for the City of Sedro-Woolley wishes to add new general regulations for the use of parks and facilities, allow the mayor to add additional conditions of use to be applied as needed at different premises and to allow the mayor to exclude individuals who violate either the general regulations or the conditions of use; and

Whereas, the City Council of the City of Sedro-Woolley finds that it is in the best interest of the City and the people of the City to adopt the following amendments to SWMC 12.36.

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. New sections are added to Sedro-Woolley Municipal Code, Chapter 12.36 and SWMC, Section 12.36.010 is hereby amended as set forth on the attached Appendix A and incorporated by reference.

Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect five (5) days after passage, approval and publication as provided by law.

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 ____ day of _____, 2010.

MAYOR

Attest:

Finance Director

Approved as to form:

City Attorney

Published:

Appendix A

Amendments to portions of Chapter 12.36

CITY PARKS, RECREATIONAL VEHICLE FACILITIES AND COMMUNITY CENTER

12.36.010 City parks and facilities—General Regulations.

The following regulations shall apply to the use of city parks and facilities (“premises”):

A. No person shall possess, display or consume any alcoholic beverages or intoxicating liquors while in any city park unless with a valid liquor permit.

B. No person shall throw, drop, deposit, discard or otherwise dispose of litter in any city park except in a designated litter container.

C. No person shall permit an animal in a city park except when contained by a leash, and animal waste must be picked up and properly disposed, provided, that the leash requirement in this section does not apply to dogs within the fenced perimeter of the S-W Bark Park when the dog is attended and under the control of the owner or of an authorized person over twelve years of age.

The mayor is authorized to promulgate rules and regulations for the use of the S-W Bark Park, the same shall be posted at the S-W Bark Park.

D. No person shall enter the Skagit River from Riverfront Park, except when launching boats from the boat ramp, nor otherwise cross over the fence at the Riverfront Park.

E. No person shall remove or relocate any tables, garbage cans, or other equipment in any city park.

F. No person shall operate or park a vehicle in any city park except in designated traffic and parking areas, and in conformance with posted traffic regulations.

G. No person shall use city park facilities without prior payment when such payment is required by ordinance.

H. No person shall commit any felony while on the premises.

I. No person shall commit any violation of the Sedro-Woolley Municipal Code while on the premises.

J. All persons shall comply with any departmental rule or regulation for use of the premises.

K. No person shall use profane and/or inappropriate language that is likely to offend, intimidate, harass, discriminate against or inflame others.

L. No person shall conduct himself/herself in a manner that unreasonably interferes with the use and enjoyment of the premises by other members of the public or the work environment of City staff.

M. No person shall either cause damage to or act in a manner likely to cause damage to City property or the property of any other person.

12.36.____ Conditions of Use for City Parks and Facilities (“Premises”).

In addition to the General Regulations adopted in SWMC 12.36.010, the mayor is authorized to establish conditions of use for city premises and shall post those conditions in a manner calculated to give notice to members of the public.

12.36.____ Orders of Exclusion.

The mayor or designee is authorized to exclude members of the public from city premises for alleged violations of those conditions of use for a maximum of 180 days. Any person who has been served with an exclusion notice is subject to arrest for Criminal Trespass under SWMC 9.54.

The mayor is authorized to promulgate rules and regulations to effectuate this section and shall include in those rules and regulations a process for review of exclusion notices by the Sedro-Woolley Municipal Court.

CITY OF SEDRO-WOOLLEY PROCEDURES FOR EXCLUSION FROM CITY PROPERTY

A. Conditions of Use of City Premises

1. A person is subject to exclusion from City premises if he or she has violated a state or city law or regulation or any departmental rule.
2. A person may be excluded from City premises (“the premises”) in any of the following circumstances:
 - The person commits any felony while on the premises
 - The person commits any violation of the Sedro-Woolley Municipal Code while on the premises
 - The person fails to comply with any departmental rule or regulation for use of the premises
 - The person uses profane and/or inappropriate language that is likely to offend, intimidate, harass, discriminate or inflame others
 - The person conducts himself/herself in a manner that unreasonably interferes with the use and enjoyment of the premises by other members of the public or the work environment of City staff
 - The person either causes damage to or acts in a manner likely to cause damage to City property or the property of any other person

B. Notification

1. Conditions of Use of City Premises (“Conditions of Use”) will be posted in a manner calculated to give notice to members of the public.
2. A person violating any Conditions of Use will be advised of the violation and warned that continued violation will result in exclusion from the premises. There will be immediate exclusion without warning if the person’s behavior creates imminent danger of harm to persons or property.

C. Exclusion

1. City departmental directors or their designees may exclude from the premises anyone who violates the Conditions of Use.
2. The offender may be notified by delivery of an exclusion notice in person to the offender or by first class mail and certified mail to the offender at the offender's last known address.
3. The offender need not be charged, tried, or convicted of any crime or infraction in order for an exclusion notice to be issued or be effective.
4. The exclusion may be based upon observation by City employees or upon civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.
5. Unless otherwise provided, the period of the exclusion shall be 90 days from issuance of the notice of exclusion if the offender has not been the subject of a previous exclusion notice within one year prior to the current violation.
6. The period of the exclusion shall be 180 days from issuance of the notice of exclusion if the offender has been the subject of a previous exclusion notice within one year prior to the current violation.
7. The exclusion notice will be in writing, contain the date of issuance, specify the length and places of exclusion, and be signed by the issuing individual. Warning of the consequences for failure to comply will be prominently displayed on the notice.

D. Trespass

1. Any person who has been served with an exclusion notice is subject to arrest for Criminal Trespass under SWMC 9.54 if he or she either refuses to leave the property or enters onto the property during the exclusion period.
2. Departmental personnel will provide a copy of the exclusion notice and all witness information, upon request, to responding law enforcement officer(s).

E. Rescinding/Modifying a Notice of Exclusion - Hearings

1. An offender receiving a notice of exclusion may request a hearing to have the exclusion notice rescinded or modified.
2. A notice of exclusion should only be rescinded or modified following a hearing as described herein.
3. Hearings shall be in the Sedro-Woolley Municipal Court before an elected or pro tempore Sedro-Woolley Municipal Court judge.

4. The request for a hearing must be delivered to the issuing department or postmarked no later than seven days after the issuance date of the exclusion notice. The request for hearing must be in writing and must be accompanied by a copy of the exclusion notice on which the hearing is sought.
5. Immediately upon receipt of a notice of hearing, department staff will forward the information directly to the City Prosecutor, who will cause the scheduling of the hearing and take reasonable steps to notify the offender of the date, time, and place of the hearing.
6. The decision following a hearing is final. An offender seeking judicial review of exclusion must file an application for a writ of review in the Skagit County superior court
7. No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.
8. The notice of exclusion remains in effect during the period of any administrative or judicial proceeding.

F. Entry of Notice of Exclusion into the City of Sedro-Woolley Police Records Management System

1. Routing of notices of exclusion shall be as follows: Original to the Police Department, middle copy retained by issuing department, bottom copy to the person who is the subject of the order. Routing should be as soon as practicable after issuance of the order.
2. The Police Department will enter information from the order into a database on City network. This will be the only way for police to confirm the existence of an order until the order is entered into police records (see below).
3. When the period for requesting a hearing has passed, the Police Department will enter it into police records. Officers will at that point be able to confirm the existence of an order via mobile data terminals.
4. Once a notice of exclusion is turned in to the Police Department, no one except a municipal court judge may rescind or modify the order in any fashion, or grant a hearing to the offender. If, due to extraordinary circumstances, the need does arise to modify or rescind an order after it has been turned in to the police department, departments will coordinate with the Police Chief in advance.

G. Miscellaneous Provisions

1. Any notice of exclusion that is turned in to the Police Department will be complete and on the standard notice of exclusion form.
2. These procedures apply when a person is actually on departmental premises and not when a person is in front of or adjoining city property.

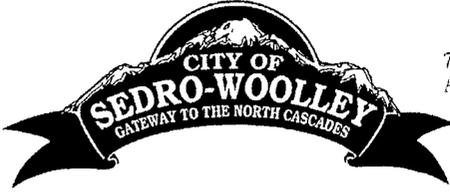
Reviewed and approved this ____ day of _____, 2010.

Mike Anderson, Mayor

**NEW
BUSINESS**

CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010



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

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Offender Work Program
DATE: February 10, 2010

ISSUE: Should the Council adopt the attached ordinance that creates a new position of Offender Work Program Supervisor, establishes the new program and authorizes the Mayor to promulgate rules and regulations for the program?

BACKGROUND: This item was presented to the Council Public Safety Committee last week. The Committee recommended moving it forward to the full Council for consideration.

Currently, criminal defendants who are convicted in The Municipal Court of Sedro-Woolley are either sentenced to jail or probation or some combination of both. If the Skagit County jail has capacity (which often they don't due to the fact that they are operating way beyond design capacity), then the offender makes an appointment with the jail to be interviewed about jail alternatives and schedules a time to serve the sentence. This may occur weeks or months after the sentence is made by the judge. They City then pays \$68.00 per night, plus 100% of the offenders medical costs for the stay. Due to overcrowding, many offenders who are arrested on warrants are "booked and released" which means they are given a piece of paper instead of being sent to jail.

The problem we are hoping to address is the lack of opportunity for offenders to serve their time or otherwise face a meaningful consequence for breaking the law in Sedro-Woolley. It is not a misstatement to say that our system of justice is at jeopardy when court orders are not backed up with actual consequences. The Offender Work Program (OWP) is intended to provide one such consequence and would be designed with the following key elements in mind:

1. Provide an alternative to jail for the municipal court judge to sentence offenders who have been convicted of crimes in Sedro-Woolley;
2. To allow those offenders an opportunity to "give back" or serve the community by cleaning up sidewalks, parks, drainage ponds, etc.;
3. To build some structure and accountability into the lives of these offenders;
4. To include a limited group of offenders (probably no more than 4) who are supervised by the OWC Supervisor;

5. Offenders would be selected to ensure that they are appropriate for the program (i.e., no sex offenders, no drug and alcohol use, no dangerous felons, etc.);
6. Rules for the program would be designed to give us the best chance of success (i.e., no cell phones allowed while working, no weapons, appropriate dress, appropriate manner, etc.); and
7. An OWP Supervisor with the authority to terminate an offender's participation for conduct that is not allowed.

The attached ordinance creates the position of Offender Work Program Supervisor and establishes the OWP. The OWP Supervisor would report to the Police Chief and be responsible for the day to day operation of the OWP.

I believe this program will provide an opportunity for offenders to serve their time while also giving something back to the community. It will also likely save the city money as we will avoid the daily jail bed fee of \$68.00 and jail medical costs. For 2010, we would like to try this as a pilot program with a budget of \$35,000 to fund a part-time OWP Supervisor, equip a vehicle and purchase small tools and safety equipment. The proposal is to fund this program out of the 2010 jail budget.

RECOMMENDATION: First reading only – please provide comments and concerns for the next reading.

ORDINANCE NO.

AN ORDINANCE ADDING A NEW CHAPTER TO SWMC TITLE 2, ESTABLISHING THE POSITION OF OFFENDER WORK PROGRAM SUPERVISOR AND AUTHORIZING THE MAYOR TO PROMULGATE RULES FOR THE OPERATION OF THE OFFENDER WORK PROGRAM

Whereas, the City Council of the City of Sedro-Woolley finds that the Skagit County Jail is overpopulated which results in conditions that do not always allow criminal offenders sentenced in The Municipal Court of Sedro-Woolley to serve any time for their crimes, and

Whereas, the City Council finds that it is detrimental to the administration of justice and counterproductive to the City's lawful exercise of police powers to maintain the health, welfare and safety of the community for criminal offenders to face little or no sanctions for their actions; and

Whereas, the City Council desires to add an additional option for the Municipal Court's use that would allow offenders to serve their time by working on a crew, supervised by a City employee, on projects that clean up the community; and

Whereas, to effectuate this objective, the City Council desires to create a new position and authorize the establishment of this new program through the promulgation of rules by the Mayor or his designee,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DO HEREBY ORDAIN AS FOLLOWS:

Section 1. A new Chapter is added to SWMC Title 2 as follows:

Chapter 2. ____
OFFENDER WORK PROGRAM

2.___.010 Position Created – Appointment -- Removal

There is created the position of offender work program supervisor which shall be filled by appointment by the mayor. This position may be filled by one or more part-time employees or a full-time employee. The offender work program supervisor shall serve at the pleasure of the mayor.

2.___.020 Scope of Authority

The offender work program supervisor shall be responsible for the day to day administration of the City's offender work program.

2.___.030 Program Created

There is established the Offender Work Program. This program shall provide The Municipal Court of Sedro-Woolley with the option to sentence offenders to perform work in the community on such terms and conditions as the Judge may impose and within the rules of the program. The Mayor or his designee is authorized to promulgate rules and policies for the operation of the offender work program.

Section 2. This ordinance shall be effective five (5) days after passage and publication as provided by law.

Section 3. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

Passed and approved this ____ day of February, 2010.

MAYOR

Attest:

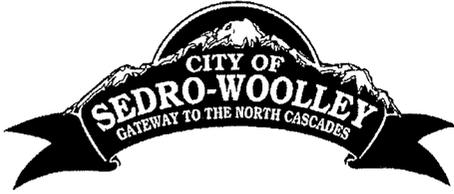
Finance Director

Approved as to form:

City Attorney

CITY COUNCIL AGENDA
REGULAR MEETING

FEB 10 2010



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

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Code Enforcement
DATE: February 10, 2010

ISSUE: Should the Council adopt the attached ordinance that revises the City's code enforcement process to allow for the use of civil processes managed by the planning director rather than exclusively using criminal charges managed by law enforcement?

BACKGROUND: For some time now it has been apparent that our code enforcement process has needed an update. With much gratitude to Kevin Rogerson, City Attorney for Mount Vernon, I am pleased to present the attached draft ordinance for your consideration.

The goal of this ordinance is to include several different processes with resulting consequences to gain compliance from people who are in violation of any number of city codes. Our current process is primarily the criminal misdemeanor charge cited into Municipal Court via the police and prosecutor with resulting jail time (not likely, see other item on agenda regarding the OWP proposal) or fines.

This ordinance provides a new process that is applied to violations of SWMC Titles 5, 8, 13, 15, 16 and 17, thereby making the job of code enforcement easier through the use of a uniform process. The process includes several options for how the code enforcement may occur. The options include (1) Civil orders enforced through penalties, liens and court action with appeals through the Hearing Examiner and potentially the Superior Court under the Land Use Petition Act (LUPA), (2) Civil infractions which are monetary penalties like parking tickets which are appealed to the Municipal Court; or (3) Criminal charges for misdemeanor offenses resulting in jail time and or fines administered through the Municipal Court.

The options are available for use at the election of the official who is attempting to enforce the codes. Other processes available include stop work orders, permit revocation, permit penalties, fines and restoration for critical area violations, orders of abatement and immediate action for unsafe situations. This is a very detailed and somewhat complicated ordinance. I plan to present additional information at the Council meeting to help explain the processes and how this could work.

RECOMMENDATION:
next reading.

First reading only – please provide comments and concerns for the

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ENACTING A NEW TITLE OF THE SEDRO-WOOLLEY MUNICIPAL CODE, TO BE KNOWN AS TITLE 18, CODE ENFORCEMENT.

WHEREAS, the City of Sedro-Woolley is committed to maintaining quality neighborhoods and an excellent community environment through the enforcement of the Sedro-Woolley Municipal Code; and

WHEREAS, the City of Sedro-Woolley wishes to emphasize code compliance by education and prevention as a first step; and

WHEREAS, the City of Sedro-Woolley strives to create uniform and efficient procedures, with consistent application tailored appropriately by Washington State and Federal regulation in order to achieve timely code compliance throughout the City.

NOW, THEREFORE, THE CITY COUNCIL OF SEDRO-WOOLLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION 1: That Title 18 of the Sedro-Woolley Municipal Code is hereby enacted, which enacted Title shall read as follows:

**Title 18
CODE ENFORCEMENT**

Chapters:

18.05	General Provisions.
18.10	Enforcement and Administration.
18.15	Notice of Violation
18.20	Voluntary Compliance Agreements.
18.25	Notice of Infraction.
18.30	Stop Work Orders.
18.35	Civil Fines and Civil Penalties
18.40	Abatement.
18.45	Liens.
18.50	Unfit Dwellings, Buildings and Structures.

**Chapter 18.05
GENERAL PROVISIONS**

Sections:

18.05.010	Name and purpose.
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- 18.05.020 Statement of policy.
- 18.05.030 Definitions.
- 18.05.040 Grammatical consideration.
- 18.05.050 Relationship to growth management plan.
- 18.05.060 Additional enforcement procedures.
- 18.05.070 Conflicts.
- 18.05.080 Severability and Pre-emption.

18.05.010 Name and purpose.

A. This title shall be known as “code enforcement.” The purpose of this title is to establish an efficient system to enforce Chapters 8.16 and 5.04 SWMC, SWMC Titles 13, 15, 16, 17 and such un-codified ordinances as the Director deems appropriate; to provide an opportunity for a prompt hearing and decision on alleged violations of ordinances and regulations adopted by the City of Sedro-Woolley; and to establish penalties for violations including abatement of any affected properties. This title declares certain acts to be civil violations and establishes non-penal enforcement procedures and civil penalties. This title also declares certain acts to be misdemeanors.

B. It is the intention of the City to pursue code compliance actively and vigorously in order to protect the health, safety, and welfare of the general public. The City’s intention is to pursue enforcement in a way that is consistent with adherence to, and respectful of, fundamental constitutional principles.

C. While the title does authorize the City of Sedro-Woolley to take action to enforce City ordinances and regulations, it shall not be construed as placing responsibility for code compliance or as creating any duty on the part of the City to any particular case, or as creating any duty on the part of the City to any particular persons or class of persons.

18.05.020 Statement of policy.

It is the policy of the City of Sedro-Woolley to emphasize code compliance by education and prevention as a first step. This policy is designed to ensure code compliance, timely action, and uniformity in its implementation. While warnings and voluntary compliance are desirable as a first step, enforcement up to and including civil and criminal penalties should be used as needed to assure and effect code compliance. Abatement or remediation should be pursued when appropriate and feasible. Uniform and efficient procedures, with consistent application tailored by regulation should be used to accomplish this policy.

18.05.030 Definitions.

The words and phrases designated in this section shall be defined for the purposes of this title, unless a different meaning is plainly required, as follows:

- A. “Abate” means to take steps deemed necessary by the Director, including but not limited to rehabilitation, demolition, removal, replacement, or repair, in the interest of the general health, safety, and welfare of the community.

- B. “Civil code violation” means and includes any act or omission including causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission contrary to:
1. Chapters 8.16 and 5.04 SWMC, SWMC Titles 13, 15, 16, 17, and such uncodified ordinances as the Director deems appropriate; and
 2. The conditions of any permit, notice of violation, notice of infraction, or stop work order issued pursuant to any ordinance, resolution, regulation, or public rule.

Each day or portion thereof a property or person is not in compliance with the provision identified in this definition shall constitute a separate violation.

- C. “the Court” means the Sedro-Woolley Municipal Court.
- D. “Department” shall include, but not be limited to, the Planning Department, the Building Department, the Police and Fire Department, the Finance Department, and the Public Works Department.
- E. “Development” means the erection, alteration, enlargement, demolition, maintenance, or use of any structure of the alteration or use of land above, at, or below ground or water level, and all acts authorized by a City regulation.
- F. “Director” shall include, but not be limited to the City: Building Official, Police Chief, Fire Chief, Public Works Director, Finance Director, and Planning Director or other City Official charged with the enforcement of a particular portion of the Sedro-Woolley Municipal Code. The Director of a department may designate an individual or individuals to act in his or her stead.
- G. “Emergency” means a situation that in the opinion of the Director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.
- H. “Mitigate” means to take measures, subject to City approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.
- I. “Permit” means any form of certificate, approval, registration, license, or any other written permission issued by the City. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map that are intended to serve and protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.
- J. “Person” means any individual, association, partnership, corporation, or legal entity, public or private, and the agents and assigns of such individual, association, partnership, corporation, or legal entity.
- K. “Person(s) responsible” means the person who caused the code violation, if that can be determined, and/or the owner, lessor, tenant or other person entitled to control, use, and/or occupy property where the civil code violation occurs.
- L. “Public rule” means any rule properly promulgated to implement code provisions.
- M. “Remediate” means to restore a site to a condition that complies with

the City's regulatory requirements including critical areas. Remediation shall include but not be limited to the replacement of all improperly removed ground cover with species similar to those which were removed or other approved species such that the biological and habitat functions and values will be replaced to the greatest extent possible. Studies by qualified experts shall be conducted to determine the conditions which were likely to exist on the lot prior to the illegal alteration. Remediate shall also include installation and maintenance of interim and emergency erosion control measures until such time as the restored site complies with City requirements.

N. "Repeat violation" means a violation of the same regulation in any location by the same person, for which voluntary compliance has previously been sought or a notice of code enforcement has been issued, within the immediately preceding 12-consecutive-month period.

O. "Resolution" for purposes of this title means any resolution adopted by the Sedro-Woolley City Council.

18.05.040 Grammatical construction.

Unless the context clearly indicates otherwise, words in any tense shall include the present, past and future tense.

18.05.050 Relationship to growth management plan.

This title is adopted as development regulations pursuant to Chapter 36.70A RCW (Growth Management Act).

18.05.060 Additional enforcement procedures.

The provisions of this title are not exclusive and may be used in addition to other enforcement provisions authorized by the Sedro-Woolley Municipal Code or state law, except as precluded by law.

18.05.070 Conflicts.

In the event of a conflict between this title and any other provision of the Sedro-Woolley Municipal Code or other City ordinance providing for a civil penalty, this title shall control.

18.05.080 Severability and pre-emption.

A. If any section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this title is for any reason held invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of this title shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection sentence, clause, phrase, provision, condition, covenant and portion of this title shall be valid and enforceable to the fullest extent permitted by law.

B. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this title, then the provision shall be read to be pre-empted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been pre-empted is no longer pre-empted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the City, and any amendments to this title as a result of such provision being pre-empted shall no longer be of any force or effect.

Chapter 18.10 ENFORCEMENT AND ADMINISTRATION

Sections:

- 18.10.005 **Scope.**
- 18.10.010 Enforcement authority and administration.
- 18.10.020 Declaration of public nuisance.
- 18.10.030 Right of entry.
- 18.10.040 Obligations of persons responsible for the code violation.

18.10.005 Scope.

Except in cases where a different punishment is prescribed by any ordinance of the city, all civil code violations defined under SWMC 18.05.030 B shall be enforced and administered under Title 18 of the Sedro-Woolley Municipal Code.

18.10.010 Enforcement authority and administration.

A. In order to discourage code violations and otherwise promote compliance with applicable code provisions, the Director may, so long as reasonable cause exists, determine that civil code violations have occurred or are occurring and may:

1. Issue notices of violations and orders to persons responsible;
2. Enter into voluntary compliance agreements with persons responsible for the code violations;
3. Issue notices of infractions, assess civil penalties and fines and recover costs as authorized by Chapters 18.25 and 18.35 SWMC;
4. Order abatement by means of a notice of violation and order, or notice of infraction, and if such abatement is not timely completed by the person responsible for the code violation, undertake the abatement and charge the reasonable costs of such work as authorized by Chapter 18.40 SWMC;
5. Allow a person responsible for the code violation to perform community service in lieu of paying civil penalties as authorized by Subsection 18.35.050 D SWMC;
6. Order work stopped at a site by means of a stop work order, and if such order is not complied with, assess civil penalties, as authorized by Chapter 18.30 SWMC; and/or

7. Suspend, revoke or modify any permit previously issued by the Director or deny a permit application as authorized by SWMC 18.35.050 and SWMC 18.35.060 when other efforts to achieve compliance have failed.

B. In addition or as an alternative to utilizing the procedures set forth in this title, the Director may seek legal or equitable relief to abate any conditions or enjoin any acts or practices that constitute a civil code violation.

C. In addition or as an alternative to utilizing the procedures set forth in this title, the Director may assess or recover civil penalties accruing under this title by legal action filed in a court of competent jurisdiction by complaint or petition through the City Attorney.

D. The provisions of this title shall in no way adversely affect the rights of the owner, lessee or occupant of any property to recover all costs and expenses incurred and required by this title from any person causing such violation.

E. The City may use the services of a collection agency in order to collect any fines, penalties, fees or costs owing under this title.

F. In administering the provisions for code enforcement, the Director shall have the authority to waive any one or more such provisions so as to avoid substantial injustice by application thereof to the acts or omissions of a public or private entity or individual, or acts or omissions on public or private property including, for example, property belonging to public or private utilities, where no apparent benefit has accrued to such entity or individual from a code violation and any necessary remediation is being promptly provided. For purposes of this clause, substantial injustice cannot be based on economic hardship.

G. The provisions of this title authorizing the enforcement of noncodified ordinances are intended to assure compliance with conditions of approval on plats, unclassified use permits, zone reclassifications and other similar permits or approvals that may have been granted by ordinances that have not been codified, and to enforce new regulatory ordinances that are not yet codified.

18.10.020 Declaration of public nuisance – misdemeanor.

A. All civil code violations hereby are determined to be detrimental to the public health, safety, and environment and are hereby declared public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this title except where specifically excluded by law or regulation.

B. Any person who willfully or knowingly causes, aids or abets a civil code violation pursuant to this title by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. As an alternative, or in addition to any other judicial or administrative remedy provided in this title or by law or other regulation, the Director may request that the City Attorney consider filing a misdemeanor complaint against the persons responsible for the code violation when the Director has documentation or evidence that the violation was willful and knowing.

C. Interference. Any person who knowingly obstructs, impedes, or

interferes with the City or its agents, or with the person responsible for the code violation in the performance of duties imposed by this title, shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not to exceed \$1,000.

D. Failure to Identify. RCW 7.80.060 is hereby adopted by reference requiring a person who is to receive a notice of civil infraction or notice of violation under this title to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicard. A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction. Any person who fails to comply with this provision shall be guilty of a misdemeanor punishable by imprisonment not exceeding 90 days and a fine not to exceed \$1,000. Enforcement officer shall mean any person authorized to enforce the provisions of this title or any ordinance or regulation in which a civil violation is established.

18.10.030 Authority to Enter

Any officer authorized by Title 18 to enforce the civil provisions of the Sedro-Woolley Municipal Code may, with the consent of the owner or occupier of a building or premises, enter at reasonable times any building or premises in order to perform the duties imposed by this Title.

18.10.040 Persons Responsible for Violations, Abatement, Remediation and Compliance.

A. It shall be the responsibility of any person identified as a person responsible for the code violation to bring the property into a safe and reasonable condition to achieve code compliance. Payment of fines, applications for permits, acknowledgement of stop work orders, and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances. Persons determined to be responsible for the code violation pursuant to a notice of infraction, notice of violation and order, or stop work order shall be liable for the payment of any civil fines, penalties, and abatement costs for bringing the property into compliance.

B. Property Owners. It is the intent of this Title to include property owners within the obligation for complying with its requirements as persons responsible for the condition of land and buildings situated within the City of Sedro-Woolley and within the scope of the Sedro-Woolley Municipal Code and for bringing the land and buildings into compliance. Persons, including any legal entity, who are owners of property where a civil code violation exists are included as "Person (s) responsible" as defined by SWMC 18.05.030 K in the event a violation continues after being notified of the violation by the City. After being notified of a code violation, the property owner shall provide the Director, within seven days of the notice upon request, the identification of any lessor, tenant or other person entitled to control, use, and/or occupy property along with the copy of any rental or lease agreement. Failure to provide such information shall result in a violation of this title.

18.10.050 Administrative Conferences

An informal administrative conference may be conducted by the Director at any time for the purpose of facilitating communication among concerned persons and providing a forum for efficient resolution of any violation. Interested parties should not be unreasonably excluded from such conferences.

18.10.060 Investigation, Civil Infraction Citations, and Notices of Violation.

A. Whenever the Department receives a complaint of a civil code violation from a member of the public, member of the Department itself, or from another Department, the Director shall order an investigation.

B. Upon investigation, the Director shall determine whether there is reasonable cause to believe that a civil code violation has occurred. If the Department determines that such a violation has not occurred, the complaint and file will be closed.

C. If the Director determines that reasonable cause exists to believe that a civil code violation has occurred, the Director:

1. Shall document what remedial action is necessary to bring the site into compliance with the code.
2. Shall issue a notice of violation and order in accordance to the provisions of Chapter 18.15 SWMC or a notice of infraction in accordance to the provisions of Chapter 18.25 SWMC to the person responsible for the violation. The Director should consider the following circumstances in deciding whether or not to issue a notice of violation in lieu of a notice of infraction:
 - a. When an emergency exists; or
 - b. When a repeat violation occurs; or
 - c. When the violation creates a situation or condition that cannot be corrected; or
 - d. When the person knows or reasonably should have known that the action is in violation of a City regulation; or
 - e. The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

Chapter 18.15

NOTICE OF VIOLATION AND ORDER/ADMINISTRATIVE PROCEEDING

Sections:

- 18.15.010 Notice of violation.
- 18.15.020 Service – Notice of violation.
- 18.15.030 Right of Appeal– Timeliness.
- 18.15.040 Appeal Procedure.

18.15.010 Notice of Violation

A. After investigation, the Director may serve a Notice of Violation and Order upon the person responsible for the civil code violation. In the event a notice of violation is issued, the Department shall investigate and re-inspect any site at the end of the timeframe specified in the notice of violation to ensure that the condition(s) has been corrected in accordance with the terms specified in the notice of violation. If the re-inspection reveals that the condition(s) has been corrected the complaint and file will be closed. If the condition has not been corrected any person violating or failing to comply with the provisions a Notice of Violation and Order shall be subject to penalties set forth in Chapter 18.35 SWMC.

B. The Notice of Violation and Order shall contain the following information:

1. The address or other identification of the location of the violation; and
2. A brief and concise description of the conditions alleged to be in violation of the municipal code, permit, ordinance, public rule, resolution, or regulation and a reference to the provision(s) of the municipal code, permit, ordinance, public rule, resolution, or regulation that is being violated; and
3. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action that must be obtained from the proper issuing agency; and
4. A statement declaring the timeframe for correcting the violation or, if applicable, submitting an acceptable work schedule with voluntary compliance agreement; and
5. A statement notifying the person responsible for the code violation that at the end of the specified timeframe a re-inspection of the property will be conducted to ensure that the necessary corrective or abatement actions have been completed; and
6. A statement notifying the person responsible for the code violation explaining the appeal process and the specific information required to file an appeal; and
7. A statement advising any person that failure to comply with the provisions in the Notice of Violation and Order shall carry with it a cumulative monetary penalty as set forth in Chapter 18.35 SWMC per day for each violation from the date set for compliance in the Notice of Violation and Order until compliance with the Notice of Violation or order is achieved; and
8. A statement of the abatement procedure that may be implemented by the City if the party responsible and a notice that the person responsible for the violation will be charged with the costs associated with such an abatement procedure as authorized by Chapter 18.40 SWMC.

C. Amendment. A Notice of Violation and Order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

D. Final Orders. Any Notice of Violation and Order issued pursuant to this Chapter shall become a final order unless, no later than fifteen calendar days after the Notice of Violation and Order is served, any person aggrieved by the Notice of Violation and Order files and appeal with the Director in accordance with SWMC 18.15.030 and SWMC 18.15.040.

18.15.020 Service – Notice of Violation

A. Service of a notice of violation shall be made on a person responsible for the code violation by one or more of the following methods:

1. Personal service of the notice of violation on the person identified by the Department as being responsible for the code violation, or by leaving a copy of the notice of violation at that person's house of usual abode with a person of suitable age and discretion who resides there.
2. Service directed to the landowner and/or occupant of the property may be made by posting the notice of violation in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below.
3. Service by mail may be made for a notice of violation by mailing a copy, postage prepaid, by ordinary first class mail, to the person responsible for the code violation at his or her last known address, at the address of the violation, or at the address of the place of business of the person responsible for the code violation. The taxpayer's address as shown on the tax records of the County shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the notice of violation was placed in the mail.
4. If the person responsible for the code violation cannot be personally served within the City of Sedro-Woolley, and if an address for mailed service cannot reasonably be determined, then service may be made by posting the notice of violation in a conspicuous place on the property where the violation occurred.

B. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person personally or by mail.

C. The failure of the Director to make or attempt service on any person named in the notice of violation shall not invalidate any proceedings as to any other person duly served.

18.15.030 Right of Appeal–Timeliness.

A. Time for appeal. Other than the issuance of a Civil Infraction, a person aggrieved by the Director’s action as a result of a Notice and Order, other order, decision, ruling, or interpretation by the Director, may appeal the Director’s action by filing a written request for appeal with the Director within fifteen calendar days after receiving or otherwise being served with notice of the Director’s action. When the last day of the period so computed is a Saturday, Sunday, or state recognized holiday, the period shall run until 4:30 p.m. on the next business day. Failure to file a written request for appeal within time prescribed will result in the Director’s action becoming a final order and the appellant shall be bound thereby.

B. Reconsideration. An aggrieved person may request reconsideration of the Director’s action in writing within ten calendar days after receiving or otherwise being served with notice of the Director’s action by submitting the request to the appropriate Department contact listed in the notice of violation. When the last day of the period so computed is a Saturday, Sunday, or state recognized holiday, the period shall run until 4:30 p.m. on the next business day. Any reconsideration request shall cite specific references to the findings and/or criteria contained in the ordinances, rules, permit, or other authority governing the type of decision being reviewed. The Director shall promptly review the reconsideration request and shall, within five working days, issue a written decision on reconsideration, either approving or denying the request. A request for reconsideration temporarily suspends the period within which an appeal of the Director’s decision from the date of filing the written request for reconsideration to the date of the decision on reconsideration. If the reconsideration is denied, the period for appeal of the Director’s action shall recommence for the remaining number of days.

C. Appeal to be heard by City’s Hearing Examiner. A timely filed appeal will be heard by the City’s Hearing Examiner as established by Chapter 2.34 SWMC, following procedures set in SWMC 18.15.040. Any appeal of the Director’s action may be affirmed, reversed or modified in the Hearing Examiner’s final order. The decision of the Hearing Examiner shall be a final order and the appellant and the Director shall be bound thereby unless, within twenty one days from the date of the issuance of the Hearing Examiner’s final order, a person with standing to appeal files a petition to the Superior Court. The cost for the transcription of all records ordered certified by the Superior Court for such review shall be borne by the appellant.

18.15.040 Appeal Procedure

A. An aggrieved person who desires to file an appeal of the Director’s action must do so pursuant to the provisions set forth in this section. The appellant shall file a written appeal to the Director within the time period prescribed in SWMC 18.15.030 and shall pay a filing fee of \$100 dollars. The written appeal shall contain the following information:

1. The name of all appellants participating in the appeal;
2. A brief statement of the specific Director’s action protested, together with any material facts claimed to support the contentions of the appellant;

3. A brief statement of the relief sought, and the reason why the protested action should be reversed, modified, or otherwise set aside;

4. The signatures of all parties named as appellants and their mailing addresses;
and

5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. Upon the receipt of the appeal and the filing fee, the Director shall transmit the same to the City Planning Director who shall schedule an appeal hearing before the Hearing Examiner and give due notice thereof to the appellants.

C. At or after the appeal hearing, the Hearing Examiner may affirm, reverse, or modify the Director's action or continue the hearing to a date certain for receipt of additional information.

D. The Hearing Examiner shall issue a written decision within thirty days after the hearing and shall cause copies thereof to be sent to the Director and appellants.

E. All written orders by the Hearing Examiner pursuant to this section shall include a report giving findings of fact, conclusions, and the Hearing Examiner's decision.

F. The written decision of the Hearing Examiner shall be a final order, and the appellant and the Director shall abide thereby unless the order is appealed to Superior Court within the time period prescribe by SWMC 18.15.030 C by a person with standing to appeal.

G. The appeal procedures set forth in this chapter shall not apply to project permit applications, land use applications, or specific land use actions identified in chapter 2.90 SWMC. In the event of a conflict between this chapter and any chapter 2.90 SWMC involving appeal procedures, chapter 2.90 SWMC shall control.

Chapter 18.20

VOLUNTARY COMPLIANCE AGREEMENTS

Sections:

18.20.010 Voluntary compliance agreement.

18.20.020 Failure to meet terms of voluntary compliance agreement.

18.20.010 Voluntary compliance agreement.

A. Whenever the Director determines that a civil code violation has occurred or is occurring, the Director may make reasonable efforts to secure voluntary compliance from the person responsible for the code violation. Upon contacting the person responsible for the code violation, the City may enter into a voluntary compliance agreement as provided for in this section.

B. Issuance of Voluntary Compliance Agreement. A voluntary compliance

agreement may be entered into between the person responsible for the code violation and the City.

C. The voluntary compliance agreement is a written signed commitment by the person responsible for the code violation under which such person agrees to abate the violation, remediate the site, and/or mitigate the impacts of the violation. The voluntary compliance agreement shall include the following:

1. The name, address and signature of the person responsible for the code violation; and
2. The address or other identification of the location of the violation; and
3. A description of the violation and a reference to the provision(s) of the ordinance, resolution or regulation that has been violated; and
4. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed; and
5. An agreement by the person responsible for the code violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary compliance agreement; and
6. The amount of the civil penalty that will be imposed pursuant to Chapter 18.35 SWMC if the voluntary compliance agreement is not satisfied; and
7. An acknowledgement that by entering into the voluntary compliance agreement the person responsible for the code violation waives the right to appeal, and thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and
8. An acknowledgement that the voluntary compliance agreement may be recorded against the property with the Skagit County Auditor's office; and
9. An acknowledgement that if the Director determines that the terms of the voluntary compliance agreement are not met, the City may, without issuing a notice of infraction, or stop work order, impose any civil remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and
10. An acknowledgment that if a penalty is assessed, and if any assessed penalty, fee or cost is not paid, the Director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by the person responsible for the code violation, and that the unpaid amount may be a joint and several personal obligation of all persons responsible for the code violation; and
11. An acknowledgment that the person responsible for the code violation understands that he or she has the right to be served with a notice of infraction, or stop work order for any violation identified in the voluntary compliance agreement, has the right to appeal any such notice of infraction or stop work order, and that he or she is knowingly, voluntarily and intelligently waiving those rights.

12. That should the City be required to enforce the agreement, the person responsible shall be liable for all costs incurred including reasonable attorney fees should a court of competent jurisdiction determine the City is the prevailing party.

D. Upon entering into a voluntary compliance agreement, a person responsible for the code violation waives the right to appeal, and thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the Director determines the terms of the voluntary compliance agreement are not met, he or she is liable for the civil penalty available under Chapter 18.35 SWMC and identified in the voluntary compliance agreement, shall bear the costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in Chapter 18.40 SWMC, and is subject to all other remedies provided for in this title.

E. The voluntary compliance agreement shall incorporate the shortest reasonable time period for compliance as determined by the Director. An extension of the time limit for compliance or a modification of the required corrective action may be granted by the Director at the Director's sole discretion if the person responsible for the code violation has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the original conditions unattainable.

F. The voluntary compliance agreement is not a settlement agreement.

18.20.020 Failure to meet terms of voluntary compliance agreement.

If the terms of the voluntary compliance agreement are not completely met, the Director may:

A. Abate the violation in accordance with the provisions of this title, and the person responsible for the code violation may, without being issued a notice of infraction or stop work order, be assessed a civil fine or penalty commencing on the day after the deadline for compliance, in accordance with the penalty provisions of this title, plus all costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that an appeal of any preceding notice of infraction or stop work order was required to have been filed or from the date the voluntary compliance agreement was entered into if there was no preceding stop work order or notice of infraction; or

B. Issue a notice of infraction, or stop work order for failure to meet the terms of the voluntary compliance agreement; or

C. Refer the matter to the City Attorney's Office to initiate legal proceedings to enforce the terms and conditions set forth in the voluntary compliance agreement.

Chapter 18.25
NOTICE OF INFRACTION

Sections:

- 18.25.010 Notice of infraction.
18.25.020 Assessment of Monetary Penalty.

18.25.010 Notice of infraction.

A. Authority - Issuance.

1. If after investigation, the Director has reasonable cause that a civil code violation has occurred or is occurring the Director may issue a notice of infraction to the person responsible for the code violation and into the Sedro-Woolley Municipal Court.

2. The Director may issue a notice of infraction without having attempted to secure a voluntary compliance agreement as provided in Chapter 18.20 SWMC. The Director should consider the following circumstances in deciding whether or not to seek a voluntary compliance agreement:

- a. When an emergency exists; or
- b. When a repeat violation occurs; or
- c. When the violation creates a situation or condition that cannot be corrected; or
- d. When the person knows or reasonably should have known that the action is in violation of a City regulation; or
- e. The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

3. Civil infraction citations will be issued and processed in accordance with Chapter 7.80 RCW as now or hereafter amended and which is incorporated herein by reference. The Sedro-Woolley Municipal Court shall have jurisdiction over all civil infraction citations issued under this chapter.

B. Right of Appeal- timeliness. Civil infractions may be contested in the manner specified for such infractions pursuant to Chapter 7.80 RCW.

18.25.020 Assessment of Monetary Penalty.

Monetary penalties assessed by the Court shall be in accordance with the monetary penalty set forth in Chapter 18.35 SWMC.

Chapter 18.30
STOP WORK ORDERS

Sections:

- 18.30.010 Authorized.
18.30.020 Effect.
18.30.030 Service of a stop work order.
18.30.040 Remedy – Civil penalties.

18.30.010 Authorized.

The Director is authorized to issue a stop work order to a person responsible for the civil code violation. Issuance of a notice of violation or notice of infraction is not a condition precedent to the issuance of the stop work order.

18.30.020 Effect.

A. A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

B. A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the Director.

C. A stop work order may be challenged according to the procedures prescribed in SWMC 18.15.030 and SWMC 18.15.040.

D. Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.

18.30.030 Service of a stop work order.

A. Service of a stop work order shall be made on a person responsible for the civil code violation by one or more of the following methods:

1. Personal service may be made on the person identified by the Director as being responsible for the civil code violation, or by leaving a copy of the stop work order at that person's house of usual abode with a person of suitable age and discretion who resides there.
2. Service directed to the landowner and/or occupant of the property may be made by posting the stop work order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below.
3. Service by mail may be made for a stop work order by mailing a copy, postage prepaid, by ordinary first class mail, to the person responsible for the code violation at his or her last known address, at the address of the violation, or at the address of the place of business of the person responsible for the code violation. The taxpayer's address as shown on the tax records of the County shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the stop work order was placed in the mail.

B. If the person responsible for the code violation cannot be personally served within the City of Sedro-Woolley and if an address for mailed service cannot reasonably be determined, then service of the stop work order may be made by posting the stop work order in a conspicuous place on the property where the violation occurred.

C. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and, if by posting, the facts showing the attempts to serve the person personally or by mail.

D. The failure of the Director to make or attempt service on any person named in the stop work order shall not invalidate any proceedings as to any other person duly served.

18.30.040 Remedies.

A. In addition to any other judicial or administrative remedy, the Director may assess civil penalties for the violation of any stop work order as set forth in the civil penalty schedule contained in Chapter 18.35 SWMC.

B. Civil penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

C. Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligation in all persons responsible for the code violation. The City of Sedro-Woolley may collect the civil penalties assessed by any appropriate legal means.

D. Violation of a stop work order is hereby declared to be a nuisance and the City is authorized to enjoin or abate such nuisance summarily by any legal or equitable means as may be available. The costs for injunction or abatement shall be recovered by the City from the person responsible for the code violation in the manner provided by law.

E. In addition to all other remedies, a lien for the value of civil penalties imposed may be filed against the real property that is subject to compliance with this chapter.

**Chapter 18.35
CIVIL FINES AND CIVIL PENALTIES**

Sections:

- 18.35.010 Assessment schedule.
- 18.35.020 Civil penalty – Definitions.
- 18.35.030 Duty to comply.
- 18.35.040 Civil penalty – Critical Areas.
- 18.35.050 Waivers.

18.35.010 Assessment schedule.

A. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a notice of violation, notice of infraction, stop work order or voluntary compliance agreement.

B. The maximum monetary penalty for each separate violation per day or portion thereof shall be as follows:

1. First day of each violation-\$100.00;
2. Second day of each violation - \$200.00;
3. Third day of each violation - \$300.00;
4. Fourth day of each violation - \$400.00;
5. Each additional day of each violation beyond four days - \$500.00 per day

C. The Director or the Sedro-Woolley Municipal Court may suspend civil penalties if the person responsible for the code violation has entered into a voluntary compliance agreement. Penalties shall begin to accrue again pursuant to the terms of the voluntary

compliance agreement if any necessary permits applied for are denied, canceled, or not pursued or if corrective action identified in the voluntary compliance agreement is not completed as specified.

18.35.020 Duty to comply.

Persons responsible for the code violation have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the person responsible for code compliance has come into compliance with the notice of violation, notice of infraction, voluntary compliance agreement, or stop work order and has notified the Director of this compliance

18.35.030 Civil penalty –Critical areas.

A. The code compliance provisions for critical areas are intended to encourage compliance with Chapter 17.65 SWMC, to protect critical areas and the general public from harm and to further the remedial purposes of this title. To achieve this, persons responsible for the code violation will not only be required to restore damaged critical areas, insofar as that is possible and beneficial, but will also be required to pay a civil penalty for the redress of ecological, recreation, and economic values lost or damaged due to their unlawful action.

B. The provisions in this section are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law for other related violations.

C. Where feasible, the owner of the land on which the violation occurred shall be named as a party to the notice of infraction. In addition to any other persons who may be liable for a violation, and subject to the exceptions provided in Chapter 17.65 SWMC the owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.

D. For the purposes of this section, violation of the City’s Critical Area Ordinance means:

1. The violation of any provision of Chapter 17.65 SWMC or of the administrative rules promulgated thereunder;
2. The failure to obtain a permit required for work in a critical area; or
3. The failure to comply with the conditions of any permit, approval, terms and conditions of any critical area tract or setback area, easement or other covenant, plat restriction, binding assurance, notice and order, stop work order, mitigation plan, contract, or agreement issued or concluded pursuant to the above-mentioned provisions.

E. Any person in violation of a critical areas ordinance may be subject to civil penalties, costs, and fees assessed as follows:

1. According to the civil penalty schedule included in this chapter of this title; or
2. The greater of:
 - a. An amount determined to be equivalent to the economic benefit that the person responsible for the code violation derives from the violation measured as the total of:

- i. The resulting increase in market value of the property;
 - ii. The value received by the person responsible for the code violation; and
 - iii. The savings of construction costs realized by the person responsible for the code violation as a result of performing any act in violation of this chapter; or
- b. Code compliance costs (such amount not to exceed \$50,000) incurred by the City to enforce Chapter 17.65 SWMC against the person responsible for the code violation.

18.35.040 Separate Offenses.

For enforcement purposes, each day, defined as the twenty-four-hour period beginning at 12:01 a.m., in which a violation of this chapter occurs, shall constitute a separate violation.

18.35.050 Remedies.

A. Subject to the appeal provisions in SWMC 18.15.030, SWMC 18.15.040, and Chapter 7.80 RCW a notice of violation and order or civil infraction citation represents a determination that a civil code violation has occurred, the cited party is a person responsible for the code violation, and that the violations set out in the notice of violation and order or civil infraction will subject the person responsible for the civil code violation to the assessment of penalties and costs and all other legal or equitable means available including:

1. Civil penalties and costs;
2. A requirement that abatement, remediation and /or mitigation be performed;
3. Permit suspension, revocation, modification, and/or denial as prescribed by this chapter;
4. Abatement by the Director and recovery of the costs of abatement according to the procedures described by this title.

B. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom a notice of violation or civil infraction was issued of the duty to correct the violation.

C. The City is authorized to take a lien for the value of civil penalties imposed against the real property of the person responsible for the code violation pursuant to Chapter 18.45 SWMC. The City Attorney on behalf of the City may collect the civil penalties assessed by any appropriate legal means.

D. Community service. The Court, Director or Hearing Examiner is authorized to allow a person responsible for the civil code violation who accumulates civil penalties as the result of a notice of violation and order or civil infraction to voluntarily participate in community service projects in lieu of paying all or a portion of the assessed civil penalties with the exception to administration, court costs, or costs incurred by the City to

abate a condition caused by the civil code violation. Community service may include, but is not limited to, abatement, restoration or education programs. The amount of community service will reasonably relate to the comparable value of penalties assessed against the violator and shall take into consideration the severity of the violation, any history of previous violations and practical and legal impediments in considering whether to allow community service in lieu of paying penalties.

E. Cost recovery. In addition to other remedies available under this title, the person responsible for the civil code violation shall be liable for all costs of pursuing abatement incurred to correct a code violation, including legal and incidental expenses. Such costs are due and payable 30 days from mailing of the invoice.

1. For purposes of this section, "legal and incidental expenses" shall include but are not limited to:

- a) Personnel costs, both direct and indirect, including attorney's fees and costs incurred to document the violation as soon as the violation occurs;
- b) Hauling, storage and disposal expenses;
- c) Actual expenses and costs of the City in preparing notices, specifications and contracts and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and

2. All costs assessed by the City in pursuing code compliance and/or abatement create a joint and several personal obligation in all persons responsible for the civil code violation. The City Attorney on behalf of the City may collect the costs of code compliance efforts by any appropriate legal means.

3. The City of Sedro-Woolley may take a lien for the value of the costs of pursuing code compliance against the real property of the person responsible for the civil code violation pursuant to Chapter 18.45 SWMC

18.35.060 Suspension, revocation or limitation of permit.

A. The Director may suspend, revoke or limit any permit issued by such Director whenever:

1. The permit holder has committed a code violation in the course of performing activities subject to that permit;
2. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
3. The permit was issued in error or on the basis of materially incorrect information supplied to the City;
4. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled; or
5. For a permit or approval that is subject to critical area review, the applicant has failed to disclose a change of circumstances on the development proposal site that materially affects an applicant's ability to meet the permit or approval conditions or which makes inaccurate the critical area study that was the basis for establishing permit or approval conditions.

B. Notice of such suspension, revocation, or modification shall be sent in the same manner as set forth in SWMC 18.15.020 for a notice of violation. Such revocation, suspension, or cancellation of a permit may be appealed using those procedures set forth in SWMC 18.15.030 and SWMC 18.15.040.

C. Notwithstanding any other provision of this title, a Director may immediately suspend operations under any permit by issuing a stop work order pursuant to Chapter 18.30 SWMC.

Chapter 18.40 ABATEMENT

Sections:

18.40.010 Abatement by the City.

18.40.010 Abatement by the City.

A. The City may abate a condition that was caused by or continues to be a Civil Code violation when:

1. The terms of any voluntary compliance agreement pursuant to Chapter 18.20 SWMC have not been met; or
2. A notice of violation and order has been issued pursuant to Chapter 18.15 SWMC, no appeal was timely and properly filed and the required correction has not been completed; or
3. An order by any court of competent jurisdiction has been entered; or
4. The condition is subject to summary abatement as provided for in this section.

B. Summary Abatement. Whenever any nuisance causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety, or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including reason for it, shall be given to the person responsible for the code violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats.

C. Authorized Action by the City. Using any lawful means, the City may enter upon the subject property and remove or correct the condition that is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the civil code violation and/or owner, lessor, tenant, or other person entitled to use and/or control of the property and shall be payable to the City within thirty calendar days. The term "incidental expenses" includes but is not limited to personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the violation; hauling, storage, and disposal expenses; actual expenses and costs of the City in preparing notices, specifications, and contracts, and in accomplishing and/or contracting and inspecting the

work; and the costs of any required printing and mailing. All such costs and expenses shall constitute a lien against the affected property, as set forth in Chapter 18.45 SWMC.

E. Account of Costs. The Director shall keep an itemized account of costs incurred by the City in the abatement of any violation under this title. Upon completion of any abatement work, the Director shall prepare a report specifying a legal description of the real property where the abatement work occurred, the work done for each property, the itemized costs of the work, including legal and incidental expenses, and interest accrued.

F. Code Compliance and Abatement Fund – Authorized. All monies collected from the assessment of civil penalties and for abatement costs and work, except those monies designated for the critical areas mitigation fund as set forth in Chapter 17.65 SWMC, shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of an account in the fund or other appropriate accounting mechanism.

Chapter 18.45

LIENS

Sections:

- 18.45.010 Filing and contents.
- 18.45.020 Lien – Supplemental.
- 18.45.030 Lien – Limitation of action – Duration.

18.45.010 Filing and contents.

A. Within 90 days from the date any civil penalty, civil fine, abatement cost, or enforcement cost is due pursuant to this title, the Director may file a lien against the property of a person responsible for the civil code violation for the amount owing with the Skagit County Auditor's Office.

B. The lien shall contain the following information:

1. The City of Sedro-Woolley code provision, rule, permit, ordinance, regulation or resolution violated;
2. A brief description of the violation and its duration at the date of filing;
3. A brief description of the abatement work done, if any, and who performed the abatement work;
4. The owner of the property, if known, or a statement that the owner is not known;
5. A legal description of the property;
6. The amount of penalties, fines or costs that are owing; and
7. A sworn statement signed by the Director that the Director believes the claim is just.

18.45.020 Lien – Supplemental.

The Director may file supplemental liens with the Skagit County Auditor's Office to update information regarding penalties, fines, costs or fees contained in any existing lien.

18.45.030 Lien – Limitation of action – Duration.

No lien created by this title binds the property subject to the lien for a period longer than five years after the lien claim has been recorded, without foreclosure or extension agreed to by the property owner.

A. When all penalties and/or abatement costs assessed against the property owner have been paid, the Director shall expeditiously file a satisfaction of lien with the Skagit County Auditor’s Office. The satisfaction shall include a legal description of the property where the violation occurred.

**Chapter 18.50
UNFIT DWELLINGS, BUILDINGS AND STRUCTURES**

Sections:

- 18.50.010 Findings.
- 18.50.020 Building Official Designate Public Officer.
- 18.50.030 Unfit Dwelling, Building, or Structure- Criteria.
- 18.50.040 Notice of Complaint - Service – Pre-Determination Hearing.
- 18.50.050 Order to Repair or Remove Unfit Dwelling, Building, or Structure.
- 18.50.060 Administrative Appeal.
- 18.50.070 Judicial Appeal.
- 18.50.080 Abatement.
- 18.50.090 Assessment- Lien Created.

18.50.010 Findings.

The Sedro-Woolley City Council finds that there exists within the incorporated limits of the City dwellings that are unfit for human habitation, and buildings, structures and premises or portions thereof that are unfit for other uses due to conditions that are inimical to the health and welfare of City residents and that pursuant to Chapter 35.80 RCW the City has adopted Chapter 18.50 SWMC relating to such dwellings, buildings, structures, or premises and hereby is authorized to exercise any and all powers granted under Chapter 38.80 RCW as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter. This Chapter shall not abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Chapter shall be in addition and supplemental to the powers conferred by any other law. This Chapter shall not impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

18.50.020 Building Official Designated Public Officer.

Pursuant to RCW 35.80.030 (1), the City’s Building Official is hereby designated or appointed as the public officer who shall exercise the powers under this Chapter and may after a preliminary investigation of any dwelling, building, structure, or premises, find that it is unfit for human habitation or other use.

18.50.030 Unfit Dwelling, Building or Structure – Criteria.

The Building Official may determine that a dwelling, building, structure or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The Building Official shall use minimum standards covering such conditions set forth in the City's development regulations including but not limited to Titles 8, 15, 16, 17 of the SWMC and any model code adopted by reference to guide the Building Official in determining the fitness of a dwelling for human habitation, or building, structure, or premises for other use shall set forth in the City's. Those standards shall comply with the requirements set forth in RCW 35.80.030 (1)(e) before the Building Official may make such a determination under this chapter.

18.50.040 Notice of Complaint - Service – Pre-Determination Hearing.

If, after investigation, the Building Official finds that any dwelling, building, structure or premises unfit for human habitation or other use he or she shall cause a complaint to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, and the Building Official makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the complaint and order by first-class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. Such complaint shall contain a notice that a hearing will be held before the Building Official, at a place therein fixed, not less than ten days nor more than thirty days after the serving of the complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Official. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, structure, or premises is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law

18.50.050 Order to Repair or Remove Unfit Dwelling, Building, or Structure.

If, after the required hearing set forth in SWMC 18.50.040 above, the Building Official determines that the dwelling is unfit for human habitation, or building or structure or premises is unfit for other use, he or she shall state in writing findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in SWMC 18.50.040 above, and shall post in a conspicuous place on the property, an order that:

A. Requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth as required in SWMC 18.50.030; or

B. Requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of those standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, structure, or premises is located.

18.50.060 Administrative Appeal.

The City's Hearing Examiner as established by Chapter 2.34 SWMC shall serve as the municipal agency to serve as the appeals commission pursuant to RCW 35.80.030 (1)(g). The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the Building Official under SWMC 18.50.050, may file an appeal to be heard by the City's Hearing Examiner. The procedures set forth in SWMC 18.15.040 shall be followed to assure a prompt and thorough review of matters submitted to the Hearing Examiner, and such rules of procedure shall include the following, without being limited thereto:

A. All matters submitted under this chapter to the Hearings Examiner must be resolved by the Hearing Examiner within sixty days from the date of filing therewith and

B. A transcript of the findings of fact of the Hearings Examiner shall be made available to the owner or other party in interest upon demand.

All findings and orders of the Hearings Examiner shall be reported in the same manner and shall bear the same legal consequences as if issued by the Building Official, and shall be subject to review only in the manner and to the extent provided in SWMC 18.50.070.

18.50.070 Judicial Appeal.

Pursuant to RCW 35.80.030 (2), any person affected by an order issued by the Hearing Examiner pursuant to SWMC 18.50.060 may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the City from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

18.50.080 Abatement.

Pursuant to the authority granted under RCW 35.80.030, if the owner or party in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, the Building Official may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished.

18.50.090 Assessment - Lien Created.

The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the City, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. For purposes of this subsection, the cost of vacating and closing shall include:

A. The amount of relocation assistance payments that a property owner has not repaid to a municipality or other local government entity that has advanced relocation assistance payments to tenants under RCW 59.18.085 and

B. All penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085.

Pursuant to RCW 35.80.030 (1)(h), upon certification to the Finance Director of the assessment amount being due and owing, the County Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building, structure, or premises is removed or demolished by the City, the City shall, if possible, sell the materials of such dwelling, building, structure, or premises in accordance with procedures set forth in the ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes as required under RCW 35.80.030 (1)(h).

SECTION 2. Section 5.04.060E of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

5.04.060E Violations – Penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 3. Section 8.16.090 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

8.16.090 Violations – Penalties.

Any person violating or failing to comply with any of the provisions of SWMC 8.16.020 through 8.16.030 of this chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 4. Section 8.16.040 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 5. Section 8.16.050 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 6. Section 8.16.060 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 7. Section 8.16.070 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 8. Section 8.16.080 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 9. Section 13.24.340 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 10. Section 13.24.350 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 11. Section 13.24.360 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 12. Section 13.24.370 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 13. Section 13.24.380 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 14. Section 13.24.410 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 15. Section 13.24.420 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 16. A new section of the Sedro-Woolley Municipal Code is hereby adopted to read as follows:

13.24.____ Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 17. Chapter 13.32 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

13.32 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Title shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 18. Section 13.36.150 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

13.36.150 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 19. Section 15.04.055 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 20. Section 15.04.060 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

15.04.060 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 21. Section 15.44.100 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

15.44.100 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 22. Section 16.04.120 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

16.04.120 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement.

SECTION 23. Section 16.04.130 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 24. Section 17.80.010 of the Sedro-Woolley Municipal Code is hereby repealed and reenacted to read as follows:

17.80.010 Violations – Penalties.

Any person violating or failing to comply with any of the provisions contained in this Chapter shall be subject to the enforcement provisions contained in Title 18 of the Sedro-Woolley Municipal Code entitled Code Enforcement

SECTION 25. Section 17.80.020 of the Sedro-Woolley Municipal Code is hereby repealed.

SECTION 26. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 27. This ordinance shall take effect five (5) days after passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2010.

MAYOR

Attest:

Finance Director

Approved as to form:

City Attorney

COMMITTEE
REPORTS
AND
REPORTS
FROM
OFFICERS