

Next Ord: 1674-10
Next Res: 828-10

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

May 12, 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 May 4, 2010 Work Session)
 - b. Finance
 - Claim Checks #69255 to #69351 in the amount of \$1,079,855.43.
 - Payroll Checks #47746 to #47853 in the amount of \$236,290.13.
 - c. Ordinance 1673-10 / 2010 Budget Amendment #1
 - d. Hazardous Tree Removal - Sapp Road
 - e. Resolution 827-10 / Adopting a Resource Conservation Plan
 - f. Final Acceptance - Fruitdale and McGarigle Arterial Improvements Wetland Mitigation Project - Lawn Salon Landscaping Services LLC
4. Public Comment (Limited to 3-5 minutes)

UNFINISHED BUSINESS

5. Installment Agreements for Sewer Connection Fees (*2nd reading*)
6. Renewal of Interim Stormwater Ordinance

NEW BUSINESS

7. Proposed Increase in Allowable Building Height (*1st reading*)

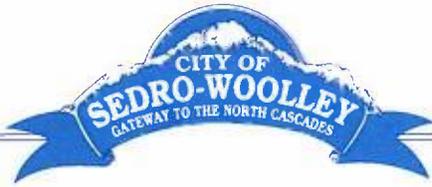
COMMITTEE REPORTS AND REPORTS FROM OFFICERS

EXECUTIVE SESSION/YES

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 12 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 1-3



DATE: May 12, 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 May 12, 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.

MAY 12 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 39

CITY OF SEDRO-WOOLLEY

Regular Meeting of the City Council
April 28, 2010 – 7:00 P.M. – City Hall Council Chambers

ROLL CALL: Present: Mayor Mike 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, Planner Moore and Fire Chief Klinger.

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

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Checks #69155 to #69254 in the amount of \$284,160.91.
 - Payroll Checks #47638 to #47745 in the amount of \$174,516.98.
- Request for Authorization to Purchase Replacement Parts – Parkson-Hycor Screen at Wastewater Treatment Plant
- Personnel Policies – Wellness for Non-Represented Employees
- Transportation Grant Approval & Match Commitments

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

Public Comment

No comments received.

Museum Repair Report from Rick Judd

With no objections, Mayor Anderson moved the Museum Roof Repair up in the agenda.

Rick Judd reviewed the cost estimates of the roof repair for the Museum roof. He noted the first estimate did not include a good portion of where the damage to the roof was. He also pointed out that the asbestos abatement was unforeseen and is a large part of the budget that was approved. Discussion took place on doing the project in stages.

Nathan Salsenia of the Parks Department discussed a composite roof coating listed in the estimate. Judd and Salsenia noted they would like to do more research on the roof treatment.

Discussion ensued regarding purpose of roof treatment, recommending the Museum Roof for a Rotary project, original intent of volunteer effort with Judd leading the charge, location of asbestos, scope of project, prior approval for reroof in September 2007,

Councilmember Colgan moved to increase the amount from \$10,000 to \$15,000 to fix the Museum roof. Seconded by Councilmember Storrs. Motion carried (7-0).

PUBLIC HEARING

N. Township Sewer Connection Fee

City Supervisor/Attorney Berg reviewed the N. Township Sewer Connection Fee. He noted the proposal is similar to the one done on Fruitdale road. The project area is from Alderwood to the north City Limits. Berg noted the estimate for the special connection fee is \$730, but cautioned it could be different once the project is complete and all costs are accounted for. Berg reviewed other options such as use of sewer capital reserve funds, forming a ULID or the proposed special connection fee. He noted the utility committee has reviewed and are recommending the special connection fee as the best option. Berg noted tonight is a first read and public hearing with no decision to be made until the next meeting.

Mayor Anderson opened the public hearing at 7:21 P.M.

Jeff Van Wiergen questioned the scope of the project and what the cost will be to his property.

Berg noted the project is currently out to bid with a projected start date in July. The process of the 90 day letter was reviewed as well as the options for hook up with a decommission credit or waiver of hook up. Berg also reported that later in the meeting Council will be discussing a mechanism for payment.

It was determined that because Van Wiergen was more than the 200 feet off the sewer line he would not be required to hook up unless he chose to, but sewer would be available when he chooses.

Mayor Anderson closed the public hearing at 7:25 P.M.

Berg noted the item will not come back to Council until after the project is built.

UNFINISHED BUSINESS

Request from SCAA for Food Distribution Center Project Funding

City Supervisor/Attorney Berg introduced Bill Hinkle from Skagit County Community Action. Berg reviewed the background of the section of Michael Street and the County's

effort to build a food distribution center. He noted the funding in place for the County is only for the building and does not allow them to use the funds for road improvements. Road improvements are required as part of the project and Hinkle has been charged with soliciting donations from various groups to try to complete the road improvements.

Bill Hinkle, Executive Director of Skagit County Community Action addressed the Council and stated City staff has been great to work with. He noted his mission was to request funding for the road improvements. Hinkle presented background information on the distribution of food to residents and noted an increase in need over the past couple of years. He addressed previous difficulties with the distribution process in not having a centralized location. Hinkle reviewed committed and potential funding and requested a donation from the City in the amount of \$15,000.

Berg noted the funds would come out of REET fund and the project will also pay approximately \$15,000 in impact fees to the City. Berg stated that should Council approve the request an Interlocal agreement and budget amendment will be brought to the next meeting for formal approval. Staff recommendation is to approve.

Councilmember Meamber moved to take money out of the REET fund to pay SCAA \$15,000 towards the road construction. Seconded by Councilmember Colgan. Motion carried (7-0).

Mobile Venders

City Supervisor/Attorney Berg reviewed the second reading of the proposed Mobile Vender Ordinance. The ordinance has been changed to reflect issues and concerns addressed from the first reading. He noted mobile vending would be allowed during community events, during special events, on private property when invited by the owner for a limited purpose, on public streets provided certain conditions are met and non-profit organizations fundraising through mobile vending on private property.

Discussion regarding impact of the Farmers Market, wording of 4th of July, complaint driven enforcement, concern of setting more rules, setting definitions and need for a third reading.

Councilmember Storrs moved to approve Ordinance No. 1673-10 An Ordinance Adding a New Chapter to SWMC Title 5, Establishing Rules and Regulations for the Operation of Mobile Vending Businesses and Open Air Vending Businesses and adding in Item C "4th of July Celebration". Seconded by Councilmember Lemley.

Discussion ensued regarding tool sale, kettle corn vender located at Food Pavilion, farmers selling produce and other venders that have been coming into Sedro-Woolley for many years.

Motion Denied (Councilmember Sandström, Galbraith, Splane and Meamber opposed) (3-4).

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Klinger Stop Sign Recommendation from Public Safety Committee

Engineer Freiberger reviewed a meeting regarding concerns within the Klinger Street development area. He reviewed solutions for the concerns with pavement markings and signage. He noted there will be a cost, which he will review to see how it fits within the budget and the work will not be completed before August due to other work scheduled and the limited staffing. Also discussed was the recent Complete Streets Workshop and some solutions to slowing traffic.

NEW BUSINESS

Installment Agreements for Sewer Connection Fees

City Supervisor/Attorney Berg reviewed the first read of a draft ordinance which encourages more connection to the sewer system by allowing existing property owners to connect and pay the balance of their connection fees over time. Staff recommendation is for Council to adopt. It is believed the ordinance will increase the efficiency of the sewer system, improve groundwater quality in the community and create more revenue. Proposed is a 20% down payment with balance paid over 60 months.

Council discussion took place regarding process, status of Garden of Eden Annexation and Utility Committee recommendation of the concept of a down payment with payments over a period of time.

Council recommendation was to change to 10% down with the balance paid over a period of 72 months.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS (Continued)

Chief Klinger – reported the ladder truck is complete and he will be going to do the final inspection the first week in May with the truck to be delivered May 15th. Klinger stated he will have pictures of the truck for Council at next meeting. He also reported that Station 2 went out for bid, Monday with the bid opening scheduled for 2:00 P.M. on May 18th. Klinger stated he is expecting a letter to go forth on Station 2 from FEMA which will allow for the first payment draw. He reported on the recent MCI drill held at Cascade Middle School with five agencies and eight departments participating. Klinger noted the drill went well and had the participation of 50-60 firefighters involved.

Engineer Freiberger – reported Fruitdale/McGargile road pavement markings will be done next week weather permitting and reviewed some of the grant opportunities that are available. He reported on the Jameson Street Arterial Extension. The owner of the mill site has recently indicated that he no longer supports this project. Design work is on hold pending further clarification. Freiberger also highlighted the John Liner Project, Ecology

Grant of which we were unsuccessful in obtaining and the Safe Routes to Schools grant which is due May 3rd.

City Supervisor/Attorney Berg – called attention to the copy of a letter to USDA regarding the police car program.

Finance Director Nelson – pointed out the May 4th Worksession Agenda placed at the Councilmember's bench.

Councilmember Sandström – thanked Luigi and his team for a head start on the park by the railroad.

Mayor Anderson – reminded Council of the upcoming “Tune up the Town” to be held on May 15th.

The meeting adjourned to Executive session at 8:40 P.M. for the purpose of discussion on Metcalf Street Litigation for approximately 15 minutes with no decision anticipated.

The meeting reconvened at 9:00 P.M.

Councilmember Galbraith moved to adjourn. Councilmember Colgan seconded. Motion carried (7-0).

The meeting adjourned at 9:00 P.M.

MAY 12 2010

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

CITY OF SEDRO-WOOLLEY

Council Worksession
May 4, 2010 – 7:00 P.M. – Fire Training Room

The meeting was called to order at 7:05 P.M. by Mayor Anderson.

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley and Brett Sandström.
Staff: City Supervisor/Attorney Berg and Debbie Allen, Wastewater Treatment Plant Forman.

Skagit County Flood Presentation by Chal Martin

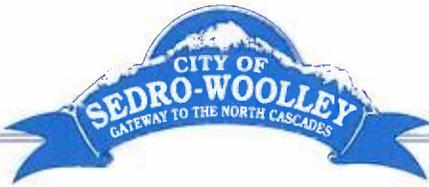
- o Burlington Public Works Director, Chal Martin presented an update on flood issues.
 - o Question and Answers followed regarding flood issues, GI Study, floor projects and funding.
 - o Flood history was discussed.

The meeting was adjourned at 8:42 P.M.

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 12 2010

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



DATE: May 12, 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 May 12, 2010.

Motion to approve Claim Checks #69255 to #69351 in the amount of \$1,079,855.43.

Motion to approve Payroll Checks #47746 to #47853 in the amount of \$236,290.13.

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.

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69255	SEDRO-WOLLEY POSTMASTER	POSTAGE	SWR	472.54
		POSTAGE	SAN	225.36
		OPERATING SUPPLIES	SWTR	29.09
		WARRANT TOTAL		726.99
69256	ALLELUJAH BUSINESS SYSTEMS	SOLIDS HANDLING	SWR	78.99
		WARRANT TOTAL		78.99
69257	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	CEM	16.07
		MISC-LAUNDRY	CEM	25.20
		MISC-LAUNDRY	ST	19.19
		MISC-LAUNDRY	ST	17.20
		LAUNDRY	SWR	17.96
		LAUNDRY	SWR	32.75
	WARRANT TOTAL		128.37	
69258	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS	127.45
		AUTO FUEL	PD	27.43
		AUTO FUEL	PD	71.42
		AUTO FUEL	PD	1,098.85
		AUTO FUEL/DIESEL	FD	362.39
		AUTO FUEL/DIESEL	ST	174.13
		AUTO FUEL/DIESEL	ST	162.36
		AUTO FUEL/DIESEL	ST	295.40
		AUTO FUEL/DIESEL	SWR	201.38
		AUTO FUEL/DIESEL	SWR	145.00
		AUTO FUEL/DIESEL	SAN	1,961.45
		AUTO FUEL/DIESEL	SAN	1,462.98
		AUTO FUEL/DIESEL	SWTR	97.03
			WARRANT TOTAL	
69259	AT & T	TELEPHONE	JUD	1.12
		MEALS/TRAVEL	EXE	1.12
		TELEPHONE	FIN	17.91
		TELEPHONE	LGL	4.48
		TELEPHONE	IT	.56
		TELEPHONE	PLN	4.48
		TELEPHONE	ENG	12.32
		TELEPHONE	PD	50.38
		TELEPHONE	FD	10.08
		TELEPHONE	INSP	1.12
		TELEPHONE	ST	1.12
		TELEPHONE	LIB	1.12
		TELEPHONE	SWR	5.59
		TELEPHONE	SAN	.56
	WARRANT TOTAL		111.96	
69260	BANK OF AMERICA	SUPPLIES	LGS	25.93
		EMPLOYEE RECOGNITION	EXE	229.79
		SUPPLIES/BOOKS	PLN	8.63
		TRAVEL	PLN	5.30
		SUPPLIES	ENG	33.86

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		PRINTING/PUBLICATIONS	PD	25.92
		PRINTING/PUBLICATIONS	PD	23.61
		OFF/OPER SUPPS & BOOKS	INSP	23.60
		TRAVEL/MEALS	INSP	30.47
		WARRANT TOTAL		407.11
69261	BANK OF NEW YORK MELLON	BOND INTEREST-G/O BONDS		25,800.00
		BOND PRINCIPAL		335,000.00
		BOND INTEREST		66,200.00
		WARRANT TOTAL		427,000.00
69262	BANK OF AMERICA	SUPPLIES	LIB	198.99
		COMMUNITY GRANT PROGRAMS	LIB	149.85
		COMMUNITY GRANT PROGRAMS	LIB	379.07
		BOOKS, PERIOD, RECORDS	LIB	60.71
		BOOKS, PERIOD, RECORDS	LIB	27.60
		WARRANT TOTAL		816.22
69263	BANK OF AMERICA	TRAVEL/MEALS	FD	49.88
		TRAVEL/MEALS	FD	26.00
		TRAVEL/MEALS	FD	12.35
		WARRANT TOTAL		88.23
69264	BANK OF AMERICA	OFFICE/OPERATING SUPPLIES	IT	37.86
		WARRANT TOTAL		37.86
69265	BLUMENTHAL UNIFORM & EQUIP	UNIFORMS/ACCESSORIES	PD	415.06
		UNIFORMS/ACCESSORIES	PD	304.19
		UNIFORMS/ACCESSORIES	PD	27.05
		WARRANT TOTAL		746.30
69266	BOOKMARKS MAGAZINE	BOOKS, PERIOD, RECORDS	LIB	68.95
		WARRANT TOTAL		68.95
69267	BOUND TO STAY BOUND BOOKS INC.	COMMUNITY GRANT PROGRAMS	LIB	673.09
		WARRANT TOTAL		673.09
69268	CHANNING BETE COMPANY INC	SAFETY EQUIPMENT	PK	49.96
		SAFETY EQUIPMENT	CEM	24.98
		SAFETY EQUIPMENT	ST	24.98
		SAFETY EQUIPMENT	SWR	112.43
		OPERATING SUPPLIES	SAN	62.45
		WARRANT TOTAL		274.80
69269	COLLINS OFFICE SUPPLY, INC	SUPPLIES	FIN	78.98
		OFFICE/OPERATING SUPPLIES	PD	201.23
		WARRANT TOTAL		280.21
69270	COMCAST	INTERNET SERVICES	IT	99.95
		WARRANT TOTAL		99.95
69271	HSBC BUSINESS SOLUTIONS	EMPLOYEE WELLNESS	EXE	34.41

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 05/12/2010 (Printed 05/06/2010 14:37)

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		OFFICE/OPERATING SUPPLIES	PD	47.94
		OFFICE/OPERATING SUPPLIES	PD	28.42
		WARRANT TOTAL		110.77
69272	COUNTRYSIDE CHEVROLET	REPAIR & MAINT - AUTO	PD	43.01
		REPAIR & MAINT - AUTO	PD	43.01
		REPAIR & MAINT - AUTO	PD	43.01
		REPAIR & MAINT - AUTO	PD	127.96
		WARRANT TOTAL		256.99
69273	CRAWFORD GARAGE DOORS INC	REPAIRS/MAINT-EQUIP	FD	265.09
		WARRANT TOTAL		265.09
69274	CUES	EQUIP & VEHICLES	STORMWATER	12,480.87
		WARRANT TOTAL		12,480.87
69275	DALCO, INC	OPERATING SUPPLIES	SAN	14.88
		WARRANT TOTAL		14.88
69276	DAHL ELECTRIC INC.	MAINT OF PUMPING EQUIP	SWR	201.25
		WARRANT TOTAL		201.25
69277	DEPARTMENT OF LICENSING	FIRE TRUCK	FD	57,234.45
		WARRANT TOTAL		57,234.45
69278	E & E LUMBER	OPERATING SUP - RV PARK	PK	54.86
		REPAIR/MT-SENIOR CENTER	PK	28.10
		REPAIR/MT-SENIOR CENTER	PK	34.08
		REPAIR/MT-HAMMER SQUARE	PK	.81
		OPERATING SUPPLIES	ST	14.69
		OPERATING SUPPLIES	ST	14.25
		REPAIRS/MAINT-BUILDING	SAN	35.23
		REPAIRS/MAINT-BUILDING	SAN	180.54
		OPERATING SUPPLIES	SAN	4.27
		WARRANT TOTAL		366.83
69279	ENTERPRISE OFFICE SYSTEMS	SUPPLIES	FIN	70.52
		OFFICE/OPERATING SUPPLIES	PD	52.67
		WARRANT TOTAL		123.19
69280	FASTENAL COMPANY	OPERATING SUPPLIES	ST	476.12
		WARRANT TOTAL		476.12
69281	FEDERAL EXPRESS CORP.	PROF SVS-ENGINEERING	SWR	54.52
		WARRANT TOTAL		54.52
69282	FERRELLGAS	TRAINING FACILITIES	FD	194.38
		WARRANT TOTAL		194.38
69283	FRONTIER BUILDING SUPPLY	OPERATING SUPPLIES	ST	150.35
		WARRANT TOTAL		150.35

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 05/12/2010 (Printed 05/06/2010 14:37)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69284	GARDNER ELECTRONICS	REPAIRS/MAINT-EQUIP	SAN	129.84
		WARRANT TOTAL		129.84
69285	GENERAL FIRE APPARATUS	FIRE TRUCK	FD	246,799.00
		WARRANT TOTAL		246,799.00
69286	G.G. EXCAVATION INC.	CONST-FRUITDALE MCGARIGLE	AST	171,074.26
		OTHER IMPROVEMENTS	SWR	2,691.66
		WARRANT TOTAL		173,765.92
69287	GREAT AMERICA LEASING COR	REPAIR/MAINTENANCE-EQUIP	LIB	139.63
		WARRANT TOTAL		139.63
69288	H.B. JAEGER CO. LLC	MAINTENANCE OF LINES	SWR	119.85
		MAINTENANCE OF LINES	SWR	113.45
		MAINTENANCE OF LINES	SWR	330.53
		WARRANT TOTAL		563.83
69289	HOLMBERG, KERIG	OFFICE/OPERATING SUPPLIES	PD	9.03
		WARRANT TOTAL		9.03
69290	IKON OFFICE SOLUTIONS	REPAIRS & MAINTENANCE	PD	31.63
		REPAIRS & MAINTENANCE	PD	75.74
		EQUIPMENT LEASE	FD	75.74
		REPAIRS/MAINT-EQUIP	FD	31.62
		WARRANT TOTAL		214.73
69291	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS	LIB	106.42
		BOOKS, PERIOD, RECORDS	LIB	323.69
		WARRANT TOTAL		430.11
69292	KROESEN'S INC.	UNIFORMS	FD	124.57
		UNIFORMS	FD	209.96
		WARRANT TOTAL		334.53
69293	L N CURTIS & SONS	OPERATING SUPPLIES	FD	56.12
		OPERATING SUPPLIES	FD	36.65
		WARRANT TOTAL		92.77
69294	LAWN SALON LANDSCAPING SVC LLC	CONST-FRUIT MC MITIGATION		48,301.76
		WARRANT TOTAL		48,301.76
69295	LEONARD BOUDINOT & SKODJE	ENG-NO TOWNSHIP SIDEWALKS	ART	2,500.00
		CONST-FRUITDALE MCGARIGLE	AST	25,648.22
		CONST-FRUIT MC MITIGATION		537.50
		WARRANT TOTAL		28,685.72
69296	LOGGERS AND CONTRACTORS	OPERATING SUPPLIES	ST	280.58
		OPERATING SUPPLIES	SAN	89.65
		WARRANT TOTAL		370.23
69297	MID-AMERICAN RESEARCH CHEM.	OPERATING SUPPLIES	ST	172.82

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		172.82
69298	MOORE, JACK R.	TRAVEL/MEALS	INSP	24.90
		WARRANT TOTAL		24.90
69299	MUSGROVE, ADAM	HEALTH CLUB	PD	150.00
		WARRANT TOTAL		150.00
69300	NEXTEL COMMUNICATIONS	TELEPHONE	PD	420.71
		WARRANT TOTAL		420.71
69301	NORTH CASCADE FORD	REPAIRS/MAINT-EQUIP	FD	38.58
		REPAIRS/MAINT-EQUIP	FD	33.59
		WARRANT TOTAL		72.17
69302	NORTHWEST ORTHOPAEDIC SURGEONS PS	RETIRED MEDICAL	PD	51.91
		WARRANT TOTAL		51.91
69303	OFFICE DEPOT	SUPPLIES	FIN	30.99
		SUPPLIES/BOOKS	PLN	16.62
		SUPPLIES/BOOKS	PLN	15.26
		SUPPLIES	ENG	45.15
		SUPPLIES	ENG	129.82
		OFF/OPER SUPPS & BOOKS	INSP	16.63
		OFF/OPER SUPPS & BOOKS	INSP	15.25
		WARRANT TOTAL		269.72
69304	ODYSSEY MAGAZINE	BOOKS, PERIOD, RECORDS	LIB	52.95
		WARRANT TOTAL		52.95
69305	OLIVER-HAMMER CLOTHES	SAFETY EQUIPMENT	ST	140.64
		SAFETY EQUIPMENT	ST	194.74
		OPERATING SUPPLIES	SAN	131.44
		WARRANT TOTAL		466.82
69306	PETTY CASH-DEBRA PETERSON	SUPPLIES	LIB	51.19
		POSTAGE	LIB	3.96
		BOOKS, PERIOD, RECORDS	LIB	12.64
		WARRANT TOTAL		67.79
69307	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES	PD	17.40
		UTILITIES-RIVERFRONT	PK	187.60
		UTILITIES-TRAIN	PK	20.42
		UTILITIES-HAMMER SQUARE	PK	267.63
		UTILITIES-BINGHAM & MEMORIAL P		32.07
		UTILITIES - OTHER	PK	29.05
		PUBLIC UTILITIES-CITY HALL	PK	185.45
		PUBLIC UTILITIES	CEM	53.64
		PUBLIC UTILITIES	ST	35.09
		PUBLIC UTILITIES	LIB	29.48
		PUBLIC UTILITIES	SWR	183.00
		PUBLIC UTILITIES	SAN	38.11

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	1,078.94
69308	PUGET SOUND ENERGY	PUBLIC UTILITIES PD	37.60
		REPAIRS & MAINTENANCE PD	9.87
		UTILITIES-RIVERFRONT PK	509.69
		UTILITIES-COMMUNITY CTR PK	146.13
		UTILITIES-SENIOR CENTER PK	305.18
		UTILITIES-TRAIN PK	52.85
		UTILITIES-HAMMER SQUARE PK	320.27
		UTILITIES-BINGHAM & MEMORIAL P	56.25
		UTILITIES - SHOP PK	66.63
		UTILITIES - SHOP PK	22.78
		UTILITIES - OTHER PK	9.87
		PUBLIC UTILITIES-MUSEUM PK	9.87
		PUBLIC UTILITIES-MUSEUM PK	53.54
		PUBLIC UTILITIES-CITY HALL PK	2,320.16
		PUBLIC UTILITIES CEM	78.21
		PUBLIC UTILITIES ST	9.75
		PUBLIC UTILITIES ST	99.88
		PUBLIC UTILITIES ST	69.09
		PUBLIC UTILITIES ST	77.17
		PUBLIC UTILITIES ST	281.48
		PUBLIC UTILITIES LIB	268.22
		ADVERTISING HOT	37.04
		PUBLIC UTILITIES SWR	9,500.01
		PUBLIC UTILITIES SAN	127.29
		PUBLIC UTILITIES SWTR	87.54
		WARRANT TOTAL	14,556.37
69309	REGION 3 FIRE COUNCIL	TUITION/REGISTRATION FD	30.00
		WARRANT TOTAL	30.00
69310	RICK'S REFRIGERATION INC.	REPAIR & MAINTENANCE CS	162.30
		WARRANT TOTAL	162.30
69311	ROSARIO, JULIE	TRAVEL ENG	12.47
		WARRANT TOTAL	12.47
69312	SCIENTIFIC SUPPLY	OPERATING SUPPLIES SWR	162.98
		OPERATING SUPPLIES SWR	69.46
		WARRANT TOTAL	232.44
69313	SEAWESTERN FIRE FIGHTING EQUIP.	REPAIRS/MAINT-EQUIP FD	1,292.99
		WARRANT TOTAL	1,292.99
69314	SEDRO-WOLLEY AUTO PARTS	REPAIRS/MAINT-EQUIP FD	10.60
		REPAIR/MAINT-EQUIP & BLDG CEM	16.38
		OPERATING SUPPLIES-PROPANE ST	29.94
		REPAIR/MAINTENANCE-EQUIP ST	71.64
		REPAIR/MAINTENANCE-EQUIP ST	7.30
		MAINTENANCE OF VEHICLES SWR	124.02
		WARRANT TOTAL	259.88

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WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69315	SEDRO-WOLLEY VOLUNTEER	SALARIES-VOLUNTEERS	FD	10,865.50
		WARRANT TOTAL		10,865.50
69316	SEVEN SISTERS, INC.	REPAIR/MT-HAMMER SQUARE	PK	352.84
		WARRANT TOTAL		352.84
69317	SK CO DEPT OF EMERG MGMT	DEPT OF EMERG MANAGEMENT	EMG	5,143.24
		WARRANT TOTAL		5,143.24
69318	SKAGIT COUNTY SHERIFF	PRISONERS	PD	7,272.79
		WARRANT TOTAL		7,272.79
69319	SKAGIT COUNTY SHERIFF OFF	PRISONERS	PD	558.88
		WARRANT TOTAL		558.88
69320	SKAGIT COUNTY TREASURER	CRIME VCTM & WITNSS PROG	LGL	77.32
		WARRANT TOTAL		77.32
69321	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES-PROPANE	ST	8.89
		OPERATING SUPPLIES-PROPANE	ST	54.85
		WARRANT TOTAL		63.74
69322	SKAGIT HYDRAULICS, INC.	REPAIRS/MAINT-EQUIP	SAN	145.64
		WARRANT TOTAL		145.64
69323	SKAGIT RIVER STEEL	CONTAINERS	SAN	643.54
		WARRANT TOTAL		643.54
69324	SK. VALLEY BARK & TOPSOIL, INC.	REPAIRS/MAINT-BUILDING	SAN	31.22
		WARRANT TOTAL		31.22
69325	SKAGIT VALLEY PUBLISHING	LEGAL PUBLICATIONS	LGS	41.25
		ADVERTISING/LEGAL PUBLIC	PLN	180.00
		WARRANT TOTAL		221.25
69326	SOUND & VISION	BOOKS, PERIOD, RECORDS	LIB	30.00
		WARRANT TOTAL		30.00
69327	SOLID WASTE SYSTEMS, INC.	REPAIRS/MAINT-EQUIP	SAN	887.06
		WARRANT TOTAL		887.06
69328	SPARKLE SHOP LAUNDRIES	MISC-LAUNDRY	FD	125.50
		WARRANT TOTAL		125.50
69329	TIGERDIRECT.COM	NETWORK HARDWARE	IT	251.82
		WARRANT TOTAL		251.82
69330	TRUE VALUE	SUPPLIES	FIN	6.48
		OFFICE/OPERATING SUPPLIES	PD	7.88
		MACHINERY & EQUIPMENT	PD	16.21
		MACHINERY & EQUIPMENT	PD	45.95
		MACHINERY & EQUIPMENT	PD	10.79

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		OPERATING SUP - COMM CENTER PK	7.88
		OPERATING SUPPLIES ST	34.60
		REPAIRS/MAINTENANCE ST	6.48
		OPERATING SUPPLIES ST	8.54
		OPERATING SUPPLIES ST	25.91
		MAINT OF GENERAL EQUIP SWR	47.58
		MAINT OF GENERAL EQUIP SWR	2.16-
		MAINT OF GENERAL EQUIP SWR	73.61
		MAINT OF GENERAL EQUIP SWR	16.21
		OPERATING SUPPLIES SWR	18.38
		OPERATING SUPPLIES SWR	7.33
		OPERATING SUPPLIES SWR	5.39
		OPERATING SUPPLIES SWR	24.88
		OPERATING SUPPLIES SAN	65.75
		OPERATING SUPPLIES SAN	8.12
		OPERATING SUPPLIES SAN	15.14
		OPERATING SUPPLIES SAN	4.33-
		WARRANT TOTAL	446.62
69331	U.S. BANK N.A. - CUSTODY	BANK FEES FIN	19.20
		WARRANT TOTAL	19.20
69332	UNIVAR USA INC	OP SUPPLIES-CHEMICALS SWR	1,747.44
		WARRANT TOTAL	1,747.44
69333	USA BLUE BOOK	MAINTENANCE OF LINES SWR	56.31
		WARRANT TOTAL	56.31
69334	USA TODAY	BOOKS, PERIOD, RECORDS LIB	190.00
		WARRANT TOTAL	190.00
69335	VALLEY AUTO SUPPLY	REPAIR/MT-SMALL TOOLS EQUIP PK	15.49
		REPAIR/HT-SMALL TOOLS EQUIP PK	.17
		MAINTENANCE OF VEHICLES SWR	25.29
		WARRANT TOTAL	40.95
69336	VERIZON WIRELESS	TELEPHONE FIN	66.89
		TELEPHONE FIN	67.18
		TELEPHONE LGL	66.89
		TELEPHONE IT	67.42
		NEXTEL CELL PHONES	66.89
		NEXTEL CELL PHONES	35.17
		TELEPHONE PD	559.15
		TELEPHONE PD	24.33
		TELEPHONE FD	129.03
		TELEPHONE FD	145.98
		TELEPHONE INSP	12.36
		TELEPHONE PK	183.04
		TELEPHONE CEM	12.36
		TELEPHONE ST	73.74
		NEXTEL CELL PHONES	185.06
		NEXTEL CELL PHONES SAN	150.98

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	1,846.47
69337	VERIZON NORTHWEST	TELEPHONE PD	9.92
		TELEPHONE PD	59.02
		TELEPHONE PK	86.44
		PUBLIC UTILITIES-CITY HALL PK	19.84
		TELEPHONE CEM	69.44
		TELEPHONE LIB	121.73
		TELEPHONE SWR	255.52
		WARRANT TOTAL	621.91
69338	VENTILATION POWER CLEANING INC.	MAINTENANCE OF LINES SWR	1,435.54
		WARRANT TOTAL	1,435.54
69339	WA STATE DEPT OF ECOLOGY	DOE DISCHARGE PERMIT SWR	435.00
		WARRANT TOTAL	435.00
69340	WA STATE DEPT OF COMMERCE	MISC-TUITION/REGISTRATION PLN	150.00
		WARRANT TOTAL	150.00
69341	WA ST DEPT OF PROF LICEN	INTERGOV SVC-GUN PERMITS PD	54.00
		WARRANT TOTAL	54.00
69342	WA ST DEPT OF TRANS	CONST-FRUITDALE MCGARIGLE AST	3,169.17
		WARRANT TOTAL	3,169.17
69343	WA ST OFF OF TREASURER	STATE REMITTANCES-COURT	4,162.35
		WARRANT TOTAL	4,162.35
69344	WELCH, DAVID	OFFICE/OPERATING SUPPLIES PD	19.47
		WARRANT TOTAL	19.47
69345	WIDENER AND ASSOCIATES	ENG-NO TOWNSHIP SIDEWALKS ART	694.40
		ENG-SR20 WIDE METCALF-TOWN ART	280.00
		ARCHITECTURAL SERVICES F-C	5,273.80
		PROF SVS-ENGINEERING SWR	694.40
		WARRANT TOTAL	6,942.60
69346	WILD ANIMAL BABY	BOOKS, PERIOD, RECORDS LIB	19.95
		WARRANT TOTAL	19.95
69347	WOOD'S LOGGING SUPPLY INC	POSTAGE PD	11.13
		OPERATING SUPPLIES SAN	10.71
		OPERATING SUPPLIES SAN	14.43
		SMALL TOOLS & MINOR EQUIP SAN	194.76
		WARRANT TOTAL	231.03
69348	R & S PAINTING & DRYWALL	DUMPSTER DEPOSIT	147.82
		WARRANT TOTAL	147.82
69349	KIRK, KIMBERLY M.	SEWER SERVICE CHARGES	2,452.74
		WARRANT TOTAL	2,452.74

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
69350	KEMPKE, MICHAEL	SPACE/FACILITY RENT-RV PARKS	45.00
		WARRANT TOTAL	45.00
69351	KO CONTRACTING	BUILDING PERMITS	83.25
		WARRANT TOTAL	83.25
		RUN TOTAL	1,079,855.43

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FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	342,061.58
101	PARK FUND	5,473.95
102	CEMETERY FUND	296.28
103	STREET FUND	3,032.92
104	ARTERIAL STREET FUND	252,205.31
105	LIBRARY FUND	2,909.24
108	STADIUM FUND	37.04
230	1996 G/O BOND REDEMPTION FUND	25,800.00
330	1996 FIRE STATION CONST FUND	5,273.80
401	SEWER FUND	22,095.89
407	1998 SEWER REVENUE BOND FUND	401,200.00
412	SOLID WASTE FUND	6,774.89
425	STORMWATER	213.66
501	EQUIPMENT REPLACEMENT FUND	12,480.87
TOTAL		1,079,855.43

CITY OF SEDRO-WOOLLEY
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DEPARTMENT	AMOUNT
001 000 000	4,245.60
001 000 011	67.18
001 000 012	1.12
001 000 013	265.32
001 000 014	358.15
001 000 015	148.69
001 000 017	457.61
001 000 018	289.75
001 000 019	380.29
001 000 020	335.68
001 000 021	12,073.44
001 000 022	318,171.18
001 000 024	124.33
001 000 025	5,143.24
FUND CURRENT EXPENSE FUND	342,061.58
101 000 000	45.00
101 000 076	5,428.95
FUND PARK FUND	5,473.95
102 000 036	296.28
FUND CEMETERY FUND	296.28
103 000 042	3,032.92
FUND STREET FUND	3,032.92
104 000 042	252,205.31
FUND ARTERIAL STREET FUND	252,205.31
105 000 072	2,909.24
FUND LIBRARY FUND	2,909.24
108 000 019	37.04
FUND STADIUM FUND	37.04
230 000 082	25,800.00
FUND 1996 G/O BOND REDEMPTION FUND	25,800.00
330 000 082	5,273.80
FUND 1996 FIRE STATION CONST FUND	5,273.80
401 000 000	2,452.74
401 000 035	19,643.15
FUND SEWER FUND	22,095.89
407 000 082	401,200.00
FUND 1998 SEWER REVENUE BOND FUND	401,200.00
412 000 000	147.82
412 000 037	6,627.07
FUND SOLID WASTE FUND	6,774.89

CITY OF SEDRO-WOOLLEY
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VENDOR	VENDOR NAME	INVOICE NUMBER	REFERENCE	INVOICE DATE	DUE DATE	COMMENTS
	425 000 039		213.66			
	FUND STORAGE WATER		213.66			
	501 000 425		12,480.87			
	FUND EQUIPMENT REPLACEMENT FUND		12,480.87			
	TOTAL		1,079,855.43			

MAY 12 2010

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

Memorandum

To: Mayor Anderson and City Council
From: Patsy Nelson *Patsy*
Date: 4/30/2010
Re: 2010 Budget Amendment #1

Issue: Should the Council adopt the attached ordinance which amends the 2010 budget?

Background information: The majority of the proposed changes to the 2010 Budget are to adjust beginning cash balances to actual. Funds which have other adjustments are detailed below:

	<u>Revenue</u>	<u>Expenditures</u>
<u>General Fund</u>		
<i>(Adjust beginning cash due to late payment of 2009 utility tax, transfer of Fire Impact Fees as match for ladder & fire vehicles (USDA), SCAA street project, copier purchase and reallocation for City work program)</i>		
001.000.000.308.00.00 Beginning Cash	- 30,865	
001.000.000.316.46.00.00 Utility Tax on Cable	30,865	
001.000.000.397.13.02.00 Transfer in – REET	15,000	
001.000.000.397.22.00.00 Fire Impact Fee Transfer	58,263	
001.000.017.596.17.64.00 Network Hardware		19,620
001.000.018.518.20.45.00 Equipment Leases		-7,700
001.000.022.596.22.64.10 Fire Truck		58,263
001.000.021.521.20.12.10 Salaries (Police)		35,000
001.000.021.523.60.51.00 Prisoners		-35,000
001.000.062.562.00.51.30 Skagit Community Action		15,000
001.000.099.508.00.00.00 Ending Cash		-11,920
<u>Parks Fund</u>		
<i>(Soroptomist donation for Community Center)</i>		
101.000.000.367.20.00.00 Donations	2,900	
101.000.076.596.50.64.10 Machinery/Equipment		2,900

	<u>Revenue</u>	<u>Expenditures</u>
<u>Cemetery Fund</u>		
102.000.000.308.00.00.00 Beginning Cash	-11,212	
102.000.099.508.00.00.00 Ending Cash		-11,212
<u>Arterial Streets</u>		
104.000.000.308.00.00.00 Beginning Cash	-2,473,578	
104.000.000.334.04.20.00 CTED-JDF Fruitdale-Mc	1,055,957	
104.000.000.337.00.00.00 Skagit County Econ Dev	8,728	
104.000.099.508.00.00.00 Ending Cash		-1,408,893
<u>Library Fund</u>		
<i>(Rotary donation and LSTA grant)</i>		
105.000.000.333.45.30.00 Library Grant	4,000	
105.000.000.367.00.00.00 Donation	300	
105.000.072.572.20.49.35 Early Literacy		300
105.000.072.572.20.49.36 Community Grant Programs		4,000
<u>Hotel-Motel (Stadium) Fund</u>		
108.000.000.308.00.00.00 Beginning Cash	8,015	
108.000.099.508.00.00.00 Ending Cash		8,015
<u>Paths & Trails</u>		
113.000.000.308.00.00.00 Beginning Cash	-1,878	
113.000.099.508.00.00.00 Ending Cash		-1,878
<u>1996 G/O Bond Reserve</u>		
230.000.000.308.00.00.00 Beginning Cash	2,266	
230.000.099.508.00.00.00 Ending Cash		2,266
<u>Reserve Current Expense Fund</u>		
<i>(Transfer to General Fund for SCAA street project)</i>		
302.000.000.308.00.00.00 Beginning Cash	90,695	
302.000.000.597.10.01.00 Transfer to General Fund		15,000
302.000.099.508.00.00.00 Ending Cash		75,695
<u>Building Maintenance Reserve</u>		
<i>(Museum roof repairs)</i>		
303.000.075.575.30.48.00 Museum Roof Repairs		15,000
303.000.099.508.00.00.00 Ending Cash		-15,000
<u>Fire Mitigation Reserve</u>		
312.000.000.308.00.00.00 Beginning Cash	65,575	
312.000.000.597.22.00.00 Transfer to General Fund		58,263
312.000.099.508.00.00.00 Ending Cash		7,312

	<u>Revenue</u>	<u>Expenditures</u>
<u>Fire Station 2 Construction</u>		
<i>(Revised project funding)</i>		
330.000.000.308.00.00.00 Beginning Cash	1,189	
330.000.000.339.19.71.15 ARRA-FEMA Grant	25,409	
330.000.000.387.10.00.00 Transfer from REET/Cell Tax	73,811	
330.000.082.596.21.61.10 Design Costs		59,189
330.000.082.596.21.62.00 Construction		36,365
330.000.099.508.00.00.00 Ending Cash		4,855
<u>Public Works Trust Fund</u>		
332.000.000.308.00.00.00 Beginning Cash	192,604	
332.000.099.508.00.00.00 Ending Cash		192,604
<u>Sewer Operations</u>		
401.000.000.308.00.00.00 Beginning Cash	9,200	
401.000.099.508.00.00.00 Ending Cash		9,200
<u>Sewer Operations Reserve</u>		
<i>(Parkson-Hycor screen repair)</i>		
402.000.000.308.00.00.00 Beginning Cash	75,330	
402.000.000.596.70.64.00 Plant Upgrades		15,000
402.000.099.508.00.00.00 Ending Cash		60,330
<u>Sewer Revenue Bond</u>		
407.000.000.308.00.00.00 Beginning Cash	13,208	
407.000.099.508.00.00.00 Ending Cash		13,208
<u>Cumulative Reserve Sewer</u>		
410.000.000.308.00.00.00 Beginning Cash	741,122	
410.000.000.381.00.00.00 Loan Receipts – Asphalt Zipper	14,050	
410.000.099.508.00.00.00 Ending Cash		755,172
<u>Solid Waste</u>		
412.000.000.308.00.00.00 Beginning Cash	118,991	
412.000.099.508.00.00.00 Ending Cash		118,991
<u>Stormwater</u>		
425.000.000.308.00.00.00 Beginning Cash	-18,587	
425.000.099.508.00.00.00 Ending Cash		-18,587

Revenue Expenditures

Equipment Replacement

(ERR to pay off Sewer Loan to Streets for asphalt zipper)

501.000.000.308.00.00.00	Beginning Cash	-170,074	
501.000.047.581.00.00.00	Interfund Loan – Sewer		14,050
501.100.099.508.00.00.00	Ending Cash		-184,124

Recommendation: Approve Ordinance # -10, an Ordinance amending Ordinance No. 1653-09 entitled, “An Ordinance adopting the Annual Budget for the City of Sedro-Woolley, Washington, for the fiscal year ending December 31, 2010.”

AN ORDINANCE AMENDING ORDINANCE 1653-09 AMENDING THE ANNUAL BUDGET FOR THE CITY OF SEDRO-WOOLLEY, WASHINGTON, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010

WHEREAS, the Sedro-Woolley City Council has determined that it is in the best interest of the City to amend the 2010 Budget.

NOW, THEREFORE, the City Council of the City of Sedro-Woolley do ordain as follows:

Section 1. The 2010 Budget, adopted by Ordinance 1653-09, and passed by the City Council on November 25, 2009 and is hereby amended as set forth in this Ordinance.

Section 2. Estimated resources, including fund balances or working capital from each separate fund of the City of Sedro-Woolley, and aggregate totals for all such funds combined, for the year 2010 are set forth in summary form below, and are hereby appropriated for expenditure at the fund level during the year 2010 as set forth below:

FUND:	AMOUNT:
001 GENERAL FUND	5,818,263
101 PARKS FUND	688,558
102 CEMETERY FUND	158,057
103 STREET FUND	638,157
104 ARTERIAL STREET FUND	1,824,197
105 LIBRARY FUND	386,513
106 CEMETERY ENDOWMENT FUND	112,896
107 CUM RESERVE FOR CITY PARKS FUND	6,584
108 STADIUM FUND (HOTEL/MOTEL)	69,598
109 SPECIAL INVESTIGATIONS FUND	5,397
113 PATHS AND TRAILS FUND	39,616
205 G/O BOND REDEMPTION FUND 2008	304,847
206 G/O BOND 2008 RESERVE FUND	150,000
230 G/O BOND 1996 REDEMPTION FUND	285,075
302 CUM RES FOR C/E CAP OUT FUND	872,738
303 FACILITIES MAINTENANCE RESERVE FUND	55,000
310 MITIGATION RES FOR POLICE FUND	21,295
311 MITIGATION RES FOR PARKS FUND	163,432

312 MITIGATION RES FOR FIRE FUND	69,627
330 FIRE STATION 2 CONSTRUCTION FUND	1,644,849
332 PWTW SEWER CONSTRUCTION FUND	892,954
401 SEWER FUND	3,675,400
402 CUM RES FOR SEWER OPERATIONS FUND	580,854
407 98 SEWER REV BOND FUND	797,444
410 CUM RES FOR SEWER FACILITES FUND	3,308,858
411 98 SEWER REV BOND RESERVE FUND	376,482
412 SOLID WASTE OPERATIONS FUND	1,998,580
413 SOLID WASTE RATE STABILIZATION FUND	45,000
425 STORMWATER FUND	325,606
501 EQUIPMENT REPLACEMENT FUND	517,347
621 SUSPENSE (SWSD)	55,000
 TOTAL ALL FUNDS	 25,888,224

Section 3. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS __TH DAY OF _____, 2010.

Mike Anderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Clerk-Treasurer

City Attorney

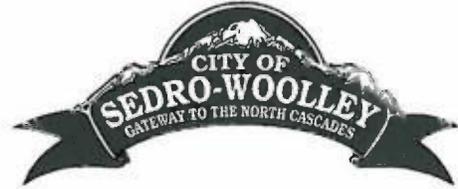
MAY 12 2010

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

CITY OF SEDRO-WOOLLEY PUBLIC WORKS OPERATION

325 Metcalf Street, Sedro-Woolley, WA 98284 (360) 855-1661

Memorandum



To: City Council
From: Shane Walley, Public Works Operations Supervisor
Date: 5/4/2010
Re: Hazardous Tree Removal Sapp Rd

Background:

During the night of May 3rd during a spring windstorm the top of a large cottonwood tree blew down on top of a residence located at 700 North Reed Space #10 causing approximately \$20,000.00 of damage. The tree is located on the south side of Sapp road, and may or may not be in the city right of way.

Issue:

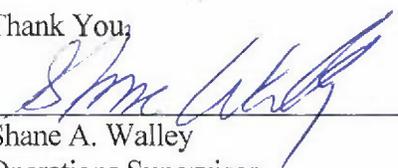
As a result of the windstorm the tree posed potential danger.

Staff Recommendation:

This tree removal was contracted out and removed immediately do to public safety concerns and normal bidding procedures were not followed as this was classified as an emergency removal. All prevailing wage laws and small works roster procedures were followed. Staff recommends that the council ratify this at tonight's meeting.

Motion to ratify the emergency tree removal contract with Gilligan Logging in the amount of \$578.87

Thank You,



Shane A. Walley
Operations Supervisor

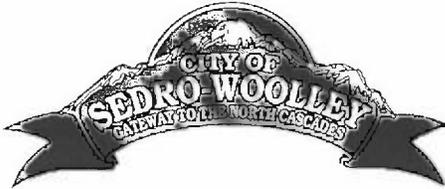
CITY COUNCIL AGENDA
REGULAR MEETING

MAY 12 2010

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

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: Resolution Adopting a Resource Conservation Plan
DATE: May 12, 2010

ISSUE: Should the Council approve the attached resolution that adopts a resource conservation plan for the City of Sedro-Woolley?

BACKGROUND: Sedro-Woolley has participated in a resource conservation program managed by the Skagit Council of Governments and funded by the participant organizations and Puget Sound Energy. As part of this program, the City's own Conservation Task Force has been meeting for more than one year and City staff have made changes to increase efficiency. Indeed, it appears that our efforts have paid off with 2009 total energy consumption down 6.3% over 2008 usage. I have attached to this memo a detail of 2008 and 2009 usage by facility for your information.

The attached resolution formally adopts a resource conservation plan for the City. The most significant element of this plan is a goal to reduce total energy consumption in 2011 by 15% less than 2008 usage. The plan also includes a number of facility usage recommendations including HVAC setpoints, lighting, etc.

RECOMMENDATION: Motion to adopt the attached resolution that adopts a resource conservation plan for the City of Sedro-Woolley.

Skagit Council of Governments, PSE grant buildings: City of Sedro-Woolley Energy Use Change by Site -- Year Ending 12/2009

Site	Year Ending 12/09				Year Ending 12/08				% Chg
	Electricity (kWh)	Natural Gas (Therms)	Other Fossil (kBtu)	Total Energy (kBtu)	Electricity (kWh)	Natural Gas (Therms)	Other Fossil (kBtu)	Total Energy (kBtu)	
SW- Waste Water Treatment Plant	1,119,147	1,045	0	3,923,059	1,197,300	1,027	0	4,187,932	-6.3%
SW- Municipal Bldg, FD & ball field	307,081	20,502	0	3,097,938	313,170	21,336	0	3,202,180	-3.3%
SW- Senior Center	38,770	3,062	0	438,450	38,905	4,067	0	539,436	-18.7%
SW- Solid Waste Shop	13,655	2,306	0	277,149	17,568	3,019	0	361,882	-23.4%
SW- Public Library	36,144	1,392	0	262,569	33,026	1,484	0	261,117	+0.6%
SW- Hammer Heritage Square	37,789	554	0	184,364	40,776	628	0	201,958	-8.7%
SW- Com. Cntr. & Mem. Park Shelter	17,714	1,094	0	169,854	17,487	1,451	0	204,731	-17.0%
SW- Street Dept Shop	13,756	1,128	0	159,721	13,813	593	0	106,430	+50.1%
SW- Parks Old Shop/Storage	2,721	1,331	0	142,394	8,721	2,031	0	232,865	-38.9%
SW- Parks - New Office/Shop	7,578	359	0	61,765	3,129	167	0	27,390	+125.5%
SW- Police - Evidence Building 1	3,608	401	0	52,440	2,247	149	0	22,602	+132.0%
SW- Riverfront Caretaker House	14,866	0	0	50,723	18,773	0	0	64,053	-20.8%
SW- Cemetary Storage	9,038	0	6,647	37,485	8,290	0	13,365	41,651	-10.0%
SW- Police - Evidence Building 2	0	0	0	0	24	0	0	83	N/A
City of Sedro-Woolley Subtotals:	1,621,865	33,175	6,647	8,857,913	1,713,228	35,954	13,365	9,454,308	-6.3%

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF SEDRO-WOOLLEY ADOPTING A
RESOURCE CONSERVATION MANAGEMENT PLAN FOR CITY FACILITIES AND
OPERATIONS**

WHEREAS, the City uses substantial resources in its regular operations that both impact the budget and the environment; and

WHEREAS, the City Council desires to operate the City more efficiently to both reduce expenditures for energy use and to reduce the City's carbon footprint; and

WHEREAS, the adoption of a resource conservation management plan is intended to provide guidance to City employees in the use of energy resources; and

WHEREAS, the City Council desires to set a firm goal of energy conservation to reduce the City's overall energy use by 15% over 2008 usage by the end of 2011;

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

The City of Sedro-Woolley hereby adopts the attached plan:

Resource Conservation Management Plan for the City of Sedro-Woolley

This policy is effective immediately upon approval by the City Council.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 12th day of May, 2010.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Resource Conservation Management Plan for the City of Sedro-Woolley Energy & Other Resource Conservation Procedures

Policy Applicability: All departments, all facilities
Effective Date: May 12, 2010

Sedro-Woolley experienced the following energy resource use in daily operations of metered facilities with associated square footage in the year 2008:

• 2008 electricity use and cost:	<u>1,713,228 kWh;</u>	<u>\$ 137,428</u>
• 2008 natural gas use and cost:	<u>35,954 Therms;</u>	<u>\$ 42,581</u>
• 2008 other fossil fuels, if any, use and cost:	<u>Propane;</u>	<u>\$ 643</u>
• 2008 total energy consumed and cost:	<u>9,454 MBtus;</u>	<u>\$ 180,650.</u>

Until corrected and/or revised with better or more complete data, these figures will be considered 'baseline' to compare future energy usage and costs.

In support of Sedro-Woolley's Policy for Resource Conservation, the following goals, staff participation and general guidelines are adopted to successfully implement and sustain a reduction in use of resources necessary for facility daily operations. (Note: facility-specific resource conservation recommendations will be documented in Facility Action Plans for most major facilities based on Resource Conservation Audits and those Facility Action Plans will be adopted by Executive Action.)

Goals:

1. Reduce 2008 energy consumption by 15% by 2011;
2. Reduce 2011 energy consumption annually through 2020;
3. Implement recommendations in Facility Action Plans;
4. Reduce demand for energy and water;
5. Reduce green house gas emissions;
6. Improve recycling and minimize waste; and
7. Promote conservation principles with all staff.

Staff Participation:

The following Management staff are responsible for implementing this policy, as appropriate for their specific areas of organizational responsibility:

- City Supervisor
- Facility Lead
- Department Managers
- Finance Director.

The following Administrative staff are responsible for ongoing tracking of and feedback, including annual reports to the Mayor and Sedro-Woolley City Council, on resource usage for daily operations organization-wide:

- Finance Director
- City Supervisor.

The following are recommended steps and incentives to consider for increasing staff participation throughout the organization in energy and resource conservation at work:

- a. **Create an Ongoing Effort:** re-shape the City's Conservation Task Force into a Sustainability Committee comprised of employees that are passionate about conservation at work and represent a broad range of City facilities and operations to monitor implementation of this Plan and recommend changes to it as appropriate.
- b. **Educate and Inform:**
 - Let employees know why we need to reduce energy use and how, such as weekly energy email tips and attention getting signs and posters.
 - Provide a kill-o-watt meter to each department for employees to use to determine how much electricity various types of office equipment use, even when switched off.
 - Encourage competition among departments, such as an award every six months for departments whose energy use drops by the greatest amount.
- c. **Publicize Success:** have the Sustainability Committee publicize success, and propose to the Mayor and City Council incentives and awards to encourage all employees to participate in reducing energy costs for City owned and occupied facilities.

It is the joint responsibility of elected officials, managers, and staff to contribute to energy efficiency and unnecessary utility cost to ensure the achievement of maximum energy savings. To enable maximum contribution from officials, managers and staff, Sedro-Woolley will support and provide education and training as time and funding allows on the best practices to accomplish these conservation goals. Managers will be provided with information reflecting the utility consumption for his/her building/facility on a regular basis and reports are to be shared with building staff. Special use, 24-hour facilities, such as Fire Stations and Police Stations, will need to modify/apply these recommended guidelines to make them appropriate for these facilities. All staff and departments are encouraged to set an example of environmental stewardship and responsible use of public dollars by practicing responsible behaviors towards natural resource use in daily operations. Annual awards or recognition should be given to those staff and departments most successful at reducing public dollars for natural resource use in daily operations.

Facility Lighting

- Where possible, take full advantage of natural light in offices, hallways, meeting rooms and work areas. Consider leaving artificial lights off or use multi-level lighting when natural illumination is adequate. Consider installing daylight-sensing ballasts for lighting in areas often benefiting from natural illumination.
- When offices, meeting rooms and work areas will be unoccupied for longer than 5 minutes, lights should be switched off. Consider installation of motion sensors for rooms frequently unoccupied to ensure minimal waste of electricity on lighting.
- Lighting in hallways and common areas should be turned off at the end of the work day or when needed for scheduled meetings and events.
- For facility use for activities and events beyond normal work hours/days, use the amount of lighting necessary in only the areas to be occupied.

- Night custodians should only turn on lights in the immediate area in which they are working.
- All outside lights will be turned off during daylight hours, using photo sensors or timers where possible.
- Outside building and parking lights should be scheduled off between dusk and dawn. Safety lighting will be operated at a necessary minimum.

Heating, Ventilation, and Air Conditioning (HVAC) Systems

A. Heating, Ventilation, and Air Conditioning (HVAC) Systems

- HVAC systems should be operated in the most economical way possible to provide the indoor climate appropriate for the facility/activity, meets indoor air quality standards, and maximizes the life of the equipment.
- A building/facility closure of three or more days, including weekends, will be viewed as an opportunity for energy conservation and HVAC systems to be set for holiday scheduling.
- After-hours operations of building HVAC systems must be authorized by the Department Manager.
- Every opportunity to decrease HVAC system operating times should be considered by the custodian, the Department Manager and the Facility Lead. Besides holidays, these may include inclement weather days and cancellations of meetings or activities.

HVAC – Set Points

- On normal work days the HVAC system set points for the following general facilities are:

Area	Occupied Set Points		Unoccupied Set Points	
	Heating	Cooling	Heating	Cooling
Offices	69	74	55	85
Meeting Rooms & Libraries	69	74	55	85
Staff Lounges & Cafeterias	69	74	55	85
Locker Rooms	69	74	55	85
Work & Copy Rooms	67	74	55	85
Shops	67	75	55	85
Kitchens	65	74	55	85
Restrooms	65	75	55	85
Hallways & Common Areas	65	75	55	85
Storage Rooms	62	78	55	85

Acceptable temperature deviation from set points is +/- 2°F by using local thermostat overrides, where available. Some variations may be allowed by the Department Manager based on the specific HVAC system and facility needs.

- Air conditioning set points shall be no less than 74°F during occupancy and 85°F during unoccupied periods. Close doors and windows when air conditioning equipment is in operation. Exception: computer server room cooling set points should be set at 72°F, or as recommended by the Director of Information Technology.

- When operable windows are available to an entire 'zone', air conditioning should not be used when the outside air temperature is cooler than the indoor air temperature.
- Staff members are responsible for closing windows, blinds, drapes and shades in their individual work spaces during and at the end of each day to minimize heat gain/loss.
- Beyond normal work hours and days, HVAC systems will only operate for authorized meetings and activities with facility use approved by the Department Managers. HVAC systems will not operate for informal or individual use during these periods.
- On weekends and holidays the entire building shall be operated at unoccupied settings. If offices are occupied by regularly assigned staff, zone heating and cooling shall be used rather than for the entire building. HVAC settings for these zoned areas shall be the same as for normal work day operations.

Domestic Water Heaters

- Thermostats for water heaters servicing washrooms and/or shower facilities will be set not to exceed 120°F.
- Thermostats for dishwashing boosters and water heaters servicing kitchens will be set not to exceed the minimum necessary to generate a water heater temperature of 180°F at the jets.
- Hot water boosters for dishwashing shall be operated only when the dishwasher is in service.

Electrical Appliances and Equipment

- Individuals are responsible for the electrical appliances in their work areas.
- All electrical office and personal appliances should be turned off at the end of the work day, including computers, monitors, printers, copiers, scanners, desk lights, and display lights. For common use 'print/copy/fax' equipment, etc., the custodian or a designated building occupant will be responsible for turning off at the end of the normal work day and back on at the beginning of the normal work day. Exceptions: conservation of computer servers is to be managed by the Director of Information Technology.
- For safety and energy conservation, space heaters that use 250 watts or more per hour are not allowed unless approved by Department Manager.
- Minimize the number of refrigerators and freezers outside of kitchen areas. Combine multiple units in common areas.
- All refrigerators and freezers are to be cleaned annually, including the coils, to maintain peak operating efficiency.

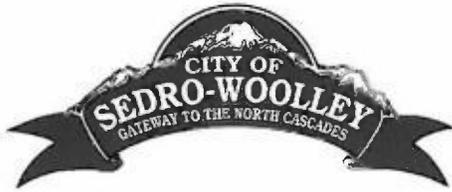
Domestic Water Use and Irrigation

- Elected officials, managers and staff are expected to practice water conservation at every opportunity.
- Building plumbing and irrigation equipment leaks are to be reported and repaired as soon as possible.
- Landscaping should use drought-tolerant and low-impact design, and native plants whenever possible to eliminate the need to irrigate once established.

- Irrigation of grass, except for the Municipal Building and areas used for sporting or other special events, shall be eliminated.
- Irrigation months shall be limited to June through October. During non-irrigation months, meters should be deactivated with the proper utility service.
- Irrigation timers will be programmed for the most efficient watering schedule for a specified landscape and soil type. Irrigation control systems will only be operated by Parks Staff.
- In compliance with relevant regulations, irrigation is encouraged with effluent water from the Waste Water Treatment plant.
- All outdoor watering should be scheduled to minimize evaporation, prevent disease, and protect irrigation equipment.
- During drought periods, irrigation will be limited to public-use areas and newly planted landscaping.

Solid Waste and Recycling

- All elected officials, managers and staff should strive to practice Reducing, Reusing and Recycling whenever possible to minimize the amount of solid waste entering dumpsters and landfills.
- All elected officials, managers and staff should strive to utilize both sides of paper for copying and printing.
- Within budget constraints, priority will be given to purchasing double-sided copiers and printers.
- The Solid Waste collection staff will monitor the quantity of material in the garbage and recycling dumpsters and report at least annually to City Supervisor. Dumpster size and frequency of pick-ups will be adjusted according to need and cost effectiveness.
- The custodial staff will ensure recyclable containers are near garbage containers in all occupied facilities and are encouraged to use 'reminder sticky notes' for office and meeting room garbage containers that frequently contain large amount of recyclable material.



CITY COUNCIL AGENDA
REGULAR MEETING

CITY OF SEDRO-WOOLLEY

MAY 12 2010

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

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

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

MEMO TO: City Council and Mayor Mike Anderson
FROM: Mark A. Freiberger, PE
RE: **Final Acceptance**
Fruitdale and McGarigle Arterial Improvements Wetland Mitigation Project
Lawn Salon Landscaping Services LLC
DATE: May 5, 2010 (for Council review May 12, 2010)
ISSUE Should Council approve final acceptance of the Fruitdale and McGarigle Arterial Improvements Wetland Mitigation Project as constructed or installed by Lawn Salon Landscaping Services LLC of Mount Vernon, WA in the amount of \$50,843.96 (including sales tax)?

BACKGROUND/DISCUSSION

The public works contract for the Fruitdale and McGarigle Arterial Improvements Wetland Mitigation Project with Lawn Salon Landscaping Services LLC of Mount Vernon, WA was executed on February 24, 2010. The work was started on March 15, 2010, with substantial completion on April 13, 2010 and final completion on April 15, 2010. A one-year plant maintenance bond will be executed upon final council acceptance.

Attached is the "Recommendation of Project Acceptance" from Leonard, Boudinot & Skodje Inc. who acted as construction manager for the project.

We have filed Notice of Completion documents with Washington Department of Labor & Industries and Department of Revenue. Once clearance is received from these agencies, retention will be released.

FINANCIAL

Funds for this project are available from Account 104.000.042.595.64.00.05 Construction – Fruitdale McGarigle Mitigation. Following is a summary of revenue and estimated costs for the project.

REVENUE

Account 104.000.042.595.64.00.05	\$ 60,000
Subtotal	\$ 60,000

ESTIMATED EXPENDITURES – MITIGATION CONSTRUCTION COSTS

Construction Contract, \$50,844 (final cost – rounded)	\$ 50,844
Total, rounded	\$ 50,844

Balance (surplus)	\$ 9,156
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ANALYSIS

This project is within budget. Remaining project funds are from Job Development funds and City GMA Impact Fee funds budgeted for the project. Sufficient funds are available from the Account 104 Budget for 2010.

MOTION:

Move for final acceptance of the Fruitdale and McGarigle Arterial Improvements Wetland Mitigation Project as constructed or installed by Lawn Salon Landscaping Services LLC of Mount Vernon, WA in the amount of \$50,843.96 (including sales tax).



Leonard, Boudinot & Skodje Inc.
PROFESSIONAL ENGINEERS & LAND SURVEYORS

ROBERT C. BOUDINOT, JR., P.E.

JEFFREY A. SKODJE, P.L.S.

May 5, 2010

Mr. Mark Freiberger, P.E.
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

Reference: Fruitdale and McGarigle Arterial Improvements Wetland Mitigation Planting
Project, Project No. 2010-PW-02
Recommendation of Project Acceptance

Dear Mr. Freiberger:

On April 13, 2010 Lawn Salon Landscaping Services, LLC, the prime contractor, had completed the plantings and mulch application in the wetland mitigation areas associated with this project.

Based on site inspections by our staff and staff of Widener & Associates, prior to, during and subsequent to the work, the materials and workmanship appear to be in substantial conformance with the project plans and specifications.

The project was completed within the allowable 60-working-day time period and no change orders were issued. I therefore recommend that the City of Sedro-Woolley accept this project as complete.

The prime contractor is required to execute a one-year plant maintenance bond with the City. Said one-year period to begin upon final acceptance by the City.

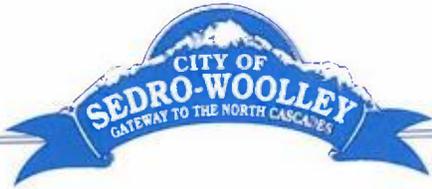
Sincerely,

David Lee, P.E.
Project Engineer

/del

MAY 12 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 4



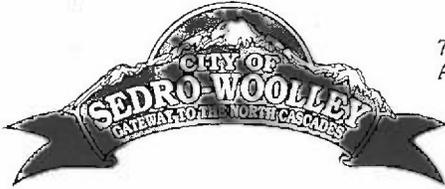
SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

UNFINISHED
BUSINESS

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 12 2010



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

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: Installment Agreements for Sewer Connection Fees
DATE: May 12, 2010

ISSUE: Should the Council adopt the attached ordinance that allows existing property owners to pay their connection fees over time with an installment contract?

BACKGROUND: **This is a second reading.** This ordinance is presented following a recommendation of the City Council Utilities Committee recommendation to consider the idea with modifications requested at your first reading on April 28th. The ordinance would encourage more connections to the sewer system by allowing existing properties to connect now and pay the balance of their connection fees over time. As drafted, owners would be required to pay 10% down with the remaining 90% paid over no more than 72 months (with interest).

Staff recommends that this be adopted. We believe this will increase the efficiency of the sewer system and improve groundwater quality in our community.

RECOMMENDATION: MOTION to adopt the attached ordinance allowing for sewer connection fees to be paid over time in limited circumstances pursuant to RCW 35.67.360.

ORDINANCE NO.

AN ORDINANCE ALLOWING FOR SEWER CONNECTION FEES TO BE PAID OVER TIME IN LIMITED CIRCUMSTANCES PURSUANT TO RCW 35.67.360

Whereas, the City Council of the City of Sedro-Woolley desires to encourage more citizens to use the City's sanitary sewer system, and

Whereas, the testimony from citizens who are using the City's waiver process to delay connections indicates that the connection fee payment in a lump sum at time of connection is too burdensome, and

Whereas, the City Council is concerned that missed connections contribute to decreased water quality in the region and result in underutilization of the sanitary sewer system, and

Whereas, RCW 35.67.360 allows cities who provide sanitary sewer service to use revenue from the system to "assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of storm water or sewer services in such structures or equipment." and

Whereas, the City Council finds that its sanitary sewer system would operate more efficiently with the addition of new connections that would otherwise use the City's waiver process and delay connecting, and

Whereas, the City Council finds that it is in the public interest and welfare to extend credit to those properties eligible for the waiver available under SWMC 13.08.050 for a portion of the sewer connection fee due, to be repaid with interest, now therefore,

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

Section 1. A new section shall be added to Chapter 13.16 of the Sedro-Woolley Municipal Code as follows:

SWMC 13.16.____: Payment of Utility General Facilities Charges and Connection Fees

A. Cash or Contract.

1. The general facilities charge and any special connection fees may be paid in cash or under installment contract within the discretion of the City. To be eligible for an installment contract, the property owner must connect an existing property, located within the City's corporate limits, under the process identified in

SWMC 13.08.040. New construction is not eligible for an installment contract. Interest charged under an installment contract is at the same rate as the effective annual interest of the most recent City of Sedro-Woolley local improvement district bond issue or sewer utility revenue bond issue, whichever is most recent, computed monthly on unpaid balances.

2. Such contract will be prepared by the City attorney who is authorized to add provisions in addition to the following mandatory provisions:

a. for a down payment of ten percent (10%) of the total general facilities charge and special connection charge, if applicable, payable upon execution of the contract, and in addition to the credit available to certain property owners under SWMC 13.16.140;

b. for payment of the balance in no more than seventy two (72) monthly payments;

c. that any unpaid balance may be paid in full at any time and must be paid in full upon sale, transfer or redevelopment;

d. such contract contains the legal description of the property served by the sewer, and is executed and acknowledged by the property owner and is recorded by the City with the county auditor, at the expense of the property owner.

3. The general facilities charge and special connection charge, if applicable, is paid in full or the installment contract is executed and recorded, as a condition precedent to the issuance of a permit for connection to the City sewer system.

B. Unpaid Charges.

1. Delinquent payments of general facilities charges and/or special collection charges under such installment contract or otherwise unpaid general facilities charges and/or special collection charges are a lien upon the described property as provided in RCW 35.67.220, enforceable in accordance with RCW 35.67.220 through RCW 35.67.280.

2. Upon full payment of the charges due, the finance director on behalf of the City executes and delivers to the property owner a release of such lien. The property owner is responsible for recording the release at the property owner's expense.

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

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Filed with the City Clerk:	April 22, 2010
First Reading:	April 28, 2010
Second Reading:	May 12, 2010
Passed by the City Council:	
Signed by the Mayor:	
Date of Publication:	
Recorded with County Auditor:	

NEW
BUSINESS

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 12 2010

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

From: Patrick M. Hayden
To: Eron Berg / Mark Freiberger, PE / Mayor and City Council
Re: Stormwater Ordinance/2005 Stormwater Manual
Date: May 12, 2010 City Council Meeting

Subject:

Attached is a stormwater ordinance to be renewed, submitted per the request of Eron Berg and Mark Freiberger. It is identical to the ordinance previously passed by the City Council. SEPA (an MDNS) needs to be completed before these ordinances can be permanently adopted.

I have not changed anything from the previous ordinance. However, there are minor corrections that will probably be made with then comes back for permanent adoption.

The Council should hold a public hearing on this ordinance within 30 days. I believe that the first meeting in June will work. It will probably be a formality. No one showed up for the last one.

Proposed Action:

Adoption of Ordinance No. _____, **AN ORDINANCE EXTENDING AMENDMENTS OF SWMC CH. 13.36 AND SWMC CH. 13.40, PROVIDING FOR THE ADOPTION OF THE 2005 STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (SWMMWW), INCLUDING THE THRESHOLDS AND MINIMUM REQUIREMENTS.**

Ordinance No. _____

AN ORDINANCE EXTENDING AMENDMENTS OF SWMC CH. 13.36 AND SWMC CH. 13.40, PROVIDING FOR THE ADOPTION OF THE 2005 STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (SWMMWW), INCLUDING THE THRESHOLDS AND MINIMUM REQUIREMENTS.

WHEREAS, the City of Sedro-Woolley has, in compliance with RCW Ch. 90.48 and the Federal Water Pollution Control Act, adopted interim stormwater maintenance and management ordinances into compliance with the 2005 Stormwater Management Manual for Western Washington, and

WHEREAS, the City of Sedro-Woolley still needs to comply with the State Environmental Policy Act for the updates to SWMC Ch. 13.36 and Ch. 13.40, and

Whereas, the City Council of the City of Sedro-Woolley finds that delay in adopting these code amendments would leave the City out of compliance with State law, and finds that an emergency exists to require adoption for an interim period of six months, pending completion of SEPA review,

Whereas, the City of Sedro-Woolley City Council finds that the following amendments to SWMC Chapter 13.36 and SWMC Chapter 13.40 adopting the 2005 Stormwater Management Manual for Western Washington (SWMMWW), and Appendix 1 of the Western Washington Phase II Stormwater Permit, are in the interests of the public safety and welfare, now therefore,

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

Section 1. SWMC Ch. 13.35. SWMC Ch 13.36 is hereby repealed, and a new SWMC Ch. 13.36 as set forth on Exhibit A is hereby adopted in its entirety.

Section 2. SWMC Ch 13.40. SWMC Ch 13.40 is hereby repealed, and a new SWMC Ch. 13.40 as set forth on Exhibit B is hereby adopted in its entirety.

Section 3. Duration of Ordinance. This ordinance shall be in effect for a period of six months beginning on its effective date, unless extended by the City Council.

Section 4. Public Hearing on Ordinance. The City Council shall hold a public hearing on this ordinance on _____, 2010 at 7:00 PM, and hereby adopts findings of fact justifying its actions, and is affirming the ordinance following the public hearing.

Section 5. 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 6. Effective Date. This ordinance shall be effective five (5) days after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF MAY, 2010.

MAYOR

Attest:

Finance Director/City Clerk

Approved as to form:

City Attorney

Chapter 13.36
STORMWATER MANAGEMENT

13.36.010 Purpose.

It is the purpose of this chapter to:

- A. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;
- B. Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;
- C. Maintain and protect groundwater resources;
- D. Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;
- E. Decrease potential landslide, flood and erosion damage to public and private property;
- F. Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrological conditions;
- G. Maintain and protect the city stormwater management infrastructure and those downstream;
- H. Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and
- I. Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural qualities of (lands,) wetlands and water bodies.

13.36.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

The definitions in

- (1) Wetlands Guidance Appendix 2, Definitions,
- (2) The Glossary and Notations, in the 2005 Ecology Stormwater Management Manual for Western Washington; and
- (3) Section 2. Definitions Related to Minimum Requirements, Appendix I of the NPDES Phase II Municipal Stormwater Permit,

are incorporated by reference, unless the context clearly indicates that another definition is applicable.

“Director” means the city engineer or his designee.

“Person” means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

“Stormwater Management Manual” or “Manual” means Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington, excepted as modified in SWMC 13.36.060(A)(4).

“Stormwater Management Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.36 for a regulated activity.

“Stormwater Maintenance Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.40 for maintenance of facility constructed for a regulated activity.

13.36.030 Abrogation and interpretation of provisions.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate or impair any existing ordinances, regulations, issued permit requirements, easements, covenants or deed restrictions, except as expressly stated. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter.

13.36.040 Applicability.

A. When any provision of any other ordinance of the city conflicts with this chapter, that which provides the higher standard of environmental protection shall apply unless specifically provided otherwise in this chapter.

B. Prior to the applicant fulfilling the requirements of this chapter and obtaining a Stormwater Management Permit, the city shall not grant any approval or permission to conduct a regulated activity, including, but not limited to the following: building permit, commercial or residential; binding site plan; conditional use permit; franchise right-of-way construction permit; fill, grading and clearing permit; master plan development; planned unit development; right-of-way permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit;

shoreline environmental redesignation; unclassified use permit; variance; zone reclassification; subdivision; short subdivision; special use permit; sewer discharge, utility and other use permit; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

C. Regulated activities as defined in Section 13.36.060 shall be conducted and a Stormwater Management Permit shall be issued only after the city approves a stormwater site plan (SSP) which meets the requirements of the Manual.

D. In most situations, non-permanent development activities shall be governed by the Stormwater Management Permit. At the completion of the activities governed by the Stormwater Management Permit, the continuing maintenance and operation of any facilities that continue in operation will be governed by the Stormwater Maintenance Permit issued pursuant to SWMC Ch. 13.40. Both permits will be issued by the director, and shall be administered together to meet the Minimum Requirements and BMPs of the Manual.

13.36.050 Stormwater Management Manual and Appendix I of Permit adopted; Administrative Provisions Authorized.

A. The Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington are hereby adopted by reference, and are hereinafter collectively referred to as the “Manual”, excepted as modified in SWMC 13.36.060(A)(4).

B. The Director may, in his discretion, modify, adopt and publish standards, designs and administrative regulations for permitting, to supplement the Manual, provided that the standards, designs and administrative regulations are consistent with the Manual. The standards, designs and administrative regulations may include non-structural preventative actions and source reduction approaches such as low impact development (LID) techniques consistent with the Manual. Prior to adoption the Director shall solicit written and verbal comment at an advertized public hearing.

C. Any standards, designs, and administrative regulations adopted by the Director shall be published in printed form maintained for inspection and copying at office of City Engineer. Any such standards, designs, and administrative regulations shall have the same effect as a provision of this ordinance, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this ordinance.

13.36.060 Regulated activities and exempt activities.

A. Regulated Activities.

1. All development and redevelopment shall be regulated activity subject to this ordinance, and shall be subject to the applicable Minimum Requirements of the manual, unless exempted in subsection B of this section.

2. Not all of the Minimum Requirements apply to every development or redevelopment project. The applicability of the Minimum Requirements to a project or activity shall be determined by the thresholds in the Manual.

3. If new development and redevelopment at sites below the regulatory threshold of this chapter were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the one (1) acre threshold. The local stormwater requirements in effect at the time of permit issuance shall apply, unless the Minimum Requirements for new development and re-development contained in this chapter are applicable.

4. The requirements of this chapter apply to all development and redevelopment within the City of Sedro-Woolley, including sites which do not meet the 1-acre or larger threshold of the Manual.

B. Exemptions. The following activities are exempt pursuant to the Manual from the requirements of this chapter:

1. Forest practices:

Forest practices regulated under Title 222 WAC, except for Class IV General forest practices that are conversions from timber land to other uses, are exempt from the provisions of the Minimum Requirements.

2. Commercial agriculture:

Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces are not exempt.

3. Oil and Gas Field Activities or Operations:

Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

4. Road Maintenance:

i. The following road maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

ii. The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt:

- a. Removing and replacing a paved surface to base course or lower, or repairing the roadway base;
- b. Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders;
- c. Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.

5. Underground utility projects:

Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement for Construction Stormwater Pollution Prevention.

C. All other development or redevelopment is subject to one or more of the Minimum Requirements of the Manual.

13.36.070 Adjustments and Variances.

A. Adjustments. Adjustments to the Minimum Requirements may be granted by the Director provided that a written finding of fact is prepared, that addresses the following:

- 1. The adjustment provides substantially equivalent environmental protection.
- 2. Based on sound Engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Adjustments under this subsection do not require a public notice or hearing, and the decision of the director under this subsection is not subject to appeal.

B. Exceptions/Variances. Exceptions/variances (exceptions) to the Minimum Requirements may be granted by the Director following legal public notice of an application for an exception or variance, legal public notice of the Director’s decision on the application, and written findings of fact that documents the Director’s determination to grant an exception. The Director shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department. The Director must seek prior approval by the Department for any jurisdiction-wide exception.

The Director may grant an exception to the Minimum Requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a

severe and unexpected economic hardship on the project applicant, the Director must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site, and
2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
6. The feasibility for the owner to alter the project to apply the Minimum Requirements.

C. In addition any exception/variances must meet the following criteria:

1. The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
2. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

D. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the Director as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.36.080 Stormwater Minimum Requirements and Best Management Practices (BMPs).

A. The Minimum Requirements of the Manual are adopted and incorporated herein by reference.

B. The site planning process of the Manual and BMP selection and design criteria of the Manual shall be used to implement the Minimum Requirements of the Manual.

C. All development and redevelopment shall apply all known, available and reasonable methods of prevention, control and treatment (AKART), utilizing the BMPs and design criteria of the Manual to comply with the Minimum Requirements of the Manual, prior to discharge into the City of Sedro-Woolley Storm Sewer System permitted by the Department of Ecology

D. No person may conduct activity regulated by this chapter which discharges directly to, or indirectly through the City of Sedro-Woolley Storm Sewer System permitted by the Department

of Ecology, in unless they meet the requirements of this chapter and obtain a Stormwater Management Permit or Stormwater Maintenance Permit, or both.

E. All stormwater site plans for regulated activity (development and redevelopment) are subject to review and approval by the director, and shall require a Stormwater Management Permit or Stormwater Maintenance Permit issued by the director pursuant to this chapter. A Stormwater Maintenance Permit may be required by the director as a condition of the Stormwater Management Permit.

F. The director shall adopt BMPs for Low Impact Development (LIDs) techniques pursuant to SWMC 13.36.060(B) as administrative regulations for the implementation of this chapter. The director may adopt specific BMPs from Chapter 7 of the Low Impact Development Technical Guidance Manual for Puget Sound (PSAT/WSU Extension 2005) or other approved source. In addition, an applicant may seek an adjustment or variance incorporating BMPs for LID techniques into permit approval.

13.36.090 Prohibitions.

A. Illicit discharge to stormwater drainage systems is prohibited. Illicit discharges are defined as those discharges prohibited by the Manual, the Western Washington Phase II Municipal Stormwater Permit, The City of Sedro-Woolley Stormwater Management Plan, and state law.

B. The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
2. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1) and water conservation efforts.
3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.
5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the director, which addresses control of such discharges.

C. Development and Redevelopment which fails to comply with the requirements of this ordinance is prohibited.

13.36.100 Administration.

A. Director. The director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. Review and Approval.

A. Any activity subject to regulation by this chapter shall not be approved until the director issues a written finding that the regulated activity complies with this chapter, or is exempt. The finding, approvals and conditions shall be incorporated into a "Stormwater Management Permit". The omission of a Minimum Requirement or BMP on the permit or approved plan shall not relieve the applicant of complying with the Minimum Requirement or BMP if it is made applicable by the manual.

1. If the regulated activity is subject to a permit or approval from any department of the City of Sedro-Woolley, including but not limited to the permits and approvals listed in SWMC Section 13.36.040, a permit or approval shall not be issued until a finding of compliance and a Storm Water Management Permit is issued by the director.

2. If the regulated activity is not subject to any other permit or approval from any department of the City of Sedro-Woolley, but is subject to the provisions of this chapter, then the owner of the affected property and the person conducting the activity shall apply directly to the director for a permit, which shall not be issued until a finding of compliance and a Storm Water Management Permit is issued by the director.

B. Any owner or applicant seeking approval or a permit for activity regulated by this chapter shall, in addition to any other permit necessary for the activity, apply for a Stormwater Management Permit in the form provided by the director, and shall provide the information required to demonstrate compliance with Minimum Requirements and BMPs specified in the Manual. The form of the application shall meet the requirements established by the director.

C. The director may approve, conditionally approve or deny an application for activities regulated by this chapter. Such approval or denial shall be based on the Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington, and on any administrative provisions adopted by the director pursuant to SWMC Section 13.36.060.

D. If an adjustment, exception or variance is allowed, it shall be incorporated into the conditions and terms of the permit issued by the director.

E. Inspection. All activities regulated by this chapter shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that the regulated activity is complying with the terms of the permit and approval. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed.

F. All project applications must address long-term maintenance responsibility and access for maintenance inspections, and all must continue to meet the minimum requirements of the Manual as a condition of the Stormwater Management Permit. When required by the Director, a “Stormwater Maintenance Permit” shall also be required as a condition of the Stormwater Management Permit, pursuant to SWMC Ch. 13.40.

G. The Stormwater Management Permit shall identify the party responsible for compliance, and may require the posting of a bond or surety to guarantee financial responsibility for compliance as a condition of the permit. The amount of the bond or other surety shall not exceed one hundred twenty five percent (125%) of the cost of compliance with the conditions and requirement of the Stormwater Management Permit, as determined by the director.

H. Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.36.110 Civil Enforcement.

The director shall enforce this chapter. Violations of this chapter shall be subject to civil and criminal penalties as set forth in this Chapter. It shall be a violation of this chapter to (a) engage in any regulated activity without a permit issued pursuant to this chapter, (b) to violate the terms and conditions of a permit issued pursuant to this chapter, or (c) to permit, allow, or commit an illicit discharge prohibited by this chapter.

A. General. Enforcement action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement action and the severity of any civil penalty shall be based on the nature of the violation, the damage or risk to the public or the public resources, and/or the degree of bad faith of the person subject to the enforcement action.

B. Stop-Work Order. The director shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the director may issue a stop work order for the entire project, and the order may revoke a Stormwater Management Permit or Stormwater Maintenance Permit.

1. Content of Order. The order shall contain:

a. A description of the specific nature, extent and time of violation and the damage or potential damage; and

b. A notice that the violation or the potential violation cease and desist, and, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection C may be issued with the order.

2. Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same.

3. Effective Date. The stop work order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

4. Compliance. Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty.

C. Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval or order issued, who undertakes new development without first obtaining city approval, or who fails to comply with a stop work order issued under these regulations shall be subject to a civil penalty.

1. Amount of Penalty. The penalty shall be one hundred dollars for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.

2. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

3. Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified (or registered) mail with return receipt requested or by personal service, to the person incurring the same from the city. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, and, in appropriate cases, require necessary corrective action within a specific time.

4. Application for Mitigation. Any person incurring a penalty may apply in writing within fourteen days of receipt of the penalty to the director for rescission or mitigation of such penalty. Upon receipt of the application, the director may rescind or mitigate the penalty upon a demonstration of extraordinary circumstances, such as the presence of information of factors not considered in setting the original penalty. The decision of the director may be appealed to the city council within thirty days of the decision.

5. Appeal of Civil Penalty. Persons incurring a penalty imposed by the director may appeal in writing to the Skagit County Superior Court within thirty days of the receipt of the penalty, or within thirty days of the decision of the director regarding remission or mitigation of the penalty, whichever is later.

D. Penalties. Penalties imposed under this section shall become due and payable thirty days after receiving it unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the city is not paid within the time specified, the city may take actions necessary to recover such penalty, including legal action to reduce the same to a judgment and collection the same.

E. The director is authorized to seek injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter.

13.36.120 Criminal Violation.

In addition to any civil penalty or civil enforcement action, a willful violation of this chapter by any person shall constitute a gross misdemeanor punishable by a five thousand dollar fine, imprisonment in jail not to exceed one year, or both.

Chapter 13.40
STORMWATER MAINTENANCE

13.40.010 Purpose.

The provisions of this chapter are intended to:

- A. Provide for inspection and maintenance of stormwater facilities in the city to provide for an effective, functional stormwater drainage system;
- B. Authorize the city to require that stormwater facilities be operated, maintained and repaired in conformance with this chapter;
- C. Establish the minimum level of compliance which must be met;
- D. Guide and advise all who conduct inspection and maintenance of stormwater facilities.

13.40.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

For the purposes of this chapter, the following definitions shall apply:

The definitions in

- (1) Wetlands Guidance Appendix 2, Definitions,
- (2) the Glossary and Notations, in the 2005 Ecology Stormwater Management Manual for Western Washington; and
- (3) Section 2. Definitions Related to Minimum Requirements, Appendix I of the NPDES Phase II Municipal Stormwater Permit,

are incorporated by reference, unless the context clearly indicates that another definition is applicable.

“Director” means the city engineer or his designee.

“Person” means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

“Stormwater Management Manual” or “Manual” means Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005

Ecology Stormwater Management Manual for Western Washington, excepted as modified in SWMC 13.36.060(A)(4).

“Stormwater Management Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.36 for a regulated activity.

“Stormwater Maintenance Permit” is a permit or approval issued by the director pursuant to SWMC Chapter 13.40 for maintenance of facility constructed for a regulated activity.

13.40.030 Abrogation and interpretation of provisions.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate or impair any existing ordinances, regulations, issued permit requirements, easements, covenants or deed restrictions, except as expressly stated. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter.

13.40.040 Applicability.

A. When any provision of any other ordinance of the city conflicts with this chapter, that which provides the higher standard of environmental protection shall apply unless specifically provided otherwise in this chapter.

B. This chapter applies to all activities which are subject to SWMC Ch. 13.36, and which have one or more conditions or requirements of a Stormwater Management Permit which are permanent or shall require compliance after the completion of the permitted activity regulated by SWMC Ch. 13.36.

C. All activities regulated by this chapter shall require a Stormwater Maintenance Permit issued pursuant to this chapter. The Stormwater Maintenance Permit shall govern those conditions or requirements of a Stormwater Management Permit which are permanent or shall require compliance after the completion of the permitted activity regulated by SWMC Ch. 13.36.

D. Prior to the applicant fulfilling the requirements of this chapter, the city shall not issue a Stormwater Maintenance Permit.

E. In most situations, non-permanent development activities shall be governed by the Stormwater Management Permit. At the completion of the activities governed by the Stormwater Management Permit, the continuing maintenance and operation of any facilities that continue in operation will be governed by the Stormwater Maintenance Permit issued pursuant to

SWMC Ch. 13.40. Both permits will be issued by the director, and shall be administered together to meet the Minimum Requirements and BMPs of the Manual.

13.40.050 Stormwater Management Manual and Appendix I of Permit adopted; Administrative Provisions Authorized.

A. The Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington are hereby adopted by reference, and are hereinafter collectively referred to as the “Manual”, excepted as modified in SWMC 13.40.060(A)(4).

B. The Director may, in his discretion, modify, adopt and publish standards, designs and administrative regulations for permitting, to supplement the Manual, provided that the standards, designs and administrative regulations are consistent with the Manual. The standards, designs and administrative regulations may include non-structural preventative actions and source reduction approaches such as low impact development (LID) techniques consistent with the Manual. Prior to adoption the Director shall solicit written and verbal comment at an advertized public hearing.

C. Any standards, designs, and administrative regulations adopted by the Director shall be published in printed form maintained for inspection and copying at office of City Engineer. Any such standards, designs, and administrative regulations shall have the same effect as a provision of this ordinance, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this ordinance.

13.40.060 Regulated activities and exempt activities.

A. Regulated Activities.

1. All development and redevelopment shall be regulated activity subject to this ordinance, and shall be subject to the applicable Minimum Requirements of the manual, unless exempted in subsection B of this section.

2. Not all of the Minimum Requirements apply to every development or redevelopment project. The applicability of the Minimum Requirements to a project or activity shall be determined by the thresholds in the Manual.

3. If new development and redevelopment at sites below the regulatory threshold of this chapter were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the one (1) acre threshold. The local stormwater requirements in effect at the

time of permit issuance shall apply, unless the Minimum Requirements for new development and re-development contained in this chapter are applicable.

4. The requirements of this chapter apply to all development and redevelopment within the City of Sedro-Woolley, including sites which do not meet the 1-acre or larger threshold of the Manual.

B. Exemptions. The following activities are exempt pursuant to the Manual from the requirements of this chapter:

1. Forest practices:

Forest practices regulated under Title 222 WAC, except for Class IV General forest practices that are conversions from timber land to other uses, are exempt from the provisions of the Minimum Requirements.

2. Commercial agriculture:

Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces are not exempt.

3. Oil and Gas Field Activities or Operations:

Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

4. Road Maintenance:

i. The following road maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

ii. The following road maintenance practices are considered redevelopment, and therefore are not categorically exempt:

a. Removing and replacing a paved surface to base course or lower, or repairing the roadway base;

b. Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders;

c. Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.

5. Underground utility projects:

Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement for Construction Stormwater Pollution Prevention.

C. All other development or redevelopment is subject to one or more of the Minimum Requirements of the Manual.

13.40.070 Maintenance requirements.

A. Maintenance Required. All stormwater facilities shall be operated and maintained in accordance with this chapter, the Manual, including the Minimum Standards and BMPs in the Manual, The Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley Stormwater Management Plan, and the Stormwater Maintenance Permit.

B. Compliance. Property owners are responsible for the maintenance, operation or repair of stormwater systems and BMPs. Property owners shall maintain, operate and repair these facilities in compliance with the requirements of the Manual, including the Minimum Standards and BMPs in the Manual, The Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley Stormwater Management Plan, and the Stormwater Maintenance Permit.

C. Financial Responsibility. The property owners are responsible for the maintenance, operation and repair of the stormwater system subject to the Stormwater Maintenance Permit. The director may require a bond or other surety, or a block fund in a federally insured financial institution, as security for the permanent maintenance, operation and repair of the stormwater facilities, as a condition of the Stormwater Maintenance Permit, on such conditions as the director deems reasonable, considering the size and cost of the facility.

13.40.075 Stormwater Minimum Requirements and Best Management Practices (BMPs).

A. The Minimum Requirements of the Manual are adopted and incorporated herein by reference.

B. The site planning process of the Manual and BMP selection and design criteria of the Manual shall be used to implement the Minimum Requirements of the Manual.

C. All development and redevelopment shall apply all known, available and reasonable methods of prevention, control and treatment (AKART), utilizing the BMPs and design criteria of the Manual to comply with the Minimum Requirements of the Manual, prior to discharge into the City of Sedro-Woolley Storm Sewer System permitted by the Department of Ecology

D. No person may conduct activity regulated by this chapter which discharges directly to, or indirectly through the City of Sedro-Woolley Storm Sewer System permitted by the Department

of Ecology, in unless they meet the requirements of this chapter and obtain a Stormwater Management Permit or Stormwater Maintenance Permit, or both.

E. All stormwater site plans for regulated activity (development and redevelopment) are subject to review and approval by the director, and shall require a Stormwater Management Permit or Stormwater Maintenance Permit issued by the director pursuant to this chapter. A Stormwater Maintenance Permit may be required by the director as a condition of the Stormwater Management Permit.

F. The director shall adopt BMPs for Low Impact Development (LIDs) techniques pursuant to SWMC 13.36.060(B) as administrative regulations for the implementation of this chapter. The director may adopt specific BMPs from Chapter 7 of the Low Impact Development Technical Guidance Manual for Puget Sound (PSAT/WSU Extension 2005) or other approved source. In addition, an applicant may seek an adjustment or variance incorporating BMPs for LID techniques into permit approval.

13.40.080 Adjustments and Variances.

A. Adjustments. Adjustments to the Minimum Requirements may be granted by the Director provided that a written finding of fact is prepared, that addresses the following:

1. The adjustment provides substantially equivalent environmental protection.
2. Based on sound Engineering practices, the objectives of safety, function, environmental protection and facility maintenance, are met.

Adjustments under this subsection do not require a public notice or hearing, and the decision of the director under this subsection is not subject to appeal.

B. Exceptions/Variations. Exceptions/variances (exceptions) to the Minimum Requirements may be granted by the Director following legal public notice of an application for an exception or variance, legal public notice of the Director's decision on the application, and written findings of fact that documents the Director's determination to grant an exception. The Director shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements.

Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department. The Director must seek prior approval by the Department for any jurisdiction-wide exception.

The Director may grant an exception to the Minimum Requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the Director must consider and document with written findings of fact the following:

1. The current (pre-project) use of the site, and

2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
3. The possible remaining uses of the site if the exception were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
6. The feasibility for the owner to alter the project to apply the Minimum Requirements.

C. In addition any exception/variances must meet the following criteria:

1. The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
2. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

D. An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the Director as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.40.090 Prohibitions.

A. Illicit discharge to stormwater drainage systems is prohibited. Illicit discharges are defined as those discharges prohibited by the Manual, the Western Washington Phase II Municipal Stormwater Permit, The City of Sedro-Woolley Stormwater Management Plan, and state law.

B. The following categories of nonstormwater discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4.
2. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities (see section S5.C.1) and water conservation efforts.
3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.

Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. At active construction sites, street sweeping must be performed prior to washing the street.

5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the director, which addresses control of such discharges.

C. Development and Redevelopment which fails to comply with the requirements of this ordinance is prohibited.

13.40.100 Authority.

A. Director. The director or a designee/inspector shall administer and enforce this chapter and shall be referred to as the director.

B. Inspection Authority. The director is directed and authorized to develop an inspection program for stormwater facilities in the city, including all facilities operating under a Stormwater Maintenance Permit.

C. Plan, Manual, and Inspection Schedule. All activities and facilities which are subject to this chapter shall, as a condition of the Stormwater Maintenance Permit, submit a permanent maintenance plan, maintenance and operations manual, and an inspection schedule, which shall be subject to the approval of the director. Compliance with the plan, maintenance manual and inspection schedule shall be a condition of the Stormwater Maintenance Permit.

D. Previously Constructed Facilities. This chapter shall apply to stormwater facilities which were legally constructed without a Stormwater Maintenance Permit issued pursuant to this chapter, to the extent permitted and required by the Manual. The facilities shall be subject to inspection for compliance with the original conditions of approval and the applicable standards of this chapter.

13.40.110 Inspection program.

A. Inspection. The inspector is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the city to determine compliance with the provisions of this chapter. The following schedule shall apply:

1. Facilities operating under a Stormwater Maintenance Permit shall be inspected pursuant to the inspection schedule incorporated in the permit.

2. Facilities operating without a Stormwater Maintenance Permit shall be inspected at least annually, unless the director determines that annual inspections are not necessary.

3. Facilities which the director has reason to believe are not being maintained or operated consistent with the Stormwater Maintenance Permit or as previously permitted or designed, may be inspected by the director at any time, as set forth below.

B. Procedures. Prior to making any inspections, the inspector shall present identification credentials, state the reason for the inspection and request entry.

1. If the property of any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or any other person(s) having charge or control of the property or portions of the property and request entry.

2. If after reasonable effort, the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.

3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent threat to public safety, the inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the state of Washington.

4. The inspector may inspect the stormwater drainage system without obtaining a search warrant provided for in subsection (B)(3) of this section, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

C. Inspection schedule. The director shall establish a master inspection and maintenance schedule to inspect appropriate stormwater facilities that are not owned by the city. Inspections shall be annual. Critical stormwater facilities may require a more frequent inspection schedule.

D. Inspection and Maintenance Records. As existing stormwater facilities are encountered, they shall be added to the master inspection and maintenance schedule. Records of new stormwater facilities shall include the following:

1. As-built plans and locations;

2. Findings of fact from any exemptions granted by the local government;

3. Operation and maintenance requirements and records of inspections, maintenance actions and frequencies;

4. Engineering reports, as appropriate.

E. Reporting Requirements. The director shall report annually to the city council about the status of the inspections. The annual report may include, but need not be limited to, the proportion of the components found in and out of compliance, the need to upgrade components, enforcement actions taken, compliance with the inspection schedule, the resources needed to comply with the schedule, and comparisons with previous years.

F. Easement. The director may require, as a condition of the Stormwater Maintenance Permit, that the City of Sedro-Woolley be conveyed a permanent easement to access the permitted stormwater facilities for purposes of inspection and emergency maintenance and repairs.

13.40.120 Administration.

A. Director. The director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. Review and Approval.

A. Any activity subject to regulation by this chapter shall not be approved until the director issues a written finding that the regulated activity complies with this chapter, or is exempt. The finding, approvals and conditions shall be incorporated into a "Stormwater Maintenance Permit". The omission of a Minimum Requirement or BMP on the permit or approved plan shall not relieve the applicant of complying with the Minimum Requirement or BMP if it is made applicable by the manual.

B. Any owner or applicant seeking approval or a permit for activity regulated by this chapter shall, in addition to any other permit necessary for the activity, apply for a Stormwater Maintenance Permit in the form provided by the director, and shall provide the information required to demonstrate compliance with Minimum Requirements and BMPs specified in the Manual. The form of the application shall meet the requirements established by the director.

C. The director may approve, conditionally approve or deny an application for activities regulated by this chapter. Such approval or denial shall be based on the Thresholds, Definitions, Minimum Requirements and Exceptions, Adjustment and Variance Criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington, and on any administrative provisions adopted by the director pursuant to SWMC Section 13.40.050.

D. If an adjustment, exception or variance is allowed, it shall be incorporated into the conditions and terms of the permit issued by the director.

E. Inspection. All activities regulated by this chapter shall be inspected by the director. The director shall inspect projects at various stages of the work requiring approval to determine that the regulated activity is complying with the terms of the permit and approval. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land

disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When required by the director, a special inspection and/or testing shall be performed.

F. All project applications must address long-term maintenance responsibility and access for maintenance inspections, and all must continue to meet the minimum requirements of the Manual as a condition of the Stormwater Maintenance Permit.

G. The Stormwater Maintenance Permit shall identify the party responsible for compliance, and may require the posting of a bond or surety to guarantee financial responsibility for compliance as a condition of the permit. The amount of the bond or other surety shall not exceed one hundred twenty five percent (125%) of the cost of compliance with the conditions and requirement of the Stormwater Maintenance Permit, as determined by the director.

H. Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to SWMC Ch. 2.90, to the extent applicable and not inconsistent with this chapter.

13.40.130 Civil Enforcement.

The director shall enforce this chapter. Violations of this chapter shall be subject to civil and criminal penalties as set forth in this Chapter. It shall be a violation of this chapter to (a) engage in any regulated activity without a permit issued pursuant to this chapter, (b) to violate the terms and conditions of a permit issued pursuant to this chapter, or (c) to permit, allow, or commit an illicit discharge prohibited by this chapter.

A. General. Enforcement action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement action and the severity of any civil penalty shall be based on the nature of the violation, the damage or risk to the public or the public resources, and/or the degree of bad faith of the person subject to the enforcement action.

B. Stop-Work Order. The director shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the director may issue a stop work order for the entire project, and the order may revoke a Stormwater Management Permit or Stormwater Maintenance Permit.

1. Content of Order. The order shall contain:

a. A description of the specific nature, extent and time of violation and the damage or potential damage; and

b. A notice that the violation or the potential violation cease and desist, and, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection C may be issued with the order.

2. Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same.
3. Effective Date. The stop work order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
4. Compliance. Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty.

C. Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval or order issued, who undertakes new development without first obtaining city approval, or who fails to comply with a stop work order issued under these regulations shall be subject to a civil penalty.

1. Amount of Penalty. The penalty shall be one hundred dollars for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.
2. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
3. Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified (or registered) mail with return receipt requested or by personal service, to the person incurring the same from the city. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, and, in appropriate cases, require necessary corrective action within a specific time.
4. Application for Mitigation. Any person incurring a penalty may apply in writing within fourteen days of receipt of the penalty to the director for rescission or mitigation of such penalty. Upon receipt of the application, the director may rescind or mitigate the penalty upon a demonstration of extraordinary circumstances, such as the presence of information of factors not considered in setting the original penalty. The decision of the director may be appealed to the city council within thirty days of the decision.
5. Appeal of Civil Penalty. Persons incurring a penalty imposed by the director may appeal in writing to the Skagit County Superior Court within thirty days of the receipt of the penalty, or within thirty days of the decision of the director regarding remission or mitigation of the penalty, whichever is later.

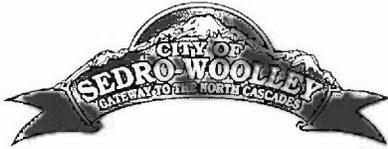
D. Penalties. Penalties imposed under this section shall become due and payable thirty days after receiving it unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review

proceedings and final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the city is not paid within the time specified, the city may take actions necessary to recover such penalty, including legal action to reduce the same to a judgment and collection the same.

E. The director is authorized to seek injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter.

13.40.140 Criminal Violation.

In addition to any civil penalty or civil enforcement action, a willful violation of this chapter by any person shall constitute a gross misdemeanor punishable by a five thousand dollar fine, imprisonment in jail not to exceed one year, or both.



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

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore, 
Planning Director/ Building Official

Date: May 12, 2010

Subject: Proposed increase in allowable building height (1st read)

CITY COUNCIL AGENDA
REGULAR MEETING

MAY 12 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 1

ISSUE

Should Council approve an ordinance to allow the maximum building height to be increased from 35 feet to 60 feet in the Residential 15, Mixed Commercial, Central Business District, Public, Open Space and Industrial Zones?

PROJECT DESCRIPTION / HISTORY

The City will have our ladder truck in full service in August of 2010. The current building height restriction of 35 feet was adopted in part because the City did not formerly have a ladder truck to provide an acceptable level of fire response to taller buildings.

The Planning Commission is scheduled to hold an open record public hearing on May 18, 2010 to hear and consider written and public testimony concerning the proposed updates to Title 17 SWMC, regarding increasing the allowable building heights. The Planning Commission's recommendation will be presented to the Council prior to the next (May 26) meeting, at which time action could be taken by Council.

If approved, the ordinance would increase the allowable building height from 35 feet to 60 feet in the above named zones.

RECOMMENDED ACTION

No action recommended at this time (1st read).

ORDINANCE NO. _____

AN ORDINANCE AMENDING SWMC TITLE 17 REGARDING MAXIMUM BUILDING HEIGHTS

WHEREAS, the City of Sedro-Woolley Fire Department is receiving a ladder truck in May 2010, which will be in full service in August 2010;

WHEREAS, the ladder truck will facilitate an acceptable level of fire service for buildings exceeding the current maximum allowed thirty-five feet in height;

WHEREAS, the City Council desires encourage development by allowing an increased allowable height of sixty feet for buildings to be constructed in the Residential 15, Mixed Commercial, Central Business District, Public, Open Space and Industrial Zones;

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

Section 1.

R-15

17.16.020(B) SWMC is amended to read as follows:

B. Maximum building height: sixty feet.

- Exceptions: 1. Twenty-five feet for accessory buildings
 2. No height limit for church steeples or bell towers.

MC

17.20.020(B) SWMC is amended to read as follows:

B. Maximum building height: sixty feet.

CBD

17.24.020(B) SWMC is amended to read as follows:

B. Maximum building height: sixty feet.

I

17.28.020(B) SWMC is amended to read as follows:

B. Maximum building height: sixty feet. A variance to the maximum building height may be granted as set forth in SWMC Chapter 17.60.

P

17.32.020(B) SWMC is amended to read as follows:

B. Maximum building height: sixty feet.

OS

17.34.020(B) SWMC is amended to read as follows:

B. Maximum building height: sixty feet.

Section 2. EFFECTIVE DATE. This ordinance shall take effect five (5) days after the approval by the City Council and publication as provided by law.

Section 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

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

Mike Anderson, Mayor

Attest:

Christine Salseina, Deputy City Clerk

Approved as to form:

Eron Berg, City Attorney

Published _____

COMMITTEE
REPORTS
AND
REPORTS
FROM
OFFICERS

EXECUTIVE
SESSION