

Next Ord: 1754-12  
Next Res: 871-12

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**  
**October 24, 2012**  
**7:00 PM**  
**Sedro-Woolley Municipal Building**  
**Council Chambers**  
**325 Metcalf Street**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Consent Calendar ..... 1 - 40

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. Approval of Agenda
- b. Minutes from Previous Meeting
- c. Finance
  - Claim Checks #75404 to #75503 in the amount of \$497,289.96 (Void Checks #75408 - #75411).
  - Payroll Checks #54156 to #54263 in the amount of \$191,764.33 (Void Check #54259).
- d. Black Rock Franchise Transfer Request
- e. Riverfront Park Caretaker Agreement for 2013
- f. Resolution No. 870-12 Possible Sole Source Resolution for Trojan Technologies UV Module Replacement Order
- 4. Public Comment (Limited to 3-5 minutes) ..... 41

**UNFINISHED BUSINESS**

- 5. Proposed Zoning Code Amendments for Activities Involving Medical Marijuana (1<sup>st</sup> Reading) 43-58

**NEW BUSINESS**

- 6. Utility Rate Ordinances (1<sup>st</sup> Reading) ..... 59 - 70
- 7. Union Cemetery Rates (1<sup>st</sup> Reading) ..... 71 - 78

**COMMITTEE REPORTS AND REPORTS FROM OFFICERS**

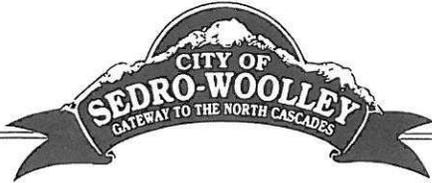
**EXECUTIVE SESSION**

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



OCT 24 2012

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



DATE: October 24, 2012  
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 October 24, 2012 Regular Meeting to Order. The Finance Director will note those in attendance and those absent.

\_\_\_ Ward 1 Councilmember Kevin Loy  
\_\_\_ Ward 2 Councilmember Tony Splane  
\_\_\_ Ward 3 Councilmember Thomas Storrs  
\_\_\_ Ward 4 Councilmember Keith Wagoner  
\_\_\_ 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.



OCT 24 2012

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CITY OF SEDRO-WOOLLEY  
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7:00 P.M. COUNCIL CHAMBERS  
AGENDA NO. 3b

Regular Meeting of the City Council  
October 10, 2012 – 7:00 P.M. –City Hall Council Chambers

ROLL CALL: Present: Mayor Mike Anderson; Councilmembers: Kevin Loy, Tony Splane, Tom Storrs, Keith Wagoner, Hugh Galbraith, Rick Lemley and Brett Sandström. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Public Works Director Freiburger, Acting Planning Director Coleman, Fire Chief Klinger and Police Chief Wood.

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

Pledge of Allegiance

Consent Calendar

- Approval of Agenda
- Minutes from Previous Meeting
- Finance
  - Claim Checks #75327 to #75406 in the amount of \$88,922.12
  - Payroll Checks #54047 to #54155 in the amount of \$252,834.61
- Interlocal Public Safety Technology Service Agreement with Skagit County (SPSS)

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

Public Comment

Terry Roberts – 23786 Cove Road (Janicki Cove), addressed the Council regarding City owned property located next to Riverfront Park. He showed pictures of the mess and property being destroyed by kids. Roberts requested something to be done to clean up the property.

Mayor Anderson noted that the issue has been ongoing and Council will take it under advisement and have the Parks board look at it.

Elizabeth Fernando – 805B Metcalf, addressed the Council regarding the downtown paving project, the impact on the businesses and loss of sales tax revenue. She stated downtown customers are confused as to how to get to the stores. She also noted the project has been done in a patchwork method over a three week period.

## **UNFINISHED BUSINESS**

### CUP-1-11/Swett, Closed Record Appeal of HEX

City Supervisor/Attorney Berg reviewed the closed record findings of CUP-1-11. He noted the hearing was reviewed to capture the thought process of the Council. Berg also stated the appearance of fairness doctrine still applies and questioned the Council if anything had changed since the last hearing. Councilmember's gave no indication of any changes since the last meeting.

Councilmember Loy stated he had one residual concern regarding the judge's decision which points out the City engaged in unlawful procedure and failed to follow the process and shifting the burden of proof. He expressed concern that nobody seemed to be concerned on the procedures and questioned what can the public expect from the procedure?

City Supervisor/Attorney Berg noted that the judge's statements were taken to heart and the process was ran differently the second time. He also noted that in the future, modifications to the code will be brought to Council that will better allow participation in the future.

Discussion ensued regarding the Finding of Fact capturing the Council statement, confusion with testimony and being limited to what is in the record.

Councilmember Wagoner moved that after discussion and any modification requested by the Council, to adopt the findings and conclusions and order in the remand of the appeals of CUP-1-11. Seconded by Councilmember Splane. Motion carried (6-1 Councilmember Loy opposed).

## **NEW BUSINESS**

### Ordinance – Business License Title Update

City Supervisor/Attorney Berg reviewed the proposed Business License Title Update noting that when Title 5 was updated there was no cross reference to Title 18. But Title 18 does reference Title 5. This was brought to the cities attention by the Code Reviser who pointed out that a person might misinterpret the enforcement provisions. Berg noted this was a housekeeping manner and could be done without a second read.

Councilmember Galbraith moved to approve Ordinance No. 1753-12 An Ordinance amending SWMC 18.05.010, 18.05.030B.1, 5.24.090, and adding a new Chapter to Title 5 addressing violations. Seconded by Councilmember Wagoner. Motion carried (7-0).

## **COMMITTEE REPORTS AND REPORTS FROM OFFICERS**

Police Chief Wood – announced the grand opening of the Skate Park to be held Saturday, October 13<sup>th</sup> at 2:00 P.M. He also reported the Rotary Club will be having hot dogs, energy drinks and will be giving away \$4000 in protective skating gear.

Fire Chief Klinger – reported on the Governors Office’s extension of the state wide burn ban. He also reported on the upcoming annual Boot to Burn dance and benefit auction to be held at the Community Center on Saturday, October 20<sup>th</sup>. Proceeds from the event benefit the Northwest Burn Foundation.

Public Works Director Freiburger – presented an update on the progress of the Metcalf Street Paving project which is coming to an end. He also reported on the Swedelius Tree Farm Loop Road that has been completed by the City street crew. He noted the High School students are beginning their work in clean up of the nursery area. The road was made utilizing crushed concrete that came from Cascade Middle School project which saved the City significant funds. Freiburger then reported on the recent TIB Board meeting with the availability of possible additional funding for projects.

City Supervisor/Attorney Berg – addressed Council regarding a late materials item for an amendment to the Interlocal Public Safety Technology Service Agreement. He noted the Interlocal Public Safety Technology Service Agreement was approved under the consent calendar. The amendment allows the City to piggyback on the original agreement with the Spillman Mobile Software for Police. The agreement commits the City to a five year program, the cost of twelve licenses is \$22,000. The funds are budgeted utilizing Police mitigation funds. The purchase would be upfront for the five years and renewal would be revisited at the end of the five years. Berg explained the advantages of the system including voiceless dispatch and interactive mapping and requested Council approval.

Councilmember Storrs moved to approve Amendment to InterLocal Public Safety Technology Service Agreement Between Skagit County and the City of Sedro-Woolley. Seconded by Councilmember Wagoner.

Discussion ensued regarding the parameters of the police mitigation funds and the term of the agreement.

Motion carried (7-0).

Councilmember Sandström – questioned on behalf of a citizen, if there were any precautions being considered with the roundabout and the Edward R. Murrow project.

Discussion ensued regarding no planned improvements (sidewalks) to Garden of Eden Road, aerial view plans being hard to read, traffic patterns and overall corridor improvement projects.

Councilmember Wagoner – thanked the Street Department for the ground asphalt at the football field.

Councilmember Splane – questioned who is paying for the crusher that has been at the Solid Waste department.

It was noted that the School District was charged for bringing in the concrete which offset the cost of the crusher.

Councilmember Loy – congratulated Police Chief Wood and anyone else involved in the Skate Park. He noted the park far exceeds the imagination and will be a great asset to the City.

Dorothy DeFremery – 316 Garden of Eden Road, addressed the Council regarding the map and visual of the proposed Cook Road project. She expressed concern of the possibility of increased traffic on Garden of Eden due to the SR20, Cook road Realignment and Extension Project. DeFremery noted there are no safe walking areas on either side of Garden of Eden Road and also expressed concern with having two roundabouts close together and traffic back ups.

Discussion ensued on traffic patterns and intended traffic patterns with the project.

#### **EXECUTIVE SESSION**

The Council adjourned to executive session at 7:54 P.M., for the purpose of Litigation under RCW 42.30.110 1(i) and RCW 42.30.140.4 Collective Bargaining for approximately 30 minutes.

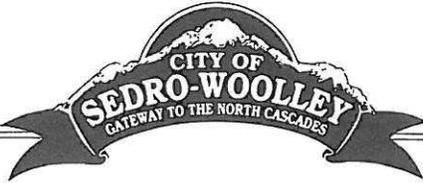
The meeting reconvened at 8:25 P.M.

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

The meeting adjourned at 8:26 P.M.

OCT 24 2012

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



DATE: October 24, 2012  
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 October 24, 2012.

Motion to approve Claim Checks #75407 to #75503 in the amount of \$497,289.96 (Void Checks #75408 - #75411).

Motion to approve Payroll Checks #54156 to #54263 in the amount of \$191,764.33.

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



CITY OF SEDRO-WOLLEY  
 SORTED TRANSACTION WARRANT REGISTER  
 10/24/2012 (Printed 10/18/2012 10:00)

PAGE 1

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
75407	SKAGIT COUNTY AUDITOR	MISC-FILING FEES/LIEN EXP	SWR	801.00
		MISC-FILING FEES/LIEN EXP	SAN	737.00
		WARRANT TOTAL		1,538.00
75412	ADS EQUIPMENT INC	MAINT OF PUMPING EQUIP	SWR	414.93
		WARRANT TOTAL		414.93
75413	ALPINE FIRE & SAFETY	OFFICE/OPERATING SUPPLIES	PD	82.87
		OPERATING SUPPLIES	FD	107.05
		OPERATING SUP - PARKS SHOP	PK	86.65
		OPERATING SUP - SENIOR CTR	PK	23.14
		WARRANT TOTAL		299.71
75414	A.T.V. ACCESSORIES	REPAIRS/MAINT-EQUIP	SAN	32.46
		WARRANT TOTAL		32.46
75415	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	ST	2.49
		LAUNDRY	SWR	10.82
		LAUNDRY	SWR	8.33
		WARRANT TOTAL		21.64
75416	ASSOCIATION OF WA CITIES	RETIRED MEDICAL	PD	7,589.96
		WARRANT TOTAL		7,589.96
75417	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	PD	1,422.54
		AUTO FUEL/DIESEL	FD	761.07
		AUTO FUEL/DIESEL	PK	142.92
		AUTO FUEL/DIESEL	PK	20.51
		AUTO FUEL/DIESEL	PK	586.12
		AUTO FUEL/DIESEL	ST	443.02
		AUTO FUEL/DIESEL	ST	394.77
		AUTO FUEL/DIESEL	ST	213.95
		AUTO FUEL/DIESEL	SWR	283.89
		AUTO FUEL/DIESEL	SWR	203.43
		AUTO FUEL/DIESEL	SAN	2,473.12
		AUTO FUEL/DIESEL	SAN	423.68
		AUTO FUEL/DIESEL	SAN	24.15
		WARRANT TOTAL		7,393.17
		75418	BAY CITY SUPPLY	OPERATING SUP - LIBRARY
WARRANT TOTAL				292.22
75419	BIOSCIENCE, INC.	MAINTENANCE OF LINES	SWR	1,150.00
		WARRANT TOTAL		1,150.00
75420	BLUMENTHAL UNIFORM & EQUIP	UNIFORMS/ACCESSORIES	PD	20.29
		PRINTING/PUBLICATIONS	PD	364.09
		EQUIPMENT		696.00
		WARRANT TOTAL		1,080.38
75421	BOUWENS, JENNIFER A.	PROF SVC-PROSECUTING ATTY	LGL	2,500.00
		WARRANT TOTAL		2,500.00

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
75422	CASCADE NATURAL GAS CORP.	PUBLIC UTILITIES	PD	10.60
		PUBLIC UTILITIES	FD	21.63
		UTILITIES-COMMUNITY CTR	PK	15.69
		UTILITIES-SENIOR CENTER	PK	33.52
		UTILITIES-HAMMER SQUARE	PK	13.15
		UTILITIES - SHOP	PK	18.11
		UTILITIES - SHOP	PK	21.63
		PUBLIC UTILITIES-CITY HALL	PK	230.01
		PUBLIC UTILITIES	ST	10.60
		PUBLIC UTILITIES	ST	7.76
		PUBLIC UTILITIES	LIB	10.60
		PUBLIC UTILITIES	SWR	41.99
		PUBLIC UTILITIES	SAN	25.03
		WARRANT TOTAL		460.32
75423	CENTRAL WELDING SUPPLY	OPERATING SUPPLIES	SAN	21.64
		WARRANT TOTAL		21.64
75424	CITIES INSURANCE ASSOC.	INSURANCE & BONDS	JUD	30.21-
		INSURANCE & BONDS	JUD	57.68
		INSURANCE & BONDS	FIN	90.63-
		INSURANCE & BONDS	FIN	173.05
		INSURANCE	PLN	60.41-
		INSURANCE	PLN	115.37
		INSURANCE	ENG	60.41-
		INSURANCE	ENG	115.37
		INSURANCE	PD	652.73-
		INSURANCE	PD	664.56-
		INSURANCE	PD	1,269.07
		INSURANCE	FD	422.89-
		INSURANCE	FD	807.60
		INSURANCE	INSP	30.21-
		INSURANCE	INSP	57.68
		INSURANCE	PK	302.08-
		INSURANCE	PK	576.85
		INSURANCE	CEM	90.63-
		INSURANCE	CEM	173.06
		INSURANCE	ST	403.80
		INSURANCE	ST	211.44-
		INSURANCE	LIB	151.04-
		INSURANCE	LIB	288.43
		INSURANCE	SWR	573.93-
		INSURANCE	SWR	1,096.02
		INSURANCE	SAN	271.87-
		INSURANCE	SAN	1,388.70
		INSURANCE	SAN	519.17
		PROFESSIONAL SERVICES	SWTR	60.41-
		PROFESSIONAL SERVICES	SWTR	115.37
		WARRANT TOTAL		3,483.77
75425	CODE PUBLISHING INC.	CODE BOOK	LGS	175.91
		WARRANT TOTAL		175.91

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
75426	COLLINS OFFICE SUPPLY, INC	SUPPLIES FIN	70.33
		SUPPLIES/BOOKS PLN	15.61
		SUPPLIES ENG	15.60
		OFF/OPER SUPPS & BOOKS INSP	15.60
		WARRANT TOTAL	117.14
75427	CRAWFORD GARAGE DOORS INC	REPAIR/MAINT-GARAGE FD	124.43
		WARRANT TOTAL	124.43
75428	CRYSTAL SPRINGS	OPERATING SUPPLIES SWR	37.97
		WARRANT TOTAL	37.97
75429	CUSTOM EMBROIDERY	OPERATING SUPPLIES SWR	86.57
		WARRANT TOTAL	86.57
75430	DAHL ELECTRIC INC.	CONSTRUCITON-METCALF OVERLAY A	4,381.73
		WARRANT TOTAL	4,381.73
75431	DATA BASE RECORDS DESTRUCTION LLC	SUPPLIES JUD	22.39
		SUPPLIES FIN	22.39
		SUPPLIES/BOOKS PLN	6.51
		SUPPLIES ENG	6.51
		OFFICE/OPERATING SUPPLIES PD	44.78
		OFF/OPER SUPPS & BOOKS INSP	6.50
		WARRANT TOTAL	109.08
75432	DAVID EVANS & ASSOC INC	PROFESSIONAL SERVICES ENG	553.80
		PROFESSIONAL SERVICES ENG	178.50
		ENG-SR20/COOK REALIGNMENT ART	61,433.50
		WARRANT TOTAL	62,165.80
75433	DEMCO INC.	SUPPLIES LIB	78.09
		WARRANT TOTAL	78.09
75434	E & E LUMBER	OFFICE SUPPLIES FD	92.02
		SMALL TOOLS & MINOR EQUIP PK	6.61
		REPAIRS/MT-RIVERFRONT PK	5.19
		REPAIRS/MT-RV PARK PK	17.52
		REPAIR/MAINT-CITY HALL PK	74.00
		OTHER IMPROVEMENTS PK	118.58
		OTHER IMPROVEMENTS PK	23.92
		SUPPLIES	140.23
		SUPPLIES	56.09
		OPERATING SUPPLIES SWR	13.61
		OPERATING SUPPLIES SWR	20.09
		OPERATING SUPPLIES SWR	24.11
		OPERATING SUPPLIES SWR	7.38
		OPERATING SUPPLIES SWR	20.42
		OPERATING SUPPLIES SWR	20.42
		OPERATING SUPPLIES SAN	15.08
OPERATING SUPPLIES SAN	52.47		
OPERATING SUPPLIES SAN	2.16		

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		WARRANT TOTAL		709.90
75435	ELLIS, MIKE	MACHINERY & EQUIPMENT	PD	67.25
		WARRANT TOTAL		67.25
75436	EDGE ANALYTICAL, INC.	PROFESSIONAL SERVICES	SWR	198.00
		PROFESSIONAL SERVICES	SWR	232.00
		PROFESSIONAL SERVICES	SWR	35.00
		WARRANT TOTAL		465.00
75437	ENTERPRISE OFFICE SYSTEMS	SUPPLIES	JUD	10.25
		SUPPLIES	FIN	32.44
		OFFICE SUPPLIES	SAN	24.54
		WARRANT TOTAL		67.23
75438	EMERGENCY MEDICAL PRODUCTS INC	MACHINERY & EQUIPMENT	PD	48.33
		OPERATING SUPPLIES	FD	357.70
		OPERATING SUPPLIES	FD	224.69
		WARRANT TOTAL		630.72
75439	FREIBERGER, MARK	TRAVEL	ENG	183.70
		WARRANT TOTAL		183.70
75440	FRONTIER	TELEPHONE	JUD	36.24
		TELEPHONE	EXE	54.36
		TELEPHONE	FIN	54.36
		TELEPHONE	LGL	24.16
		TELEPHONE	IT	18.12
		TELEPHONE	PLN	18.12
		TELEPHONE	ENG	42.28
		TELEPHONE	PD	181.39
		TELEPHONE	FD	66.44
		TELEPHONE	INSP	18.12
		TELEPHONE	PK	12.08
		TELEPHONE	ST	6.04
		TELEPHONE	LIB	30.20
		TELEPHONE	SWR	48.32
		TELEPHONE	SAN	24.16
		WARRANT TOTAL		634.39
75441	GAYLORD BROS.	SUPPLIES	LIB	198.32
		WARRANT TOTAL		198.32
75442	GALE	WA LIB SYSTEM	LIB	2,261.97
		WARRANT TOTAL		2,261.97
75443	GUARDIAN SECURITY	OPERATING SUP - COMM CENTER PK		102.97
		WARRANT TOTAL		102.97
75444	HODGINS, CLIFF	OPERATING SUPPLIES	SAN	61.00
		WARRANT TOTAL		61.00

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
75445	HUMANE SOCIETY OF SKAGIT	HUMANE SOCIETY	PD	132.00
		WARRANT TOTAL		132.00
75446	INDUSTRIAL MOWING & SPRAYING	REPAIR/MAINT-STREETS	ST	3,993.75
		REPAIR/MAINT-STREETS	ST	10,027.14
		WARRANT TOTAL		14,020.89
75447	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS	LIB	269.71
		BOOKS, PERIOD, RECORDS	LIB	10.86
		BOOKS, PERIOD, RECORDS	LIB	33.74
		BOOKS, PERIOD, RECORDS	LIB	6.45
		WARRANT TOTAL		320.76
75448	JOHN, RONALD	RETIRED MEDICAL	PD	206.15
		WARRANT TOTAL		206.15
75449	C. JOHNSON CONSTRUCTION INC.	CONSTRUCITON-METCALF OVERLAY A		112,105.88
		CONSTRUCITON-METCALF OVERLAY A		20,209.30
		CONST-TIB PAVING	AST	22,832.76
		IMPROVEMENT-METCALF LINE	SWR	75,431.84
		WARRANT TOTAL		230,579.78
75450	KAMB, THOMAS R	ASSOCIATE'S FEES	JUD	600.00
		WARRANT TOTAL		600.00
75451	KCDA PURCHASING COOPERATIVE	SUPPLIES	FIN	105.72
		OFFICE/OPERATING SUPPLIES	PD	46.25
		OFFICE SUPPLIES	FD	46.24
		OPERATING SUPPLIES	PK	29.72
		OFFICE SUPPLIES	SAN	59.44
		WARRANT TOTAL		287.37
75452	LITHTEX NW	OFFICE SUPPLIES	SWR	189.26
		WARRANT TOTAL		189.26
75453	MCCANN, WILLIAM R.	INDIGENT DEFEND CONTR	JUD	2,557.50
		WARRANT TOTAL		2,557.50
75454	MARTIN MARIETTA MATERIALS	CONST-TIB PAVING	AST	735.48
		WARRANT TOTAL		735.48
75455	MOTOR TRUCKS, INC.	REPAIR/MAINTENANCE-EQUIP	ST	18.47
		WARRANT TOTAL		18.47
75456	OLIVER-HAMMER CLOTHES	SMALL TOOLS/MINOR EQUIP	ST	64.53
		SAFETY EQUIPMENT	SWR	167.69
		OPERATING SUPPLIES	SAN	40.99
		WARRANT TOTAL		273.21
75457	ORCA PACIFIC INC.	OP SUPPLIES-CHEMICALS	SWR	1,977.36
		WARRANT TOTAL		1,977.36

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
75458	OSBORNE, ROBERT	PROFESSIONAL SERVICES	INSP	375.00
		WARRANT TOTAL		375.00
75459	PAT RIMMER TIRE CTR, INC	SMALL TOOLS & MINOR EQUIP	PK	69.53
		WARRANT TOTAL		69.53
75460	PITNEY BOWES	OPERATING RENTALS/LEASES	FIN	47.34
		POSTAGE	PLN	47.33
		POSTAGE	ENG	47.33
		POSTAGE	PD	47.34
		POSTAGE	FD	47.33
		POSTAGE	INSP	47.33
		WARRANT TOTAL		284.00
75461	PUBLIC UTILITY DIS. NO.1	UTILITIES-RIVERFRONT	PK	319.27
		REPAIRS AND MAINT		14.84
		PUBLIC UTILITIES	SWR	30.20
		WARRANT TOTAL		364.31
75462	PUGET SOUND ENERGY	PUBLIC UTILITIES	ST	9,127.94
		REPAIRS AND MAINT		12.12
		WARRANT TOTAL		9,140.06
75463	QUICK LANE TIRE & AUTO CENTER	REPAIR & MAINT - AUTO	PD	40.23
		REPAIR & MAINT - AUTO	PD	40.23
		WARRANT TOTAL		80.46
75464	RINDAL, BOB	EMPLOYEE WELLNESS	SAN	300.00
		WARRANT TOTAL		300.00
75465	RENE'S WORLD	OPERATING SUPPLIES	SWR	10.82
		WARRANT TOTAL		10.82
75466	RICOH USA, INC.	REPAIRS & MAINTENANCE	PD	41.04
		REPAIRS & MAINTENANCE	PD	75.74
		EQUIPMENT LEASE	FD	75.74
		REPAIRS/MAINT-EQUIP	FD	41.04
		WARRANT TOTAL		233.56
75467	SEAWESTERN FIRE FIGHTING EQUIP.	REPAIRS/MAINT-EQUIP	FD	95.00
		WARRANT TOTAL		95.00
75468	SECRETARY OF STATE	WA LIB SYSTEM	LIB	756.19
		WARRANT TOTAL		756.19
75469	SEDRO-WOOLLEY AUTO PARTS	OPERATING SUPPLIES	CEM	6.48
		REPAIR/MAINT-EQUIP & BLDG	CEM	21.20
		SMALL TOOLS/MINOR EQUIP	ST	74.64
		REPAIR/MAINTENANCE-EQUIP	ST	7.58
		REPAIRS/MAINT-EQUIP	SAN	31.40
		REPAIRS/MAINT-EQUIP	SAN	26.00
		OPERATING SUPPLIES	SAN	114.21

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		OPERATING SUPPLIES	SWTR	9.73
		WARRANT TOTAL		291.24
75470	SJOSTROM LAW OFFICE	MISC-FILING FEES/LIEN EXP	SWR	296.40
		MISC-FILING FEES/LIEN EXP	SAN	141.36
		OPERATING SUPPLIES	SWTR	18.24
		WARRANT TOTAL		456.00
75471	SKAGIT 911	CONTRACTED ENHANCED 911	PD	14,567.45
		CONTRACT SVS-CNTRL DISPATCH	PD	3,638.97
		WARRANT TOTAL		18,206.42
75472	SKAGIT COUNTY AUDITOR	VOTER REGISTRATION FEES	LGS	6,593.68
		WARRANT TOTAL		6,593.68
75473	SKAGIT CD	CONTRACTED SERVICES		1,021.08
		WARRANT TOTAL		1,021.08
75474	SKAGIT CO. DISTRICT COURT	DISTRICT COURT SURCHARGE	JUD	1,679.00
		WARRANT TOTAL		1,679.00
75475	SKAGIT CO. PUBLIC WORKS	SOLID WASTE DISPOSAL	SAN	38,700.64
		WARRANT TOTAL		38,700.64
75476	SKAGIT CO. COMMUNITY SERVICES	SKAGIT SENIOR SERVICES	SEN	5,110.25
		WARRANT TOTAL		5,110.25
75477	SKAGIT COUNTY SHERIFF	PRISONERS	PD	5,108.42
		PRISONERS	PD	135.10
		PRISONERS	PD	224.58
		PRISONERS	PD	1,609.91
		WARRANT TOTAL		7,078.01
75478	SKAGIT COUNTY SHERIFF OFF	PRISONER TRANSPORT	PD	893.74
		WARRANT TOTAL		893.74
75479	SKAGIT FARMERS SUPPLY	OPERATING SUPPLIES-PROPANE	ST	1.94
		OPERATING SUPPLIES	SAN	17.29
		WARRANT TOTAL		19.23
75480	SKAGIT PUBLISHING	LEGAL PUBLICATIONS	LGS	45.00
		ADVERTISING	PLN	85.00
		WARRANT TOTAL		130.00
75481	SMILEY'S INC.	OPERATING SUPPLIES	SAN	392.78
		WARRANT TOTAL		392.78
75482	STAPLES BUSINESS ADVANTAGE	OFFICE/OPERATING SUPPLIES	PD	4.30
		MACHINERY & EQUIPMENT	PD	250.17
		WARRANT TOTAL		254.47
75483	SKAGIT REGIONAL CLINICS PHARMACY	RETIRED MEDICAL	PD	100.74

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		RETIRED MEDICAL	PD	15.60
		RETIRED MEDICAL	PD	59.40
		RETIRED MEDICAL	PD	36.70
		RETIRED MEDICAL	PD	84.55
		WARRANT TOTAL		296.99
75484	STATE AUDITOR'S OFFICE	STATE AUDITING	FIN	15,020.40
		WARRANT TOTAL		15,020.40
75485	STILES & STILES	MUNICIPAL COURT JUDGE	JUD	2,728.00
		WARRANT TOTAL		2,728.00
75486	TRUE VALUE	OFFICE/OPERATING SUPPLIES	PD	5.40
		OFFICE/OPERATING SUPPLIES	PD	5.40
		OPERATING SUPPLIES	FD	3.90
		OPERATING SUPPLIES	FD	24.10
		SMALL TOOLS & MINOR EQUIP	FD	9.50
		REPAIRS/MAINT-EQUIP	FD	3.02
		OPERATING SUP - RIVERFRONT	PK	19.98
		OPERATING SUP - RV PARK	PK	92.45
		OPERATING SUP - COMM CENTER	PK	20.00
		SMALL TOOLS & MINOR EQUIP	PK	14.04
		REPAIRS/MT-RV PARK	PK	73.57
		OTHER IMPROVEMENTS	PK	35.90
		OTHER IMPROVEMENTS	PK	24.57
		OTHER IMPROVEMENTS	PK	35.99
		OTHER IMPROVEMENTS	PK	4.31
		OPERATING SUPPLIES	CEM	.91
		REPAIRS/MAINTENANCE	ST	19.93
		REPAIRS/MAINTENANCE	ST	59.49
		OPERATING SUPPLIES	SWR	37.86
		WARRANT TOTAL		490.32
75487	US BANK -- PURCHASE CARDS	MEALS/TRAVEL	EXE	24.00
		SMALL TOOLS/MINOR EQUIP	IT	27.94
		INTERNET SERVICES	IT	87.39
		INTERNET SERVICES	IT	13.02
		NETWORK HARDWARE	IT	34.61
		TRAVEL	PLN	397.98
		MISC-TUITION/REGISTRATION	PLN	275.00
		DUES/SUBSCRIPTIONS	ENG	255.00
		DUES/SUBSCRIPTIONS	ENG	255.00
		TUITION/REGISTRATION	ENG	175.00
		OFFICE/OPERATING SUPPLIES	PD	48.33
		MACHINERY & EQUIPMENT	PD	45.98
		POSTAGE	LIB	135.00
		TRAVEL	LIB	35.00
		EARLY LITERACY	LIB	89.20
		EARLY LITERACY	LIB	48.29
		EARLY LITERACY	LIB	33.47
		EARLY LITERACY	LIB	157.44
		EARLY LITERACY	LIB	47.73

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		BOOKS, PERIOD, RECORDS	LIB	511.92
		CAP OUTLAY-GRANT FOR HHS	PKR	58.38
		EQUIPMENT		49.16
		MAINTENANCE OF LINES	SWR	110.75
		MEALS/TRAVEL	SWR	42.18
		PORTABLE EQUIPMENT	SWR	762.51
		SUSPENSE		1,437.45-
		WARRANT TOTAL		2,282.83
75488	UNITED GENERAL HOSPITAL	PRISONERS	PD	182.00
		WARRANT TOTAL		182.00
75489	UPSTART	SUPPLIES	LIB	61.52
		WARRANT TOTAL		61.52
75490	USA BLUE BOOK	MAINT OF PUMPING EQUIP	SWR	291.06
		WARRANT TOTAL		291.06
75491	VALLEY AUTO SUPPLY	OFFICE/OPERATING SUPPLIES	PD	11.88
		REPAIRS/MAINT-EQUIP	SAN	63.50
		WARRANT TOTAL		75.38
75492	VOYAGER FLEET SYSTEMS INC.	AUTO FUEL/DIESEL	PK	174.01
		AUTO FUEL/DIESEL	ST	20.35
		WARRANT TOTAL		194.36
75493	VISION FORMS, LLC	POSTAGE	SWR	1,523.57
		POSTAGE	SAN	726.62
		OPERATING SUPPLIES	SWTR	93.77
		WARRANT TOTAL		2,343.96
75494	VISTEN, LESLIE	RETIRED MEDICAL	PD	463.00
		WARRANT TOTAL		463.00
75495	WA STATE DEPT OF L & I	INDUSTRIAL INSURANCE	JUD	42.28
		INDUSTRIAL INSURANCE	PD	65.47
		INDUSTRIAL INSURANCE	PD	348.36
		INDUSTRIAL INSURANCE	PD	206.84
		WARRANT TOTAL		662.95
75496	WA ST DEPT OF PROF LICEN	INTERGOV SVC-GUN PERMITS	PD	54.00
		WARRANT TOTAL		54.00
75497	WA STATE DEPT OF REVENUE	NETWORK HARDWARE	IT	56.64
		NETWORK HARDWARE	IT	42.09
		PRINTING/PUBLICATIONS	PD	4.74
		MACHINERY & EQUIPMENT	PD	3.69
		REPAIRS/MAINT-EQUIP	FD	198.51
		MISC-DUES/SUBSCRIPTIONS	PK	32.80
		TAXES AND ASSESSMENTS	PK	72.72
		TAXES AND ASSESSMENTS	CEM	107.88
		MISC-DUES/SUBSCRIPTIONS	ST	98.40

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		OPERATING SUPPLIES	ST	130.43
		REPAIR/MAINT-COMPUTER	LIB	71.42
		TAXES AND ASSESSMENTS	LIB	9.94
		BOOKS, PERIOD, RECORDS	LIB	33.54
		MAINTENANCE OF LINES	SWR	171.17
		MAINT OF GENERAL EQUIP	SWR	210.15
		MISC-DUES/SUBSCRIPTIONS	SWR	32.80
		TAXES AND ASSESSMENTS	SWR	5,487.94
		MISC-DUES/SUBS & TUITN/REG	SAN	32.80
		TAXES & ASSESSMENTS	SAN	5,253.42
		WARRANT TOTAL		12,051.08
75498	WA ST DEPT OF TRANS	ENG-SR20/COOK REALIGNMENT	ART	57.71
		WARRANT TOTAL		57.71
75499	WASHINGTON STATE PATROL	INTERGOV SVC-GUN PERMITS	PD	66.00
		WARRANT TOTAL		66.00
75500	WASTE MANAGEMENT OF SKGT	RECYCLING FEE - HOUSEHOLD	SAN	7,710.88
		WARRANT TOTAL		7,710.88
75501	WATERCLEAR CO. INC. (THE)	OP SUPPLIES-CHEMICALS	SWR	6,459.53
		WARRANT TOTAL		6,459.53
75502	WEST PAYMENT CTR	WESTLAW SERVICES	LGL	230.14
		WARRANT TOTAL		230.14
75503	WOOD'S LOGGING SUPPLY INC	POSTAGE	FD	8.27
		REPAIR/MAINT-HEADSTONES	CEM	12.44
		SAFETY EQUIPMENT	SWR	146.23
		ROADWAY	SWTR	507.46
		ROADWAY	SWTR	1,522.38
		WARRANT TOTAL		2,196.78
		RUN TOTAL		497,289.96

CITY OF SEDRO-WOLLEY  
SORTED TRANSACTION WARRANT REGISTER  
10/24/2012 (Printed 10/18/2012 10:00)

PAGE 11

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	82,680.02
101	PARK FUND	3,138.17
102	CEMETERY FUND	231.34
103	STREET FUND	24,915.58
104	ARTERIAL STREET FUND	221,756.36
105	LIBRARY FUND	5,027.99
107	PARKS RESERVE FUND	58.38
109	SPECIAL INVESTIGATION FUND	968.44
401	SEWER FUND	97,559.69
412	SOLID WASTE FUND	59,163.82
425	STORMWATER	3,227.62
621	SUSPENSE FUND	1,437.45-
TOTAL		497,289.96

DEPARTMENT	AMOUNT
001 000 011	6,814.59
001 000 012	7,703.13
001 000 013	78.36
001 000 014	15,435.40
001 000 015	2,754.30
001 000 017	279.81
001 000 019	900.51
001 000 020	1,767.68
001 000 021	35,014.61
001 000 022	6,331.36
001 000 024	490.02
001 000 055	5,110.25
FUND CURRENT EXPENSE FUND	82,680.02
101 000 076	3,138.17
FUND PARK FUND	3,138.17
102 000 036	231.34
FUND CEMETERY FUND	231.34
103 000 042	24,915.58
FUND STREET FUND	24,915.58
104 000 042	221,756.36
FUND ARTERIAL STREET FUND	221,756.36
105 000 072	5,027.99
FUND LIBRARY FUND	5,027.99
107 000 076	58.38
FUND PARKS RESERVE FUND	58.38
109 000 021	968.44
FUND SPECIAL INVESTIGATION FUND	968.44
401 000 035	97,559.69
FUND SEWER FUND	97,559.69
412 000 037	59,163.82
FUND SOLID WASTE FUND	59,163.82
425 000 039	3,227.62
FUND STORMWATER	3,227.62
621 000 000	1,437.45-
FUND SUSPENSE FUND	1,437.45-
TOTAL	497,289.96

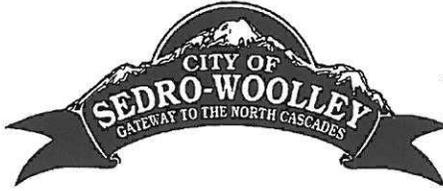




CITY COUNCIL AGENDA  
REGULAR MEETING

OCT 24 2012

7:00 P.M. COUNCIL CHAMBERS  
AGENDA NO. ~~38~~



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

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MEMO TO: City Council  
FROM: Eron Berg  
RE: Black Rock Franchise Transfer Request  
DATE: October 24, 2012

ISSUE: Should the Council approve the requested transfer of the franchise agreement from Black Rock Cable Inc. as outlined in the attached request from Black Rock, Wave Cable and related entities?

BACKGROUND: Black Rock and Wave have entered into an agreement to transfer ownership and control of Black Rock to Wave or a related company of Wave's. Attached is the transfer request which was sent to the City.

The finance committee met and reviewed the request last week. None of us is an expert in the FCC rules and regulations regarding the transfer process, but it appeared to us that Wave has the financial and technical capacity to perform as required under the terms of the current franchise agreement.

A full copy of the request is in your packet for your review.

RECOMMENDATION: MOTION to authorize the transfer of the franchise agreement from Black Rock Cable Inc. as outlined in the attached request.



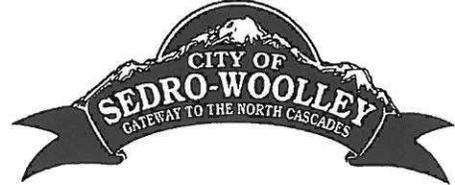
OCT 24 2012

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

**CITY OF SEDRO-WOOLLEY**

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

## Memorandum



To: Mayor Mike Anderson, City Council  
From: Shane Walley, Public Works Operations Supervisor  
Date: 10/17/2012  
Re: Riverfront Park Caretaker Agreement for 2013

**Mayor and City Council Members,**

**Our current Riverfront Park Caretaker Mr. Don George will be leaving his position on November 30<sup>th</sup>.**

**Having a qualified and trustworthy person in this position is very important for the park and the city. Staff would like to have the new caretaker in place and ready to begin their duties on December 1<sup>st</sup>. Attached is an agreement for your review and approval.**

**Our current campground host Cecelia Wegener has done a fine job greeting campers and visitors at the R.V. Park over the past two seasons. She has been a very valuable member of our team, and we believe that she will do a fine job in her promotion to be the Park Caretaker.**

**Staff Recommends approval of the attached agreement.**

**Please let me know if you have any questions,**

**Thank you,**

\_\_\_\_\_  
Shane Walley  
Public Works Operations Supervisor



## Riverfront Park Caretaker Agreement

This agreement, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, is made and entered into between \_\_\_\_\_, a single [married] person, (hereinafter "Caretaker") and the City of Sedro-Woolley, a Washington municipal corporation (hereinafter "City").

Caretaker and the city agree that s/he shall perform the duties of Riverfront Park Caretaker upon the following terms and conditions:

COMPENSATION: Caretaker shall be paid a monthly stipend of \$100.00 for his/her work as caretaker. Caretaker shall be required to reside in the caretaker's residence at Riverfront Park as a condition of this position.

UTILITIES: City agrees to pay or provide for septic, garbage, electric power and water utilities to the caretakers quarters at city expense.

USE OF PREMESIS: Caretaker shall not assign this agreement, sublet the premises, give accommodations to any roomers or lodgers or permit the premises to be used for any purpose other than a private dwelling for Caretaker and family.

PREMESIS DEFENTION: The premises are defined as the caretaker's quarters, and the fenced in area surrounding the caretakers quarters.

CARETAKER'S RESIDENCE OBLIGATIONS: Caretaker agrees as follows:

- (a) To park their personal vehicles only at spaces provided adjacent to the premises.
- (b) To keep the premises in a clean and sanitary condition.
- (c) To report any damage or maintenance needed to the caretaker residence to the Public Works Operations Supervisor or Parks Lead operator immediately.
- (d) To repair at Caretaker's expense any damage to the caretakers residence caused by negligence within 30 days of written notice from the city or sooner if made necessary by emergency.
- (e) To permit the city, its agents, employees or representatives to enter the premises at reasonable times after notice for the purpose of inspections, to make necessary repairs, or to show the residence to insurance representatives.
- (f) Not to have any pets or animals of any kind within the premises without prior written approval from the city.
- (g) Not to make alterations, additions, painting or improvements to the premises without prior written approval from the city.
- (h) To comply with reasonable rules and regulations for the use of the caretakers quarters as established by the city which are not inconsistent with this agreement.

LIABILITY: The city or its officials, employees, and agents shall not be liable for any claim, actions or judgements for injury to property, or injury to persons suffered or alleged to be suffered within the caretakers premises, unless caused by negligence of the city, its officials, employees or agents acting in the course of their employment.

INSURANCE: The city shall carry an insurance policy for the caretaker's quarters for fire and casualty, and shall receive any and all proceeds thereof, in case of fire or casualty. Caretaker hereby waives any right to receive proceeds under this policy. Caretaker shall provide his own insurance for personal contents of the caretaker's quarters. Caretaker shall look solely to his own insurance, in the event of fire or other casualty, and waives any claim against the city therefore.

REPAIRS: In the event of fire or other natural disasters which render the premises uninhabitable, the city reserves the right to repair the premises owned by the city and continue this agreement in force, or alternatively, at its option, to terminate this agreement without further obligation to Caretaker.

MAINTENANCE: The city shall be responsible for all exterior maintenance of the caretaker's residence. Interior maintenance including light bulbs, carpet cleaning, fire and carbon monoxide alarms, and other normal wear and tear shall be the responsibility of the caretaker.

APPLIANCES: The city shall furnish an oven/range, a refrigerator, and a hot water heater. The caretaker shall provide all other "personal" appliances.

#### CARETAKER'S DUTIES AND OBLIGATIONS

- (a) Open and close park entrance gates and restroom facilities morning and dusk,
- (b) General security of the park and its use by the public. Caretaker shall attempt, without force to resolve and control any disputes, unruly behavior, disturbances or violation of park rules and ordinances that might occur. Any disputes or disturbances that cannot be peacefully resolved by the caretaker shall immediately be referred to the Sedro-Woolley Police Department.
- (c) Caretaker maintenance duties shall include the following:
  - 1. General maintenance, litter pick up, and cleaning of the park grounds and restrooms;
  - 2. Restrooms shall be inspected regularly to supply necessary paper towels, toilet paper, and hand soap. Restrooms will be thoroughly washed and cleaned when necessary; during the peak season this will need to be done every couple hours.
  - 3. Garbage cans shall be checked daily and emptied when necessary;
  - 4. Notify Operations Supervisor when supplies are needed;
  - 5. Watering of grounds as necessary, and flower baskets and beds;
  - 6. Clean and wash park kitchen area and all tables before all scheduled event rentals and when necessary;
  - 7. Flower bed weeding and maintenance;
  - 8. Clean ash out of BBQ pits and picnic tables and pads as needed;

- 9. Replace picnic tables when they are removed from their designated area;
  - 10. Provide other park maintenance not otherwise listed to ensure an aesthetic and sanitary park environment.
  - 11. Caretaker will perform maintenance of off leash dog-park as needed.
  - 12. Caretaker will set up electrical system for amphitheater when requested.
  - 13. Caretaker will inspect playground equipment daily for safety purposes.
- (d) Caretaker will close and lock restrooms at Hammer Heritage Square, Memorial Park, and Bingham Park at dusk daily.
  - (e) Caretaker in the absence of an RV Park Host shall greet park guests, assist them with hooking up with utilities, and ensure that RV space rent is paid, and report problems to the Public Works Operations Supervisor, or Parks Lead Operator.

WORK HOURS

Caretaker is free to determine hours of work to accomplish the above tasks unless specifically directed by the Public Works Operations Supervisor, Parks Lead Operator or other designee.

TERMINATION: This agreement shall terminate and Caretaker shall surrender the premises to the city without notice or compensation, and in accordance with this agreement, upon the sooner of:

- (a) Upon election by the city to terminate this agreement for material violation of its terms by Caretaker;
- (b) As otherwise set forth in this agreement;
- (c) By either party with 60 days notice to the other party.

APPLICABLE LAW: This agreement shall be governed by the laws of the State of Washington and the laws of the City of Sedro-Woolley.

Caretaker acknowledges that s/he has read this agreement and will abide by the terms and comply with all rules and regulations adopted by the city.

CITY OF SEDRO-WOLLEY

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Caretaker

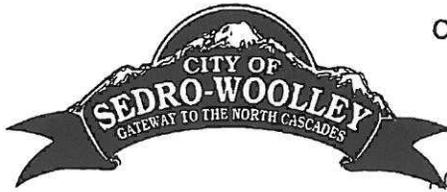
ATTEST:

\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

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City Attorney



CITY COUNCIL AGENDA  
REGULAR MEETING

OCT 24 2012

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

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

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

MEMO TO: City Council and Mayor Mike Anderson  
FROM: Mark A. Freiberger, PE  
RE: **Possible Sole Source Resolution for Trojan Technologies UV Module Replacement Order**  
DATE: October 19, 2012 (for Council action October 24, 2012)

**ISSUE**

Should council approve Resolution \_\_\_\_\_ authorizing Mark Freiberger, Public Works Director, to order two complete UV Module bank replacement units as per parts quote from Wm. H. Reilly & Company for two complete bank replacement units in the amount of \$88,374.00 plus tax and shipping?

**BACKGROUND/DISCUSSION**

On May 11, 2011, council approved Resolution 843-11, a resolution waiving approved competitive bidding requirements for the purchase of Model UV3B-8L Ultraviolet disinfection modules manufactured by Trojan Technologies, Inc. for the purpose of replacing failing units at the Wastewater Treatment Plant and authorizing purchase of the same. The memo accompanying the Resolution informed council this purchase was for the first 13 modules (one complete bank unit) of a total of 39 modules (three bank units), and that a similar purchase of 13 modules (one bank unit) was anticipated for both 2012 and for 2013. On contacting Trojan early in 2012, Debbie Allen was quoted replacement of the next 13 modules at a price 18.7% higher than the 2011 purchase and informed that an additional price increase in 2013 was likely. The justification given was a significant price increase in aluminum and UV bulb prices from their suppliers.

Given the significant price increase, Public Works explored alternatives to the sole source units. The one promising lead we found turned out to be more expensive and technically challenging than updating the Trojan units. In the meantime, Trojan provided a new price quotation for the replacement modules that were only 4.97% higher than the 2011 price. Once again, the value of a competitive process is affirmed. To avoid this issue with the remaining purchases, Public Works recommends that we purchase the remaining 26 modules (two bank units) in 2012 at the current price.

The timing is now critical. One of the remaining older bank units recently failed, and the second older bank unit is operating at reduced capacity. This is compromising treatment and may jeopardize permit compliance. We were hoping that replacement of the system would be a possibility under the currently developing Energy Efficiency program, but the compromise in treatment prevents allowing the time for this to develop.

Since we only budgeted \$75,000 for plant equipment upgrades for 2012, which included one UV module bank unit plus other items, a budget amendment will be required to complete the purchase. This will be brought before council at a future session.

**FINANCE**

The work will be funded as follows:  
402.000.000.596.70.64.00 Plant Upgrades - \$75,000 budgeted, including the anticipated \$42,000 UV purchase and other items. An Amendment will follow to increase by \$55,000 to \$130,000, which includes the 2012 UV module pricing of \$44,187 per unit for two units, plus tax and estimated shipping expense.

**MOTION:**

***Move to approve Resolution \_\_\_\_\_ authorizing Mark Freiberger, Public Works Director, to order two complete UV Module bank replacement units as per parts quote from Wm. H. Reilly & Company for two complete bank replacement units in the amount of \$88,374.00 plus tax and shipping.***



## Resolution No. \_\_\_\_-12

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF MODEL UV3B-8L ULTRAVIOLET DISINFECTION MODULES MANUFACTURED BY TROJAN TECHNOLOGIES, INC. FOR THE PURPOSE OF REPLACING FAILING UNITS AT THE CITY'S WASTEWATER TREATMENT PLANT AND AUTHORIZING THE PURCHASE OF THE SAME**

**WHEREAS**, in Smith v. Seattle, 192 Wn.2d 64, 72 P.2d 588 (1937), the Washington Supreme Court held that cities have the right to specify a particular brand of article for purchase by public contract, even where such article is held in a monopoly by a single supplier; and

**WHEREAS**, the Sedro-Woolley Wastewater Treatment Department has requested that the City Council authorize the purchase of Model UV3B-8L Ultraviolet Disinfection Modules manufactured by Trojan Technologies, Inc., to replace failing units at the City's Wastewater Treatment Plant; and

**WHEREAS**, the Sedro-Woolley Wastewater Treatment Plant mechanical system includes a Model UV3000B Ultraviolet Disinfection System manufactured by Trojan Technologies, Inc. that includes the failing UV3B-8L modules; and

**WHEREAS**, there is only one source of supply for the UV3B-8L modules in our vicinity and that is Wm. H. Reilly & Co. of Portland, Oregon; and

**WHEREAS**, RCW 35.23.352(9), as amended by chapter 120, laws of 1987, authorizes the City Council to waive competitive bidding requirements for purchasing when the purchase is clearly and legitimately limited to a single source of supply in the near vicinity

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

**Section 1.** Based upon the preceding legislative findings, the City Council hereby declares that the purchase of the Trojan UV3B-8L modules is clearly and legitimately limited to a single source of supply in the near vicinity of Sedro-Woolley and that the sole source of supply is Wm. H. Reilly & Co. of Portland, Oregon.

**Section 2.** Based upon the preceding legislative findings, the competitive bidding requirements for the City of Sedro-Woolley are hereby waived and the Sedro-Woolley Wastewater Department is authorized to purchase twenty-six Trojan UV3B-8L modules as requested to replace failing units at the Wastewater Treatment Plant.

**Section 3.** This resolution shall take effect immediately upon passage.

RESOLVED this 24th day of October, 2012 and signed in authentication of its passage this 25th day of October, 2012.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
FINANCE DIRECTOR

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**OF SEDRO-WOOLLEY**

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

**Memorandum**

Date: October 18, 2012 (for Council action October 24, 2012)

To: Mark Freiberger, Public Works Director/Engineer  
Mayor Anderson and City Council Members

From: Debbie Allen, Wastewater Treatment Supervisor

Subject: **Trojan Technologies UV Replacement Order**

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**Background Information:**

Per the attached memo dated May 2, 2011 along with Resolution 843-11, members of the City Council approved funding for the purchase of one replacement UV Bank containing 13 modules on May 11, 2011.

Under the proposed replacement plan outlined in the memo, the two remaining banks are scheduled for replacement in 2012 and 2013. Per the attached parts quote, Wm. H. Reilly & Company was able to negotiate a 25% discount on the 2012 purchase. With the likelihood of receiving this discount again in 2013 being unknown, does Council wish to stick with the proposed plan approving one bank this year, or instead consider purchasing two banks in 2012?

This equipment is sole source and will cost \$44,187 per bank, plus tax and shipping. Funding for this item will be taken from the Sewer Operations Reserve Fund #402.000.000.596.70.64.00. Should Council choose not to risk price inflation in 2013 and purchase two banks in 2012, a budget amendment of the Sewer Operation Reserve Fund will be necessary as the Plant Upgrades line item is currently only approved for purchases up to \$75,000.

**Recommended Action:**

Option 1:

Move to authorize Mark Freiberger, PE to sign the parts quote from Wm. H. Reilly & Company for a complete bank replacement unit in the amount of \$44,187.00 plus tax and shipping.

Option 2:

Move to authorize Mark Freiberger, PE to sign the parts quote from Wm. H. Reilly & Company for two complete bank replacement units in the amount of \$88,374.00 plus tax and shipping.



# Wm. H. Reilly & Co.

910 SW 18th Avenue Portland OR 97205  
 Portland (503) 223-6197 Seattle (206) 223-6197  
 Fax (503) 223-0845

## Parts Quote Form

<b>TO:</b> Debbie Allen	<b>From:</b> Kim Batiste
<b>Date:</b> 3/7/12	<b>PO#:</b>
<b>Bill To:</b> City of Sedro Woolley 325 Metcalf St Sedro-Woolly, WA 98284	<b>Ship To:</b> City of Sedro Woolley WWTP 401 Alexander St Sedro-Woolley, WA 98284
<b>PHONE:</b> (360) 856-1100	<b>FAX:</b> (360) 856-6959
<b>Email:</b> <a href="mailto:dallen@ci.sedro-woolley.wa.us">dallen@ci.sedro-woolley.wa.us</a>	<b>Terms:</b> Net 30
<b>Manufacturer:</b> Trojan Technologies, Inc.	<b>Project No:</b> 450164
<b>Equipment:</b> UV3000B	
<b>Inquiry Date:</b> 2/29/12	

Description	Part #	Qty	Unit Price	Ext. Price
UV3B - 8L Module	Configured	13	\$3,399.00	\$44,187.00
UV3B - 8L Module	Configured	13	\$3,399.00	\$44,187.00

**Total: \$88,374.00**

Additional Information: OPTION 1 - Includes lamps & sleeves (no labor needed)

**Please inspect all parts for damage immediately upon receiving them. Damage claims must be made within 48 hours of receiving parts.**

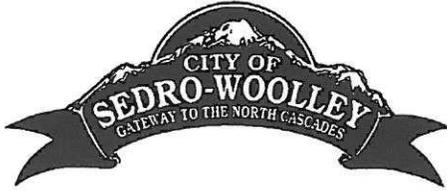
If you wish to place this information as an order:

1. Please fill in your Purchase Order number.
- \*\*\* 2. **Please confirm your Bill To and Ship To addresses above BEFORE faxing back.**
3. **Sign and date** this form on lines provided below.
4. Fax this signed form back to **(503) 223-0845**. An invoice will follow.
5. This quote is valid for 30 days.
6. **Shipping and Tax not included**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Thank you for your order!**



CITY OF SEDRO-WOOLLEY  
Wastewater Treatment Plant  
325 Metcalf Street  
Sedro-Woolley, WA 98284  
Phone (360) 856-1100  
Fax (360) 856-5269

Debbie Allen  
Wastewater Treatment Supervisor

---

DATE: May 2, 2011 (for Council action May 11, 2011)  
MEMO TO: Mark Freiberger, Public Works Director/Engineer  
City Council and Mayor Mike Anderson  
FROM: Debbie Allen, Wastewater Treatment Supervisor  
SUBJECT: Trojan Technologies UV Replacement Order

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**Background Information:**

The Wastewater Treatment Plan achieves effluent disinfection using a Trojan UV System that was installed in 1998. Over the past year, we have been experiencing problems with the aging ballast assemblies due to internal corrosion. In order to keep this extremely important piece of equipment operational, we need to start replacing banks before losing the ability to disinfect. The UV system contains a total of three banks which I propose we start replacing at the rate of one per year. This equipment is sole source and will cost \$42,094.00 plus tax and shipping to replace one bank. Funding for this item will be taken from sewer operations reserve fund.

**Recommended Action:**

Move to approve Resolution No. 843-11 attached hereto waiving competitive bidding requirements for the purchase of Model UV3B-8L UV disinfection modules manufactured by Trojan Technologies, Inc. for the purpose of replacing failing units at the City's Wastewater Treatment Plant and authorizing purchase of the same.

Move to authorize Mark Freiberger, PE to sign the parts quote from Wm. H. Reilly & Company for a complete bank replacement unit in the amount of \$42,094.00 plus tax and shipping.

## Resolution No. 843-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF MODEL UV3B-8L ULTRAVIOLET DISINFECTION MODULES MANUFACTURED BY TROJAN TECHNOLOGIES, INC. FOR THE PURPOSE OF REPLACING FAILING UNITS AT THE CITY'S WASTEWATER TREATMENT PLANT AND AUTHORIZING THE PURCHASE OF THE SAME**

**WHEREAS**, in Smith v. Seattle, 192 Wn.2d 64, 72 P.2d 588 (1937), the Washington Supreme Court held that cities have the right to specify a particular brand of article for purchase by public contract, even where such article is held in a monopoly by a single supplier; and

**WHEREAS**, the Sedro-Woolley Wastewater Treatment Department has requested that the City Council authorize the purchase of Model UV3B-8L Ultraviolet Disinfection Modules manufactured by Trojan Technologies, Inc., to replace failing units at the City's Wastewater Treatment Plant; and

**WHEREAS**, the Sedro-Woolley Wastewater Treatment Plant mechanical system includes a Model UV3000B Ultraviolet Disinfection System manufactured by Trojan Technologies, Inc. that includes the failing UV3B-8L modules; and

**WHEREAS**, there is only one source of supply for the UV3B-8L modules in our vicinity and that is Wm. H. Reilly & Co. of Portland, Oregon; and

**WHEREAS**, RCW 35.23.352(9), as amended by chapter 120, laws of 1987, authorizes the City Council to waive competitive bidding requirements for purchasing when the purchase is clearly and legitimately limited to a single source of supply in the near vicinity

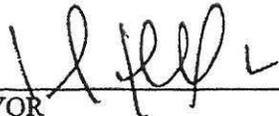
**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** Based upon the preceding legislative findings, the City Council hereby declares that the purchase of the Trojan UV3B-8L modules is clearly and legitimately limited to a single source of supply in the near vicinity of Sedro-Woolley and that the sole source of supply is Wm. H. Reilly & Co. of Portland, Oregon.

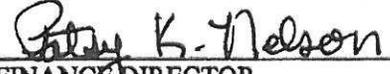
**Section 2.** Based upon the preceding legislative findings, the competitive bidding requirements for the City of Sedro-Woolley are hereby waived and the Sedro-Woolley Wastewater Department is authorized to purchase thirteen Trojan UV3B-8L modules as requested to replace failing units at the Wastewater Treatment Plant.

**Section 3.** This resolution shall take effect immediately upon passage.

RESOLVED this 11th day of May, 2011 and signed in authentication of its passage this 11th day of May, 2011.

  
MAYOR

ATTEST:

  
FINANCE DIRECTOR

APPROVED AS TO FORM:

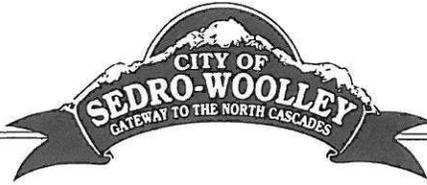
  
CITY ATTORNEY



OCT 24 2012

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

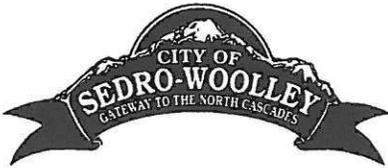
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SUBJECT: PUBLIC COMMENT

Name:  
Address:  
Narrative:





OCT 24 2012

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

Sedro-Woolley, WA 98284  
Phone (360) 855-0771  
Fax (360) 855-0733

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## MEMO:

**To:** City Council  
Mayor Anderson

**From:** John Coleman, AICP   
Acting Planning Director

**Date:** October 24, 2012

**Subject:** Zoning Rules for Medical Cannabis Collective Gardens – *1<sup>st</sup> Read*

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## ISSUE

In 2011 the Washington State Legislature passed Engrossed Second Substitute Senate Bill 5073 (ESSB 5073) which clarified that medical cannabis collective or co-operative grow operations are legal under state law. However, producing, transporting, possessing, dispensing and sale of marijuana (including for medicinal purposes) is illegal under federal law. The U.S. Department of Justice affirmed that they will continue to enforce federal law despite the actions of the State Legislature to allow the use of medical marijuana in Washington State.

Local jurisdictions are stuck in between the federal and state laws regarding medical marijuana. Because of the conflicting nature of state and federal laws, the Council instituted a moratorium on permitting activities involving medical marijuana until permanent measures can be put in place to comply with ESSB 5073. The most recent moratorium will expire December 27.

The Council directed staff and the Planning Commission to work on a proposal for zoning and operational rules for businesses involving medical marijuana. The Planning Commission held the first public hearing on June 19, 2012 and then held a second public hearing October 16, 2012.

The Planning Commission reviewed the topic and was concerned that the city could be liable under federal rules if collective gardens are allowed in any zoning designations and was also concerned about the potential for burglaries and site security. The Planning Commission recommended amendments to the zoning code that would prohibit collective gardens in all zoning designations within the city. The Planning Commission's Findings of Fact, Conclusions and Recommendation are attached as Attachment 1.

## ATTACHMENTS

Attachment 1 – Proposed Ordinance regarding Medical Cannabis Collective Gardens  
Attachment 2 – Planning Commission Findings of Fact, Conclusions and Recommendation

## RECOMMENDATION

No action requested at this time (1<sup>st</sup> read).



# **Attachment 1**

To Council Memo on Zoning Rules for Medical Cannabis Collective Gardens – 1<sup>st</sup> Read

## **Proposed Ordinance regarding Medical Cannabis Collective Gardens**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 17 OF THE SEDRO-WOOLLEY MUNICIPAL CODE TO DEFINE MEDICAL CANNABIS COLLECTIVE GARDENS AND SPECIFY ZONING DISTRICTS IN WHICH THEY ARE PROHIBITED.**

**WHEREAS**, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for “qualifying patients” to the charge of possession of marijuana; and

**WHEREAS**, the initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be “construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes;” and

**WHEREAS**, the Washington State Department of Health stated that it is “not legal to buy or sell” medical marijuana and further stated that “the law [chapter 69.51A RCW] does not allow dispensaries,” leaving enforcement to local officials; and

**WHEREAS**, the Washington State Legislature passed Engrossed Second Substitute Senate Bill 5073 (ESSB 5073) clarifying and/or amending the legality of medical marijuana dispensaries and collective or co-operative grow operations under state law. Governor Gregoire exercised her partial veto power, vetoing portions of the bill, but the remaining portions of the bill were signed into law. The remaining un-vetoed portions provide some protection for qualifying patients and their designated providers to grow cannabis for a patient’s use or to participate in collective gardens; and

**WHEREAS**, Chapter 69.51A RCW, as amended by E2SSB 5073, recognizes the authority and ability of municipalities to regulate medical marijuana within their jurisdictions and to adopt comprehensive land use regulations and licensing regulations concerning the establishment and operation of medical cannabis uses and facilities within such jurisdictions; and

**WHEREAS**, the U.S. Congress passed the Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub.L. No. 91-513, 84 Stat. 1236, to create a comprehensive drug enforcement regime it called the Controlled Substances Act, 21 U.S.C. § 801-971. Under the Controlled Substances Act (also “CSA”), Congress established five “schedules” of controlled substances; and

**WHEREAS**, cannabis is currently listed as a “Schedule I” controlled substance under the CSA, 21 U.S.C. § 812(c), Schedule I(c)(10).

**WHEREAS**, under the Controlled Substances Act, it is unlawful to knowingly or intentionally “manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance,” except as otherwise provided in the statute. 21 U.S.C. § 841(a)(1). Possession of a controlled substance, except as authorized under the Controlled Substances Act, is also unlawful; and

**WHEREAS**, Governor Gregoire has sought guidance with the U.S. Department of Justice regarding the proposed state legislation allowing medical marijuana dispensaries and cultivating and how any conflicts with federal law would be resolved; and

**WHEREAS**, officials of the U.S. Department of Justice have indicated that “state employees who conducted activities mandated by the Washington State legislative proposals [ESSB 5073] would not be immune from liability under the CSA.” Local jurisdictions that enact rules to enable collective gardens are subject to potential prosecutions or civil penalties against dispensary owners and growers; and

**WHEREAS**, the City Council finds that the growing, production, processing, transportation, and delivery of cannabis, no matter how designated by dispensaries, is currently prohibited by state and federal law; and

**WHEREAS**, the City's current zoning and business licensing regulations do not address medical marijuana dispensaries, related facilities or cultivation in a comprehensive fashion and may allow such establishments to be located in areas where the impacts associated with such facilities may be detrimental to the community; and

**WHEREAS**, it is uncertain how the provisions to protect medical cannabis and collective gardens under ESSB 5073 shall be reconciled with federal law that prohibits the possession, production, distribution or sale of cannabis for any reason; and

**WHEREAS**, the City Council finds that the secondary impacts associated with marijuana dispensaries and cultivation, include but are not limited to the invasion of the business, burglary and robbery associated with the cash and drugs maintained on the site; and

**WHEREAS**, the Sedro-Woolley Planning Commission held two public hearings and studied the potential effects of ESSB 5073 on the City of Sedro-Woolley. The Planning Commission voted 4-0 with one abstention, to recommend amendments to Title 17 – Zoning – of the Sedro-Woolley Municipal Code to define collective gardens and to prohibit collective gardens in all zoning districts; and

**WHEREAS**, the City Council adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

**WHEREAS**, the City Council has concluded that it is in the best interest of the public health, safety and welfare to adopt this ordinance; and

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

**Section One.** SWMC 17.04.030 is amended to include a new definition for “collective gardens”:

“Collective garden” means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients, for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

1. No more than ten (10) qualifying patients may participate in a single collective garden at any time;
2. A collective garden may contain no more than fifteen (15) plants per patient up to a total of forty-five (45) plants;
3. A collective garden may contain no more than twenty-four (24) ounces of useable cannabis per patient up to a total of seventy-two (72) ounces of useable cannabis;
4. A copy of each qualifying patient's valid documentation, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden;
5. No useable cannabis from the collective garden is delivered to anyone other than one (1) of the qualifying patients participating in the collective garden;
6. A collective garden may contain separate areas for growing, processing, and delivering to its qualified patients; provided, that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and
7. No more than one (1) collective garden may be established on a single tax parcel.

**Section Two.** A new Chapter 17.90 is included in Title 17 SWMC and reads as follows:

**Chapter 17.90**  
**Collective Gardens**

17.90.010 Intent

The purpose of this chapter is to specify prohibited zones for collective gardens as defined in Chapter 17.04 SWMC This process involves the community and is intended to assist in the identification and minimization of adverse impacts.

17.90.020 Locations

Collective gardens, as defined in 17.04.030 SWMC are prohibited in the following zoning districts:

- A. All residential districts, including R-5, R-7, and R-15.
- B. Public zone.
- C. Open Space zone.
- D. All commercial districts, including: Mixed Commercial, Central Business District and the Transitional Mixed Commercial Overlay and the Urban Village Mixed Use Overlay.
- E. Industrial Zone

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

**Section Four.** The moratorium enacted under Ordinance 1747-12 upon the filing of applications for building permits or any other development permits, or license or the

establishment for any existing building or land use activity involving medical marijuana shall be void upon effectiveness of this ordinance.

**Section Five.** 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.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council this \_\_\_\_\_ day of November, 2012, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By \_\_\_\_\_  
MIKE ANDERSON, Mayor

Attest: \_\_\_\_\_  
PATSY NELSON, Finance Director

Approved as to form:

\_\_\_\_\_  
ERON BERG, City Attorney

Published:

\_\_\_\_\_

# **Attachment 2**

To Council Memo on Zoning Rules for Medical Cannabis Collective Gardens – 1<sup>st</sup> Read

## **Planning Commission Findings of Fact, Conclusions and Recommendation**



**CITY OF SEDRO-WOOLLEY PLANNING COMMISSION  
STATE OF WASHINGTON**

**In the Matter of:**

**AMENDMENTS TO THE SEDRO-  
WOOLLEY MUNICIPAL CODE  
REGARDING MEDICAL CANNABIS  
COLLECTIVE GARDENS**

**AMENDMENTS TO  
CHAPTERS 17.04 & 17.90 SWMC –**

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION**

This matter having come regularly before the City of Sedro-Woolley Planning Commission for a public hearing on **Tuesday, October 16, 2012** under a request by the Planning Director for a public hearing and recommendation from the Planning Commission pursuant to Chapter 2.90 Sedro-Woolley Municipal Code (SWMC).

<b>Recommendation:</b>	The Planning Commission recommends <b>APPROVAL</b> of the proposed amendments to Chapters 17.04 and a new Chapter 17.90 SWMC as shown in Exhibits A and B of these Findings of Fact, Conclusions and Recommendation.
<b>Hearing Date:</b>	Tuesday, October 16, 2012
<b>Proponent:</b>	City of Sedro-Woolley

**Description of proposal**

The Planning Commission recommends that the City Council amend Chapters 17.04 to define medical cannabis “collective gardens” and create a new Chapter 17.90 SWMC to specify that collective gardens are prohibited in all zoning designations within the city of Sedro-Woolley.

**Exhibit A: Proposed revisions to SWMC 17.04.030**

**Exhibit B: Proposed new Chapter 17.90 SWMC**

## FINDINGS OF FACT

1. Per SWMC 2.90.070(G), this action, which requires changes to the City development regulations and underwent Planning Commission review, is processed as a Type VI action.
2. In 1998, the voters of the State of Washington approved Initiative Measure No. 692, now codified as Chapter 69.51A RCW, entitled the Medical Use of Marijuana Act, which created an affirmative defense to state criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances.
3. The Washington State Legislature considered and passed Engrossed Second Substitute Senate Bill 5073 (ESSB 5073) clarifying and/or amending the legality of medical marijuana dispensaries and collective or co-operative grow operations under state law. Governor Gregoire exercised her partial veto power, vetoing portions of the bill, but signed the bill into law. The remaining un-vetoed portions provide some protection for qualifying patients and their designated providers to grow cannabis for a patient's use or to participate in collective gardens.
4. The implications of ESSB 5073 on local jurisdictions were unknown and the Sedro-Woolley City Council instructed the Planning Commission to study its potential effects on the City.
5. RCW 35A.63.220 and RCW 36.70A.390 authorize cities to adopt moratoria to preserve the status quo while new plans or regulations are considered and prepared and to hold a public hearing on the moratorium within 60 days of the commencement of the moratorium; and that the City has adopted such emergency ordinance on December 28, 2011 by adoption of and has held a public hearing on its continuance on February 22, 2012 at a regularly scheduled hearing.
6. In order to review existing information and any newly enacted changes to state law on the effects of these potential uses, impacts and conflicts with potential federal law, and to evaluate where such activities should be permitted if the City is required to accommodate such activity and to review the SWMC in a comprehensive fashion to determine whether it sufficiently addresses the impacts of such uses, and if not, to adopt appropriate regulation, the City Council passed a moratorium upon the filing of applications for building permits or any other development permits, or license or the establishment for any existing building or land use activity involving medical marijuana. Ordinance 1728-11, an emergency moratorium, was passed effective December 28, 2011. On February 22, 2012, as required by RCW 36.70A.390 and/or RCW 35A.36.220, a public hearing was held within 60 days of the emergency moratorium and the moratorium was extended for a full six months under Ordinance 1733-12. Ordinance 1746-12 was passed on June 27, 2012, extending the moratorium for an additional six months. Pursuant to RCW 36.70A.390 and RCW 35A.63.220 which allows for interim regulation to take effect for up to one year if a work plan is developed for related studies, a work plan specifying the timeline for developing permanent controls for medical cannabis was adopted as part of Ordinance 1746-12.

7. The Planning Commission held a public hearing on June 19, 2012 to gather information and comments regarding permanent zoning and operational rules for businesses involving medical cannabis.
8. A Notice of Public Hearing for the proposed code amendments was published on June 8, 2012 in the Skagit Valley Herald. In the notice, a written comment deadline of June 19 at 4:30 PM was set. No written comments were received by the Planning Department.
9. The Planning Commission discussed the CSA and the U.S. Department of Justice letter to Governor Gregoire dated April 14 2011. Concern that the City may be subject to federal action or liability if rules that allow marijuana sales, distribution or productions was discussed.
10. No public comments in support of rules to allow facilities associated with the growth and distribution of medical cannabis were received.
11. The Planning Commission held a second public hearing to gather information and comments regarding proposed amendments to Title 17 SWMC that define medical cannabis “collective gardens” and creates a new Chapter 17.90 that specifies in which zoning designations collective gardens are prohibited.
12. A Notice of Public Hearing for the proposed code amendments was published on October 5, 2012 in the Skagit Valley Herald. In the notice, a written comment deadline of October 16 at 4:30 PM was set. No written comments were received by the Planning Department.
13. The Planning Commission again expressed concern about the City’s liability under federal laws if collective gardens are allowed in any zoning designations. Burglaries and site security were also cited as concerns. The Planning Commission did not find that the growth and distribution of medical cannabis in collective gardens is compatible with other uses in the residential commercial or industrial zoning designations and therefore collective gardens do not meet the goals and policies of the Sedro-Woolley Comprehensive Plan.
14. No public comments in support of rules that would allow facilities associated with the growth and distribution of medical cannabis were made at the public hearing.
15. After holding two public hearings and discussing the issues surrounding collective gardens, the Planning Commission made a motion to recommend proposed amendments to SWMC 17.04.030 that define collective gardens and create a new Chapter 17.90 SWMC that specifies that collective gardens shall be prohibited in all zoning designations within the City of Sedro-Woolley. Those proposed text amendments are shown in Exhibit A of the Memorandum to the Planning Commission dated October 16, 2012. The motion carried 4-0 with one abstention.
16. In accordance with State Growth Management Act (GMA), the proposed text amendments were submitted to the Washington State Department of Commerce (COMM) for a 60-day review on October 9, 2012. Expedited review was requested and the agency comment period will end October 24, 2012 unless COMM has comments on the proposed ordinance.

17. State Environmental Policy Act (SEPA) review has been initiated and a determination of non-significance (DNS) will be published in the Skagit Valley Herald and issued by the lead agency on October 23, 2012.

### CONCLUSIONS

The Planning Commission, having reviewed the Planning Department Memorandums and hearing public testimony, makes the following conclusions:

1. Adoption of the proposed amendments to Chapters 17.04 & 17.24 SWMC complies with the State GMA, has been adequately vetted through the public review process, has been sent to the State Department of Commerce for review, has the necessary SEPA review process has been initiated; and
2. Adoption of the proposed amendments to Chapters 17.04 & 17.90 SWMC is in conformance with the goals and policies of the Sedro-Woolley Comprehensive Plan.

### DECISION

Based upon the foregoing, the Planning Commission recommends approval of the attached amendments to Chapter 17.04 (Exhibit A) to define collective gardens and the creation of a new Chapter 17.90 SWMC (Exhibit B) to prohibit collective gardens in all zoning designations.

### CERTIFICATION

The City of Sedro-Woolley Planning Commission hereby recommends to the City Council **APPROVAL** of recommended amendments to Chapter 17.04 and new Chapter 17.90 SWMC to define and prohibit collective gardens in all zoning designations, at a **REGULAR** meeting of the City of Sedro-Woolley Planning Commission held on **Tuesday, October 16, 2012**, at which time a quorum was present and the decision was for approval by a vote of **4 FOR, 0 AGAINST, and 1 ABSTENTIONS**.

  
Rick Judd, Planning Commission Chair

10-18-12  
Date

# Exhibit A

## Findings of Fact, Conclusions and Recommendation

Chapter 17.04 of the Sedro-Woolley Municipal Code is proposed to be amended to include a definition for collective garden:

### 17.04.030 Definitions.

...

“Collective garden” means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients, for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

1. No more than ten (10) qualifying patients may participate in a single collective garden at any time;
2. A collective garden may contain no more than fifteen (15) plants per patient up to a total of forty-five (45) plants;
3. A collective garden may contain no more than twenty-four (24) ounces of useable cannabis per patient up to a total of seventy-two (72) ounces of useable cannabis;
4. A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden;
5. No useable cannabis from the collective garden is delivered to anyone other than one (1) of the qualifying patients participating in the collective garden;
6. A collective garden may contain separate areas for growing, processing, and delivering to its qualified patients; provided, that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and
7. No more than one (1) collective garden may be established on a single tax parcel.

...

# Exhibit B

## Findings of Fact, Conclusions and Recommendation

Title 17 – Zoning – of the Sedro-Woolley Municipal Code is proposed to be amended to add a *new* Chapter 17.90:

### **Chapter 17.90** **Collective Gardens**

#### 17.90.010 Intent

The purpose of this chapter is to specify prohibited zones for collective gardens as defined in Chapter 17.04 SWMC This process involves the community and is intended to assist in the identification and minimization of adverse impacts.

#### 17.90.020 Locations

Collective gardens, as defined in 17.04.030 SWMC are prohibited in the following zoning districts:

A. All residential districts, including R-5, R-7, and R-15.

B. Public zone.

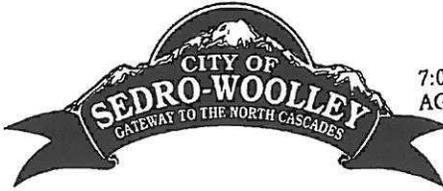
C. Open Space zone.

D. All commercial districts, including: Mixed Commercial, Central Business District and the Transitional Mixed Commercial Overlay and the Urban Village Mixed Use Overlay.

E. Industrial zone.

CITY COUNCIL AGENDA  
REGULAR MEETING

OCT 24 2012



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

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

Eron M. Berg  
City Supervisor/City Attorney

---

MEMO TO: City Council  
FROM: Eron Berg  
RE: Utility Rate Ordinances  
DATE: October 24, 2012

ISSUE: Should the Council adopt the draft ordinances increasing sewer, storm drainage and solid waste utility rates by the amount of the Consumer Price Index?

BACKGROUND: This item was discussed at the City Council's Utilities Committee on October 15<sup>th</sup> with a recommendation that the utilities' rates be increased by the amount of the Consumer Price Index increase from June 2011 to June 2012 which is 2.7%. The committee also recommended that staff conduct a rate study for the sewer utility in the spring of 2013 to address the assumptions of the prior rate study regarding connection fees, monthly rates and debt service.

The draft 2013 budget includes increases in utility costs as follows: sewer, 5.02%, solid waste, 4.02% and storm drainage, 31.57%. The storm drainage increase is offset by additional revenue from grants and from Skagit County for BYC maintenance and repairs to the Cultus Mountain Pump Station. The increases in the cost of doing business are primarily from personnel costs, energy costs and general inflationary pressure on outside goods and services. The committee recommended increase will help the utilities to remain financially solvent and will reduce our dependence on beginning cash or reserve funds which we have relied heavily on (as well as cuts in expenditures) during the economic downturn to reduce the impact on ratepayers. The 2013 draft budget includes the use of cash for the solid waste utility and some reserve funds for the sewer utility, a trend which we must reverse to ensure fiscal sustainability.

These ordinances are scheduled for public hearings on your November 14, 2012 meeting.

RECOMMENDATION: *First Reading Tonight:* Provide direction to staff if any changes are requested to any of these ordinances.



**AN ORDINANCE INCREASING THE FEES AND CHARGES FOR USE OF THE CITY OF SEDRO-WOOLLEY SANITARY SEWER SYSTEM BY THE CONSUMER PRICE INDEX**

WHEREAS, the City Council of the City of Sedro-Woolley updated its Sanitary Sewer Capital Facilities Plan in 2008, and

WHEREAS, the work identified by the City will cost about \$15,133,000.00; most of which has already been spent to increase capacity and eliminate a long-standing moratorium, and

WHEREAS, the City used P WTF monies to the extent possible, to achieve a lower cost of funds, and

WHEREAS, the City hired consultants who made recommendations concerning the allocation of the cost of construction between connection fees and charges and monthly user fees, and

WHEREAS, the number of connection fees has been substantially less than planned for in the allocation; and

WHEREAS, the cost of doing business continues to increase and one measure of that increase is the Consumer Price Index for Seattle-Bremerton-Tacoma which increased 2.7% from June of 2011 to June of 2012; and

WHEREAS, the City Council desires to balance the financial stability and fiscal sustainability of its utilities with the services needed by the community; and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the fee schedules set forth below, now therefore,

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

**Section 1:** SWMC Section 13.30.010 is hereby amended to read as follows:

*13.30.010 Effective date.*

Commencing on January 1, 2013, the sewer service charges specified in this chapter shall take effect. For buildings which have a public sewer available after that date, a sewer service charge shall commence thirty days after such public sewer has been available and notice of such availability is given.

**Section 2:** SWMC Section 13.30.020 is hereby amended to read as follows:

*13.30.020 Residential rates.*

Unless exempt from connection to the sewer, there shall be charged to each single residential dwelling unit (including mobile or manufactured homes on individual lots or in a

mobile home park), and to each unit of a residential duplex (two units) or triplex (three units) dwelling, to which sewer service is available a basic monthly sewer service charge as follows:

January 1, 2013 and thereafter:        ~~\$53.25~~ \$54.68

The City Council shall review and adjust these rates annually or as needed.

**Section 3:** SWMC Section 13.30.040 E is hereby amended to read as follows:

*13.30.040 Nonresidential schedule and other provisions.*

E. The volume rate shall be as follows:

January 1, 2013 and thereafter        ~~\$5.00~~ \$5.13  
per 100  
cubic feet

**Section 4.** The effective date of this ordinance shall be January 1, 2013, more than 5 days after passage and publication.

Passed and approved this \_\_\_\_ day of November, 2012.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney

Filed with the City Clerk:        October 17, 2012  
Public Hearing:                        November 14, 2012  
First Reading:                        October 24, 2012  
Second Reading:                      November 14, 2012  
Passed by the City Council:  
Date of Publication:  
Effective Date:

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 8.04.075 OF THE SEDRO-WOOLLEY MUNICIPAL CODE TO INCREASE SOLID WASTE UTILITY RATES AND CHARGES BY THE CONSUMER PRICE INDEX**

WHEREAS, the cost of doing business continues to increase and one measure of that increase is the Consumer Price Index for Seattle-Bremerton-Tacoma which increased 2.7% from June of 2011 to June of 2012; and

WHEREAS, the City Council desires to balance the financial stability and fiscal sustainability of its utilities with the services needed by the community; and

WHEREAS, notice of this pending rate change was published in the City's newspaper of record on \_\_\_\_\_, 2012 and \_\_\_\_\_, 2012 and a public hearing was held on November 14, 2012; and

WHEREAS, the City Council finds that adoption of the user fees set forth in this ordinance will support the operation of the refuse collection system with the lowest possible rates; and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the fee schedules set forth below, now therefore;

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

**Section 1:** SWMC 8.04.075 is amended to read as follows:

**8.04.075 Collection charges.**

Charges for refuse and garbage collection and disposal shall be compulsory. Charges not paid within twenty-five days of billing date shall be delinquent and the charge may become a lien against the property which is serviced by the garbage collection and disposal system. The city, at its discretion, may also reduce or eliminate service on delinquent accounts.

A. The charges for regular weekly garbage service shall be as follows:

1. Table 1: Residential.

**Monthly Charge with One Pickup Per Week**

Type of Service	Garbage	Recycling	Total
Residential, 20-gal. can	\$8.34	\$2.50	\$10.84
	<u>\$8.56</u>	<u>\$2.56</u>	<u>\$11.12</u>
Residential, 32-gal. can	15.77	2.50	18.27
	<u>16.19</u>	<u>2.56</u>	<u>18.75</u>
Residential, 68-gal. can	22.87	2.50	25.37
	<u>23.48</u>	<u>2.56</u>	<u>26.04</u>

Residential, 96-gal. can	<del>30.54</del> <u>31.36</u>	<del>2.50</del> <u>2.56</u>	<del>33.04</del> <u>33.92</u>
Residential, low income	80% of applicable residential rate		

2. Residential includes single-family, duplex, triplex and condominium residences. Each living unit of such residences shall be subject to the rates established in this chapter.

3. Table 2: Commercial and Multifamily.

Commercial, 32-gal. can	<del>\$ 17.84</del> <u>18.32</u>		
Commercial, 68-gal. can	<del>28.34</del> <u>29.10</u>		
Commercial, 95-gal. can	<del>38.59</del> <u>39.63</u>		
Commercial, 1-yard container	<del>78.20</del> <u>80.31</u>	Each extra pickup	<del>70.20</del> <u>72.09</u>
Commercial, 2-yard container	<del>103.40</del> <u>106.19</u>	Each extra pickup	<del>94.40</del> <u>96.94</u>
Commercial, 3-yard container	<del>154.00</del> <u>158.15</u>	Each extra pickup	<del>142.00</del> <u>145.83</u>
Commercial, 4-yard container	<del>202.80</del> <u>208.27</u>	Each extra pickup	<del>186.80</del> <u>191.84</u>
Commercial, 6-yard container	<del>299.20</del> <u>307.27</u>	Each extra pickup	<del>279.20</del> <u>286.73</u>
Commercial, 8-yard container	<del>400.00</del> <u>410.80</u>	Each extra pickup	<del>377.00</del> <u>387.17</u>
Commercial, 30-yard container	\$150.00 haul fee, actual charges for disposal, and \$50.00 delivery fee, plus rental fee of \$50.00 per month		
Multifamily, apartments, cabin courts and trailer park units, etc.	Applicable commercial rate plus <del>\$2.50</del> <u>2.56</u> per unit for recycling		

B. If more than one pickup per week is required on a continuing basis and the customer is utilizing a container smaller than eight-yard capacity, a larger container shall be required. The city may at its discretion authorize more than one pickup per week under the following conditions:

1. Where the largest container provided by the city is not adequate for the amount of waste generated;
2. Where more than one pickup per week is required to maintain proper health and sanitation;
3. Where a larger container cannot reasonably be placed on the customer's property due to space limitation.

C. In cases where additional pickups are requested due to the use of container on construction sites or other temporary uses or to accommodate temporary increases in the amount of waste generated, additional pickups shall be made at the rate set forth as follows for both residential and commercial customers:

1-yard container	\$ <del>26.00</del> <u>26.70</u> for each pickup
2-yard container	<del>46.00</del> <u>47.24</u> for each pickup
3-yard container	<del>71.00</del> <u>72.91</u> for each pickup
4-yard container	<del>81.00</del> <u>83.18</u> for each pickup
6-yard container	<del>121.00</del> <u>124.26</u> for each pickup
8-yard container	<del>161.00</del> <u>165.34</u> for each pickup

D. 1. A residential or commercial can (up to thirty-two gallons) may not contain in excess of sixty-five pounds per can in weight. The city may, in its discretion, empty a can weighing over sixty-five pounds. In that event, an additional fee of five dollars shall be charged.

2. If the cost to the city for emptying any container shall exceed the charges therefor, due to excessive weight or content, the city may proceed as set forth in subsection G of this section.

E. Yard Trimmings. Yard trimmings, including but not limited to weeds, grass, sod, trees, shrubs, foliage parts, rocks, cement or other material not generally considered regular household refuse, shall be excluded from sanitation collection services unless special arrangements are made with the sanitation department. Extra charges for such collection shall be determined by the mayor or his designee.

F. Interest Charges. All charges for sanitation services shall be due and payable when rendered. Sanitation service charges shall be delinquent if not paid in full within twenty-five days after the date of billing. Delinquent charges shall bear interest at the rate of eight percent per annum beginning on the first day of the month following delinquency until paid in full. In addition, a late penalty of ten dollars shall be charged for any solid waste account that is delinquent for more than sixty days.

G. The mayor or his designee may charge any resident or customer such additional service charges when he or she determines that special circumstances make it necessary to do so in order to compensate the city for the actual cost of solid waste collection, disposal and administration, when the foregoing fee schedule is not adequate for this purpose. Any resident or customer may appeal the assessment of this additional charge to the city council. Notice of appeal shall be by written request to the city clerk within ten days of mailing of the bill or receipt of payment for such services by the city, whichever is less. The decision of the city council shall be final.

H. Rates include a three-and-six-tenths-percent state of Washington refuse tax.

**Section 2.** 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.

**Section 3.** The effective date of this Ordinance shall be January 1, 2013.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Finance Director

Approved as to form:

\_\_\_\_\_  
City Attorney

Filed with the City Clerk:	October 17, 2012
Public Hearing:	November 14, 2012
First Reading:	October 24, 2012
Second Reading:	November 14, 2012
Passed by the City Council:	
Date of Publication:	
Effective Date:	

ORDINANCE NO. \_\_\_\_\_-12

AN ORDINANCE AMENDING THE FEES AND CHARGES FOR USE OF THE CITY OF  
SEDRO-WOOLLEY STORM AND SURFACE WATER UTILITY SYSTEM BY THE  
AMOUNT OF THE CONSUMER PRICE INDEX

**WHEREAS**, the City has established a Stormwater Utility; and

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

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

**WHEREAS**, the cost of doing business continues to increase and one measure of that increase is the Consumer Price Index for Seattle-Bremerton-Tacoma which increased 2.7% from June of 2011 to June of 2012; and

**WHEREAS**, the City Council desires to balance the financial stability and fiscal sustainability of its utilities with the services needed by the community; and

**WHEREAS**, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the fee schedules set forth below, now therefore,

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

**SECTION 1.** SWMC 2.46.080 is amended to read as follows:

It is the intention of the city to impose a baseline standard residential storm drainage fee equaling five dollars and ~~twenty five~~ thirty nine cents per month. This equivalent residential unit (ERU) fee is based on the assumption that the average single-family lot equals approximately ten thousand square feet.

The fees for other customer classifications shall use this ten thousand square-foot ERU baseline as the basis for the calculation of the fee.

**SECTION 2.** SWMC 2.46.090 is amended to read as follows:

The following ERU-derived fees shall apply. The derived ERU-based fees shall be billed in whole units and are billed to the next higher unit (for example, if a parcel has a forty-three thousand five hundred square-foot area, the parcel's owner would be billed for five ERUs; if a parcel has two thousand square-foot area, the parcel's owner would be billed for one ERU) and in no case shall the ERU-based fee be less than five dollars and ~~twenty five~~ thirty nine cents.

Class 1 customers includes all single-family residential units and all multifamily and condominium units with one unit. Class 1 fee: five dollars and ~~twenty-five~~ thirty nine cents per month per unit.

Class 2 customers includes all multifamily units and condominium with two or more units. Class 2 fee: fifty percent of the Class 1 fees on a per-unit basis.

Class 3 customers includes all commercial and industrial customers. Class 3 fee: five dollars and ~~twenty-five~~ thirty nine cents per month for every ten thousand square feet of land area or ten dollars and ~~fifty~~ seventy eight cents per month for every ten thousand square feet of impervious surface.

Class 4 customers includes all public-use customers (schools, hospitals, churches, government buildings, etc.). Class 4 fee: five dollars and ~~twenty-five~~ thirty nine cents per month for every ten thousand square feet of land area or ten dollars ~~fifty~~ seventy eight cents per month for every ten thousand square feet of impervious surface.

Class 5 customers includes all mixed-use structures. Class 5 fee: five dollars and ~~twenty-five~~ thirty nine cents per month per commercial unit for every ten thousand square feet of land area and five dollars and ~~twenty-five~~ thirty nine cents per month for every residential unit. However, should there be more than three residential units, the fee shall be fifty percent of the Class 1 fees on a per-unit basis.

**SECTION 3.** These fees shall be imposed and become effective for the billings mailed out by the City in February 2013 for services provided in January 2012.

**SECTION 5.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

**SECTION 6.** This ordinance shall be effective five (5) days after passage and publication as provided by law.

**PASSED** by majority vote of the members of the Sedro-Woolley City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

Approved as to form:

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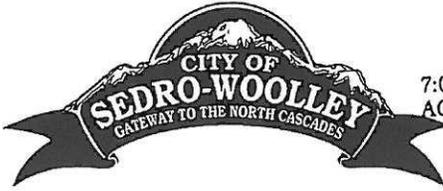
Eron Berg, City Attorney

Filed with the City Clerk:	October 17, 2012
Public Hearing:	November 14, 2012
First Reading:	October 24, 2012
Second Reading:	November 14, 2012
Passed by the City Council:	
Date of Publication:	
Effective Date:	



CITY COUNCIL AGENDA  
REGULAR MEETING

OCT 24 2012



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

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

Eron M. Berg  
City Supervisor/City Attorney

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MEMO TO: City Council  
FROM: Eron Berg  
RE: Union Cemetery rates  
DATE: October 24, 2012

ISSUE: Should the Council approve the attached ordinance increasing certain rates for services at the Sedro-Woolley Union Cemetery?

BACKGROUND: The finance committee recently reviewed a rate study which shows that the Sedro-Woolley Union Cemetery rates are below market.

In 2012, the Council budgeted a subsidy of \$70,000.00 from property taxes to support the operations at Union Cemetery. Consistent with the Council's direction following last summer's retreat, these rate increases are intended to make the cemetery more self-sufficient and is also intended to be an alternative to privatization.

RECOMMENDATION: Motion to adopt Ordinance \_\_\_\_\_-12 increasing rates at Union Cemetery.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE SEDRO-WOOLLEY MUNICIPAL CODE CHAPTER 2.80 TO INCREASE CERTAIN RATES AND CHARGES FOR THE SEDRO-WOOLLEY UNION CEMETERY

WHEREAS, the City of Sedro-Woolley proudly operates the Sedro-Woolley Union Cemetery; and

WHEREAS, fees and charges for use of the Sedro-Woolley Union Cemetery have not been updated since 2008; and

WHEREAS, a rate study reviewed by the finance committee indicates that rates at the Sedro-Woolley Union Cemetery are below market; and

WHEREAS, the City Council has budgeted to subsidize the operations of the Sedro-Woolley Union Cemetery by \$70,000.00 in 2012; and

WHEREAS, the City Council desires to increase rates and charges to more closely reflect market conditions and to minimize the amount of property tax dollars required to subsidize the operations at Sedro-Woolley Union Cemetery;

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

**Section 1.** SWMC 2.80.040 is amended as follows:

**2.80.040 Rates.**

The fees and charges charged by the city for services, items and spaces in Union Cemetery shall be as follows:

**BURIAL SPACE**

Burial Space (Includes space at <del>\$55700.00</del> ; endowment at <del>\$5100.00</del> and headstone setting at <del>\$100.00</del> )	\$800.00
Double Burial Single Space (1 full body and 1 cremains or 2 cremains) Requires purchase of burial space; fee for each additional burial.	\$300.00 additional
Triple Burial Single Space (1 full body and 2 cremains) Requires purchase of burial space; fee for each additional burial.	\$300.00 additional
Opening/Closing (Includes tent, chairs, greens and equipment)	\$750.00

Standard Size Concrete Liner (Includes purchase price and handling) (Oversize liner price on request)	\$650.00+ Sales Tax
Concrete Vault (Handling fee only)	\$175.00
Headstone Reset Fee	\$50.00

<u>Headstone Setting</u>	<u>\$150.00</u>
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### URN SPACE

Urn Space (Includes space at \$2350.00; endowment at \$5100.00 and headstone setting at \$100.00)	\$450.00
Double Burial Single Space <u>Requires purchase of burial space; fee for each additional burial.</u>	<u>\$300.00</u> <u>additional</u>
Opening/Closing (Includes tent, chairs and greens)	\$250.00
Opening/Closing (No tent, chairs or greens)	\$150.00
Urn Vault (Includes purchase price and handling)	\$100.00+ Sales Tax

<u>Headstone Setting</u>	<u>\$150.00</u>
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### BABY SPACE

Baby Space (Includes space at \$300.00; endowment at \$5100.00 and headstone setting at \$100.00)	\$400.00
Opening/Closing (Includes tent, chairs and greens)	\$300.00
Opening/Closing (No tent, chairs or greens)	\$150.00
Concrete Baby Liner (Includes purchase price and handling)	\$225.00+ Sales Tax
Combo (Liner/Casket) (Handling fee only)	\$75.00

Headstone Setting	\$150.00
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**COLUMBARIUM NICHE WALL**

Niche Space (Includes space at variable price by location; and endowment at \$100.00)*	Row 1 (top)	\$700.00
	Row 2	\$650.00
	Row 3	\$600.00
	Row 4	\$550.00
Opening/Closing (Includes tent, chairs and greens)		\$250.00
Opening/Closing (No tent, chairs or greens)		\$150.00
Inscription (Single shutter inscription)	\$150.00+ Sales Tax	

Includes full name, date of birth, date of death (up to twenty characters) extra charge per letter or number over twenty characters.

\* Single inurnments only.

**COLUMBARIUM NICHE WALL  
"ESTATE UNIT"**

Niche space* (11-7/8" x 11-7/8" x 15-1/2") (Includes space and endowment at \$5100.00)	
Niches 1 through 4	\$1,300.00 each
Niches 5 through 10	\$1,150.00 each
Niches 11 and 12	\$1050.00 each
Niches 13 and 14	\$950.00 each
2 plus cremains per niche	1-1/2 times single unit price
Opening/Closing (Includes tent, chairs and greens)	\$250.00

Opening/Closing (No tent, chairs or greens)	\$150.00
Inscription (Single shutter inscription) Each cremains	\$150.00+ Sales Tax

Includes full name, date of birth, date of death (up to twenty characters) extra charge per letter or number over twenty characters.

\* Single inurnments only.

#### **ADDITIONAL LABOR CHARGES**

Saturday Service (Standard Burial)	\$410.00
Saturday Service (Cremation)	\$205.00
Sunday/Holiday Service (Standard Burial)	\$530.00
Sunday/Holiday Service (Cremation)	\$265.00
Additional Headstone on Existing Grave Space	\$150.00***
Setting of Headstone Flower Vase	\$25.00
Chapel Services at 3:00 p.m. or Later	\$100.00

\*\*\* Maximum of two headstones per grave space.

Note: Any other charges shall be based on prevailing wages plus a ten percent administration fee.

#### **DISINTERMENT**

Casket/any removal	\$850.00
Casket/Relocation within Union Cemetery	\$1,200.00
Urn/any removal	\$200.00
Urn/Relocation within Union Cemetery	\$300.00

Burials held on Saturday, Sunday or city-recognized holidays must be scheduled forty-eight hours in advance. Failure to give adequate notification will result in a double charge of the Saturday, Sunday or holiday rate. (See additional labor charges above.)

**Section 2.** SWMC 3.20.010 is amended to read as follows:

**3.20.010 Created—Deposits.**

There is created a fund designated as the “cemetery endowment fund,” into which shall be deposited all endowment funds ~~collected by the city received from the private party from whom the cemetery is being purchased and into which shall be deposited at least ten percent of the proceeds received by the city from the sale of lots, tracts or parcels of land from the cemetery for burial purposes,~~ which fund shall be kept permanently maintained and invested by the city pursuant to the provisions of applicable laws of the state of Washington, and the interest accruing therefrom shall be used in the care and upkeep of those portions of the cemetery which are designated, under the rules and regulations hereinafter provided for, as the endowment portions of the cemetery.

**Section 3.** This ordinance shall be effective five (5) days after passage and publication as provided by law.

**Section 4.** 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 \_\_\_\_\_, 2012, and signed in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mike Anderson, Mayor

Attest:

\_\_\_\_\_  
Patsy Nelson, Finance Director

Approved as to form:

\_\_\_\_\_  
Eron Berg, City Attorney

Published:

