

Next Ord: 1759-12
Next Res: 873-12

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

November 28, 2012

7:00 PM

Sedro-Woolley Municipal Building

Council Chambers

325 Metcalf Street

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Consent Calendar1 - 45

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 (Including November 7, 2012 Work Session)
 - c. Finance
 - Claim Checks #75610 to #75691 in the amount of \$458,940.57
 - Payroll Checks #54373 to #54478 in the amount of \$187,938.63
 - d. Possible Contract Amendment 01 - Contract 2012-PS-05 - SCADA & Controls Engineering Inc.
 - e. Ordinance 1758-12 - Correction of Legal Description in 2008 Annexation Ordinance No. 1604-08
 - f. Approval of Contract for Prosecutor Services for 2013
 - g. Ratification of Revisions to the Public Defense Agreement for 2013
4. Public Comment (Limited to 3-5 minutes)47

PUBLIC HEARING

- 5. 2013 Budget (2nd reading).....49 - 65

UNFINISHED BUSINESS

- 6. Zoning Rules for Medical Cannabis Collective Gardens Ordinance (2nd reading).....67 - 82
- 7. Property Tax Levy Ordinances (2nd reading).....83 - 91

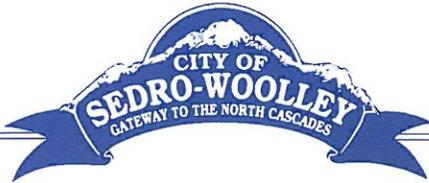
COMMITTEE REPORTS AND REPORTS FROM OFFICERS

EXECUTIVE SESSION

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

NOV 28 2012

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



DATE: November 28, 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 November 28, 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.

NOV 28 2012

CITY OF SEDRO-WOOLLEY

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

Council Worksession

November 7, 2012 – 7:00 P.M. – Public Safety Training Room

The worksession was called to order at 7:00 P.M. by Mayor Mike Anderson.

Flag Salute

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Kevin Loy, Tony Splane, Tom Storrs, Hugh Galbraith, Rick Lemley and Brett Sandström. Staff: City Supervisor/Attorney Berg, Finance Director Nelson, Public Works Director Freiburger and Asst. Fire Chief Olson.

Mayors 2013 Preliminary Budget

- City Supervisor/Attorney Berg reviewed the information presented in the Mayor's Council memo and budget message. Once again he is recommending no increase in property taxes, no new programs and no new staffing. Finance Director Nelson presented 2013 summary revenue and expenditure information and commented on key 2012 revenues. This budget proposal does not include Proposition 1, 1/10 sales tax for public safety. Questions and discussion followed. Councilor's were encouraged to contact staff with their questions throughout the budget process.

The worksession adjourned at 8:26 P.M.

NOV 28 2012

CITY OF SEDRO-WOOLLEY

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

Regular Meeting of the City Council
November 14, 2012 – 7:00 P.M. –City Hall Council Chambers

ROLL CALL: Present: Mayor Mike Anderson; Councilmembers: 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 #75504 to #75609 in the amount of \$523,482.27.
 - Payroll Checks #54264 to #54372 in the amount of \$249,656.86 (Void Check #54347).
- Amendment 3 to the Interlocal Agreement Dated 10/18/11 with Skagit County Conservation District – NPDES Phase II Stormwater Permit WAR-04-5555
- Resolution No. 871-12 – Possible Sole Source Resolution for Mountain View Estates Stormwater Pump Station Control Panel Design and Fabrication.
- Setting a Public Hearing on November 28, 2012 to Consider Adoption of the 2013 Budget.
- Resolution No. 872-12 Declaring Certain Property as Surplus and Authorizing Its Disposition

Councilmember Storrs moved to approve the consent calendar Items A through G.
Seconded by Councilmember Lemley. Motion carried (6-0).

Proclamation – National Hospice and Palliative Care Month – November 2012

Mayor Anderson read a proclamation which proclaims November 2012 as National Hospice and Palliative Care Month. The proclamation encourages citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

Public Comment

No Comment received.

PUBLIC HEARING

Property Tax Levy Ordinances

Finance Director Nelson reviewed the proposed property tax levy ordinance. She noted the ordinance is in two parts. One section relates to the voter approved bond tax which she noted that qualified low income senior citizens and disabled persons do not pay. The other section is the general property tax. The Mayor has recommended a 0% property tax increase. She reviewed examples of tax revenues should the Council decide to increase the tax by a 1% increase or maximum amount allowed. Nelson noted that it continues to be a long, slow economic recovery.

Mayor Anderson opened the public hearing at 7:07 P.M.

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

Mayor Anderson noted this is a first read of the ordinance and no decision will be made until the next meeting.

Council discussion took place on banking of the unused funds, emergency necessities, tying the hand of future councils and a request to have an ordinance prepared for a 1% increase in next Council packet.

Utility Rate Ordinances

City Supervisor/Attorney Berg presented background information regarding the proposed utility rate increase. He noted this is a second read with requested action after the public hearing is held. Berg stated there have been no changes in the ordinance since the last meeting and entertained Council questions.

Mayor Anderson opened the public hearing at 7:14 P.M.

Councilmember Galbraith requested City Supervisor/Attorney Berg review the increases for the benefit of the audience members.

Tony Tomasino – 704 Sauk Mountain Dr., questioned the CPI of 2.7%, the reference to grant funding and where the grant funds are coming from.

City Supervisor/Attorney Berg noted the grant funds are coming from the Department of Ecology and Skagit County for the taking over of Brickyard Creek. He also reviewed where the CPI was obtained.

Mayor Anderson closed the public hearing at 7:19 P.M.

Councilmember Storrs moved to adopt Ordinance No. 1754-12 An Ordinance Increasing the Fees and Charges for Use of the City of Sedro-Woolley Sanitary Sewer System by 2.7%. Seconded by Councilmember Sandström. Motion carried (6-0).

Councilmember Lemley moved to adopt Ordinance No. 1755-12 An Ordinance Amending the Fees and Charges for the Use of the City of Sedro-Woolley Storm and Surface Water Utility System by 2.7%. Seconded by Councilmember Wagoner. Motion carried (6-0).

Councilmember Sandström moved to adopt Ordinance No. 1756-12 An Ordinance Amending SWMC 8.04.075 to Increase Solid Waste Rates and Charges by 2.7%. Seconded by Councilmember Lemley. Motion carried (6-0).

Mayor Anderson noted that Council has had numerous meetings and discussions to try to figure out the best way to keep up with operational costs.

UNFINISHED BUSINESS

Union Cemetery Rates Ordinance

City Supervisor/Attorney Berg reviewed the item on the agenda for a second reading and requested action. He also reviewed two changes within the proposal ordinance as requested by Council from the last meeting, as well as the background information as to the process of the rate increases. The rate increases are intended to make the cemetery more self-sufficient and is intended to be an alternative to privatization.

Councilmember Galbraith moved to adopt Ordinance No. 1757-12 An Ordinance Amending the Sedro-Woolley Municipal Code Chapter 2.80 to Increase Certain Rates and Charges for the Sedro-Woolley Union Cemetery. Seconded by Councilmember Wagoner. Motion carried (6-0).

Proposed MOU with SWSD and Other Baseball Stakeholders Regarding Construction of a New Babe Ruth League Baseball Field at the SWSD Janicki Field Site

Public Works Director Freiburger reviewed background information for the proposed MOU with the Sedro Woolley School District regarding the construction of a new Babe Ruth League baseball field. He reported on the meeting with the stakeholders and the reasons necessitating the relocation. He noted after the completion of the Rotary Skate Board Park, Rotary is interested in making additional improvements to the area but improvements would interfere with the ball field. Also, the upcoming SR20/Cook Road project will interfere with Tesarik Field and the stakeholders have come up with a plan to move the Babe Ruth field to School District property and to move Tesarik Field to the Metcalf property which would allow Rotary the capability of future improvements to the area. Freiburger stated the purpose of the MOU is to acknowledge the commitment of all parties. He noted the agreement is a non-binding agreement and requested Council approval.

Councilmember Storrs moved to authorize the Mayor to sign the Memorandum of Understanding with Sedro-Woolley School District regarding Construction of a New Babe Ruth League Baseball Field at the SWSD Janicki Fields site. Seconded by Councilmember Splane. Motion carried (6-0).

NEW BUSINESS

2013 Budget

Finance Director Nelson reviewed the proposed ordinance which summarizes the budget amounts for each fund within the Mayors Preliminary 2013 budget. She noted the preliminary budget is available to the public at the City Finance Department or on the City website.

Discussion ensued regarding the Proposition 1 sales tax increase and some minor adjustments to comply with the State Auditors recommendation regarding the evidence building.

Correction of Legal Description in 2008 Annexation Ordinance No. 1604-08

Acting Planning Director Coleman reviewed the proposed ordinance to correct a legal description within Ordinance No. 1604-08. He noted the error was found by the State mapping office and will only correct the oversights and will not affect the effective date of the original annexation. This is a first read with no decision until the next meeting.

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Public Works Director Freiburger – reported on the striping of Metcalf Street and stated the project will be closed within the month of December. He also noted the City should hear soon regarding funding for the SR20 Cook Road project as the TIB will be meeting Thursday and Friday.

Police Chief Wood – reported on staffing issues within the department. He also reported on the Skate Board Park noting that to date the project costs not including in kind donations and labor was \$189,000. The park is getting a lot of use.

Councilmember Splane – thanked the Public Works Department for the cleaning of Brickyard Creek.

Councilmember Storrs – commented on the completed Metcalf Street project.

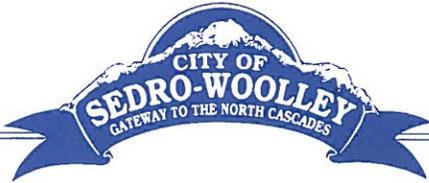
Councilmember Sandström – Thanked those involved in the clean up of the recent graffiti spree.

Councilmember Wagoner moved to adjourn. Seconded by Councilmember Splane. Motion carried (6-0).

The meeting adjourned at 7:44 P.M.

NOV 28 2012

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



DATE: November 28, 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 November 28, 2012.

Motion to approve Claim Checks #75610 to #75691 in the amount of \$458,940.57.

Motion to approve Payroll Checks #54373 to #54478 in the amount of \$187,938.63.

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
 11/28/2012 (Printed 11/20/2012 15:53)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
75610	SKAGIT COUNTY AUDITOR	MISC-FILING FEES/LIEN EXP	SWR	960.00
		MISC-FILING FEES/LIEN EXP	SAN	768.00
		WARRANT TOTAL		1,728.00
75611	A ACTION EXCAVATION, INC.	OTHER IMPROVEMENTS	SWR	2,255.81
		WARRANT TOTAL		2,255.81
75612	ALLWEST UNDERGROUND INC.	MAINTENANCE OF LINES	SWR	3,175.00
		WARRANT TOTAL		3,175.00
75613	ALL-PHASE ELECTRIC	MACHINERY/EQUIPMENT	SWR	281.32
		OPERATING SUPPLIES	SAN	353.94
		WARRANT TOTAL		635.26
75614	ALPINE FIRE & SAFETY	SUPPLIES	FIN	83.18
		OPERATING SUPPLIES	SWR	48.19
		OPERATING SUPPLIES	SAN	202.58
		WARRANT TOTAL		333.95
75615	APSCO INC.	MAINT OF GENERAL EQUIP	SWR	4,415.46
		WARRANT TOTAL		4,415.46
75616	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	ST	2.49
		LAUNDRY	SWR	8.33
		WARRANT TOTAL		10.82
75617	ARTIST'S MAGAZINE	BOOKS, PERIOD, RECORDS	LIB	23.96
		WARRANT TOTAL		23.96
75618	ASSOCIATION OF WA CITIES	RETIRED MEDICAL	PD	7,589.96
		WARRANT TOTAL		7,589.96
75619	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS	89.44
		AUTO FUEL	PD	93.92
		AUTO FUEL/DIESEL	PK	35.55
		AUTO FUEL/DIESEL	PK	341.60
		OPERATING SUPPLIES-PROPANE	ST	14.01
		AUTO FUEL/DIESEL	ST	88.38
		AUTO FUEL/DIESEL	ST	322.02
		AUTO FUEL/DIESEL	ST	182.26
		AUTO FUEL/DIESEL	SWR	114.93
		AUTO FUEL/DIESEL	SAN	6.43
		AUTO FUEL/DIESEL	SAN	1,526.98
		AUTO FUEL/DIESEL	SAN	52.81
		AUTO FUEL/DIESEL	SAN	81.18
		WARRANT TOTAL		2,949.51
75620	BAY CITY SUPPLY	OPERATING SUP - SENIOR CTR	PK	99.66
		OPERATING SUPPLIES	SAN	82.58
		WARRANT TOTAL		182.24
75621	BOULDER PARK, INC	SOLIDS HANDLING	SWR	4,418.74

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	4,418.74
75622	BOUWENS, JENNIFER A.	PROF SVC-PROSECUTING ATTY LGL	2,500.00
		WARRANT TOTAL	2,500.00
75623	CASCADE NATURAL GAS CORP.	PUBLIC UTILITIES PD	20.79
		PUBLIC UTILITIES FD	109.35
		UTILITIES - SHOP PK	29.98
		PUBLIC UTILITIES-CITY HALL PK	997.85
		PUBLIC UTILITIES SWR	33.08
		WARRANT TOTAL	1,191.05
75624	CENTRAL WELDING SUPPLY	OPERATING SUPPLIES SAN	21.64
		WARRANT TOTAL	21.64
75625	COASTAL WEAR PRODUCTS	REPAIR/MAINTENANCE-EQUIP ST	693.90
		WARRANT TOTAL	693.90
75626	COLLINS OFFICE SUPPLY, INC	SUPPLIES EXE	37.52
		SUPPLIES FIN	35.99
		OFFICE/OPERATING SUPPLIES PD	25.89
		OPERATING SUP - PARKS SHOP PK	8.20
		OFFICE SUPPLIES SAN	47.48
		WARRANT TOTAL	155.08
75627	CONCRETE NOR'WEST, INC.	REPAIR/MAINT-STREETS ST	167.31
		WARRANT TOTAL	167.31
75628	CRYSTAL SPRINGS	OPERATING SUPPLIES SWR	25.24
		WARRANT TOTAL	25.24
75629	DAHL ELECTRIC INC.	CONSTRUCITON-METCALF OVERLAY A	3,764.37
		WARRANT TOTAL	3,764.37
75630	E & E LUMBER	OFFICE/OPERATING SUPPLIES PD	9.19
		OPERATING SUP - PARKS SHOP PK	35.39
		OPERATING SUP - PARKS SHOP PK	15.08
		OPERATING SUP - SENIOR CTR PK	47.69
		SMALL TOOLS & MINOR EQUIP PK	19.47
		REPAIR/MT-HARRY OSBORNE PK	20.42
		REPAIR/MAINTENANCE-LAND CEM	64.54
		REPAIR/MAINTENANCE-LAND CEM	8.63
		REPAIR/MAINT-STREETS ST	104.07
		REPAIR/MAINT-STREETS ST	104.07
		MAINTENANCE OF LINES SWR	3.20
		OPERATING SUPPLIES SAN	2.28
		WARRANT TOTAL	225.89
75631	EDM PUBLISHERS, INC.	MISC-DUES INSP	98.78
		WARRANT TOTAL	98.78
75632	EDGE ANALYTICAL, INC.	LAUNDRY SWR	473.00

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	473.00
75633	ENTERPRISE OFFICE SYSTEMS	OFFICE/OPERATING SUPPLIES PD	15.44
		WARRANT TOTAL	15.44
75634	E - THE ENVIRONMENTAL MAGAZINE	BOOKS, PERIOD, RECORDS LIB	24.95
		WARRANT TOTAL	24.95
75635	FRONTIER	TELEPHONE JUD	35.94
		TELEPHONE EXE	53.91
		TELEPHONE FIN	53.91
		TELEPHONE LGL	23.96
		TELEPHONE IT	17.97
		TELEPHONE PLN	17.97
		TELEPHONE ENG	41.93
		TELEPHONE PD	180.69
		TELEPHONE FD	65.89
		TELEPHONE FD	137.95
		TELEPHONE INSP	17.97
		TELEPHONE PK	11.98
		TELEPHONE PK	84.25
		TELEPHONE ST	5.99
		TELEPHONE LIB	29.95
		TELEPHONE SWR	47.92
		TELEPHONE SAN	23.96
		WARRANT TOTAL	852.14
75636	GARDNER, GLENN	REPAIR & MAINT - AUTO PD	595.10
		WARRANT TOTAL	595.10
75637	GET A FLU SHOT.COM	PROF SERVICE-MEDICAL EXAMS FD	289.75
		PROFESSIONAL SERVICES LIB	180.50
		PROFESSIONAL SERVICES SWR	90.25
		WARRANT TOTAL	560.50
75638	H.B. JAEGER CO. LLC	MAINTENANCE OF LINES SWR	1,218.29
		MAINTENANCE OF LINES SWR	443.00
		WARRANT TOTAL	1,661.29
75639	HANDY'S HEATING, INC.	REPAIR/MAINT-CITY HALL PK	126.59
		WARRANT TOTAL	126.59
75640	HUMANE SOCIETY OF SKAGIT	HUMANE SOCIETY PD	198.00
		WARRANT TOTAL	198.00
75641	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS LIB	50.18
		BOOKS, PERIOD, RECORDS LIB	11.10
		BOOKS, PERIOD, RECORDS LIB	14.80
		BOOKS, PERIOD, RECORDS LIB	66.69
		WARRANT TOTAL	142.77
75642	C. JOHNSON CONSTRUCTION INC.	CONSTRUCITON-METCALF OVERLAY A	253,208.29

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 11/28/2012 (Printed 11/20/2012 15:53)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		CONSTRUCITON-METCALF OVERLAY A		10,212.00
		IMPROVEMENT-METCALF LINE	SWR	39,386.22
		WARRANT TOTAL		302,806.51
75643	KAMB, THOMAS R	ASSOCIATE'S FEES	JUD	150.00
		WARRANT TOTAL		150.00
75644	KNIT SIMPLE	BOOKS, PERIOD, RECORDS	LIB	19.97
		WARRANT TOTAL		19.97
75645	MCCANN, WILLIAM R.	INDIGENT DEFEND CONTR	JUD	2,557.50
		WARRANT TOTAL		2,557.50
75646	NAT'L GEOGRAPHIC TRAVELER	BOOKS, PERIOD, RECORDS	LIB	29.95
		WARRANT TOTAL		29.95
75647	NEWFIELDS	PROFESSIONAL SERVICES	SWR	2,850.00
		WARRANT TOTAL		2,850.00
75648	NORTHWEST FENCE	REPAIRS/MT-RIVERFRONT	PK	515.07
		REPAIR/MAINT-STREETS	ST	281.11
		CAP OUTLAY-GRANT FOR HHS	PKR	499.36
		MT VIEW PS INS REPLACE	SWR	755.44
		OTHER IMPROVEMENTS	SAN	2,667.31
		WARRANT TOTAL		4,718.29
75649	OASYS	REPAIR/MAINTENANCE-EQUIP	LIB	80.92
		WARRANT TOTAL		80.92
75650	OLIVER-HAMMER CLOTHES	CLOTHING	SWR	178.51
		SAFETY EQUIPMENT	SWR	119.00
		WARRANT TOTAL		297.51
75651	OSBORNE, ROBERT	PROFESSIONAL SERVICES	INSP	275.00
		WARRANT TOTAL		275.00
75652	OWLKIDS	BOOKS, PERIOD, RECORDS	LIB	34.95
		WARRANT TOTAL		34.95
75653	PAT RIMMER TIRE CTR, INC	SMALL TOOLS & MINOR EQUIP	PK	69.53
		REPAIRS/MAINT-EQUIP	SAN	261.85
		REPAIRS/MAINT-EQUIP	SAN	41.74
		REPAIRS/MAINT-EQUIP	SAN	41.74
		REPAIRS/MAINT-EQUIP	SAN	32.55
		REPAIRS/MAINT-EQUIP	SAN	40.25
		WARRANT TOTAL		404.18
75654	PETTY CASH-DEBRA PETERSON	SUPPLIES	LIB	68.76
		WARRANT TOTAL		68.76
75655	PITNEY BOWES	OPERATING RENTALS/LEASES	FIN	47.34
		POSTAGE	PLN	47.33

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		POSTAGE	ENG	47.33
		POSTAGE	PD	47.34
		POSTAGE	FD	47.33
		POSTAGE	INSP	47.33
		WARRANT TOTAL		284.00
75656	PUBLIC UTILITY DIS. NO.1	PUBLIC UTILITIES	FD	174.02
		UTILITIES-COMMUNITY CTR	PK	83.30
		UTILITIES-SENIOR CENTER	PK	261.60
		WARRANT TOTAL		518.92
75657	QUICK LANE TIRE & AUTO CENTER	REPAIR & MAINT - AUTO	PD	36.55
		WARRANT TOTAL		36.55
75658	RESCUE RESPONSE GEAR, INC.	PORTABLE EQUIPMENT	SWR	2,639.36
		WARRANT TOTAL		2,639.36
75659	ROHLINGER ENTERPRISES, INC.	MAINTENANCE CONTRACTS	SWR	19.48
		WARRANT TOTAL		19.48
75660	SAMISH BAY CONSTRUCTION INC.	REPAIRS/MT-RIVERFRONT	PK	4,869.00
		REPAIR/MAINT-STREETS	ST	2,596.80
		WARRANT TOTAL		7,465.80
75661	SCIENTIFIC SUPPLY	OPERATING SUPPLIES	SWR	104.67
		OPERATING SUPPLIES	SWR	442.17
		WARRANT TOTAL		546.84
75662	SECRETARY OF STATE	INTERNET	LIB	414.89
		WARRANT TOTAL		414.89
75663	SEDGWICK CMS	INDUSTRIAL INSURANCE	LGS	2.23
		INDUSTRIAL INSURANCE	JUD	4.13
		INDUSTRIAL INSURANCE	EXE	4.70
		INDUSTRIAL INSURANCE	FIN	5.94
		INDUSTRIAL INSURANCE	LGL	1.07
		INDUSTRIAL INSURANCE	IT	3.80
		INDUSTRIAL INSURANCE	PLN	24.76
		INDUSTRIAL INSURANCE	ENG	14.85
		INDUSTRIAL INSURANCE	PD	478.60
		INDUSTRIAL INSURANCE	PD	13.70
		INDUSTRIAL INSURANCE	FD	316.87
		INDUSTRIAL INSURANCE	INSP	43.57
		INDUSTRIAL INSURANCE	PK	146.88
		INDUSTRIAL INSURANCE	CEM	40.85
		INDUSTRIAL INSURANCE	ST	104.80
		INDUSTRIAL INSURANCE	ST	1.16
		INDUSTRIAL INSURANCE	LIB	24.34
		INDUSTRIAL INSURANCE	SWR	340.95
		INDUSTRIAL INSURANCE	SAN	203.40
		INDUSTRIAL INSURANCE	SWTR	98.20
		INDUSTRIAL INSURANCE	ERR	22.68

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	1,897.48
75664	SEDRO-WOOLLEY AUTO PARTS	SMALL TOOLS/MINOR EQUIP ST	8.91
		SMALL TOOLS/MINOR EQUIP ST	7.58
		REPAIR/MAINTENANCE-EQUIP ST	15.56
		REPAIR/MAINTENANCE-EQUIP ST	11.25
		REPAIR/MAINTENANCE-EQUIP ST	26.99
		REPAIRS/MAINT-EQUIP SAN	74.34
		OPERATING SUPPLIES SAN	46.52
		WARRANT TOTAL	191.15
75665	SKAGIT CD	CONTRACTED SERVICES	548.34
		CONTRACTED SERVICES	2.00
		WARRANT TOTAL	550.34
75666	SKAGIT CO. PUBLIC WORKS	SOLID WASTE DISPOSAL SAN	43,873.28
		WARRANT TOTAL	43,873.28
75667	SKAGIT CO. COMMUNITY SERVICES	SKAGIT COUNCIL ON ALCOHOL ALC	2,399.90
		WARRANT TOTAL	2,399.90
75668	SKAGIT CO. PUBLIC WORKS	SKAGIT CO SOLID WASTE SWR	935.87
		WARRANT TOTAL	935.87
75669	SKAGIT COUNTY SHERIFF	PRISONERS PD	8,756.84
		WARRANT TOTAL	8,756.84
75670	SKAGIT SURVEYORS &	CONSTRUCITON-METCALF OVERLAY A	1,062.50
		WARRANT TOTAL	1,062.50
75671	SK. VALLEY BARK & TOPSOIL, INC.	OPERATING SUP - MEMORIAL PARK	54.10
		REPAIR/MAINTENANCE-LAND CEM	54.10
		WARRANT TOTAL	108.20
75672	SKAGIT PUBLISHING	LEGAL PUBLICATIONS LGS	90.00
		LEGAL PUBLICATIONS LGS	45.00
		ADVERTISING PLN	80.00
		PROFESSIONAL SERVICES SAN	35.00
		WARRANT TOTAL	250.00
75673	SKAGIT VALLEY SIGNS	SUPPLIES ENG	196.92
		WARRANT TOTAL	196.92
75674	STAPLES BUSINESS ADVANTAGE	SUPPLIES LGS	105.88
		OPERATING SUPPLIES SWR	107.90
		WARRANT TOTAL	213.78
75675	SKAGIT REGIONAL CLINICS PHARMACY	RETIRED MEDICAL PD	69.00
		RETIRED MEDICAL PD	47.55
		RETIRED MEDICAL PD	18.00
		RETIRED MEDICAL PD	26.60
		WARRANT TOTAL	161.15

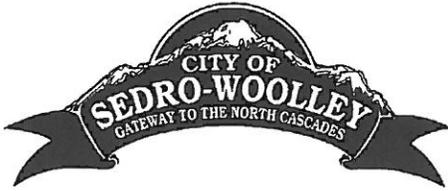
CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 11/28/2012 (Printed 11/20/2012 15:53)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
75676	STATE AUDITOR'S OFFICE	STATE AUDITING	FIN	9,546.93
		WARRANT TOTAL		9,546.93
75677	STILES & STILES	MUNICIPAL COURT JUDGE	JUD	2,728.00
		WARRANT TOTAL		2,728.00
75678	TIME	BOOKS, PERIOD, RECORDS	LIB	40.00
		WARRANT TOTAL		40.00
75679	TRUE VALUE	REPAIRS & MAINTENANCE	PD	14.60
		REPAIRS & MAINTENANCE	PD	112.48
		REPAIRS & MAINTENANCE	PD	56.24
		OFFICE/OPERATING SUPPLIES	PD	40.00
		OFFICE/OPERATING SUPPLIES	PD	34.60
		MACHINERY & EQUIPMENT	PD	33.80
		OPERATING SUP - RIVERFRONT	PK	49.75
		OPERATING SUP - RIVERFRONT	PK	9.73
		OPERATING SUP - HAMMER SQ	PK	1.51
		OPERATING SUP - HAMMER SQ	PK	20.74
		SMALL TOOLS & MINOR EQUIP	PK	3.24
		OPERATING SUPPLIES	ST	3.03
		REPAIR/MAINTENANCE-EQUIP	ST	28.52
		REPAIRS & MAINTENANCE KENNEL		9.82
		OPERATING SUPPLIES	SWR	21.62
		OPERATING SUPPLIES	SWR	41.55
		OPERATING SUPPLIES	SWR	36.77
		OPERATING SUPPLIES	SWR	21.63
		OPERATING SUPPLIES	SAN	11.89
		WARRANT TOTAL		439.04
75680	USA BLUE BOOK	OPERATING SUPPLIES	SWR	41.58
		WARRANT TOTAL		41.58
75681	UTIL UNDERGROUND LOC CTR	OPERATING SUPPLIES	SWR	55.87
		WARRANT TOTAL		55.87
75682	VALLEY AUTO SUPPLY	REPAIRS/MAINT-EQUIP	SAN	2.91
		WARRANT TOTAL		2.91
75683	VISION FORMS, LLC	COMMUNICATIONS	EXE	451.32
		POSTAGE	SWR	1,526.10
		POSTAGE	SWR	1,523.57
		POSTAGE	SAN	727.83
		POSTAGE	SAN	726.62
		OPERATING SUPPLIES	SWTR	93.92
		OPERATING SUPPLIES	SWTR	93.77
		WARRANT TOTAL		5,143.13
75684	WA STATE DEPT OF ECOLOGY	MISC-DUES/SUBSCRIPTIONS	SWR	30.00
		WARRANT TOTAL		30.00
75685	WA ST DEPT OF PROF LICEN	INTERGOV SVC-GUN PERMITS	PD	36.00

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	36.00
75686	WA STATE DEPT OF REVENUE	OFFICE/OPERATING SUPPLIES PD	3.96
		MACHINERY & EQUIPMENT PD	7.73
		OPERATING SUPPLIES FD	47.76
		TAXES AND ASSESSMENTS PK	56.52
		TAXES AND ASSESSMENTS CEM	253.30
		SUPPLIES LIB	16.26
		EARLY LITERACY LIB	12.91
		LIBRARY INFO DATABASES LIB	.93
		TAXES AND ASSESSMENTS LIB	12.51
		BOOKS, PERIOD, RECORDS LIB	44.60
		CAP OUTLAY-GRANT FOR HHS PKR	4.79
		MAINTENANCE OF LINES SWR	94.30
		TAXES AND ASSESSMENTS SWR	5,501.76
		PORTABLE EQUIPMENT SWR	62.53
		OPERATING SUPPLIES SAN	17.97
		TAXES & ASSESSMENTS SAN	5,927.46
		WARRANT TOTAL	12,065.29
75687	WASHINGTON STATE PATROL	INTERGOV SVC-GUN PERMITS PD	132.00
		WARRANT TOTAL	132.00
75688	WEST PAYMENT CTR	WESTLAW SERVICES LGL	230.14
		WARRANT TOTAL	230.14
75689	WOOD'S LOGGING SUPPLY INC	OPERATING SUP - PARKS SHOP PK	157.86
		MAINTENANCE OF LINES SWR	97.38
		OPERATING SUPPLIES SWR	8.83
		OPERATING SUPPLIES SAN	18.38
		WARRANT TOTAL	282.45
75690	KESTER, ALLIE	ROLLOFF FEES	83.69
		WARRANT TOTAL	83.69
75691	GARDNER, ADAM	TRAVEL/MEALS FD	55.00
		WARRANT TOTAL	55.00
		RUN TOTAL	458,940.57

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	42,085.45
101	PARK FUND	8,172.54
102	CEMETERY FUND	421.42
103	STREET FUND	4,562.07
104	ARTERIAL STREET FUND	268,247.16
105	LIBRARY FUND	1,203.12
107	PARKS RESERVE FUND	504.15
111	DOG FUND	9.82
401	SEWER FUND	74,954.82
412	SOLID WASTE FUND	57,921.11
425	STORMWATER	836.23
501	EQUIPMENT REPLACEMENT FUND	22.68
TOTAL		458,940.57

DEPARTMENT	AMOUNT
001 000 011	243.11
001 000 012	5,475.57
001 000 013	547.45
001 000 014	9,773.29
001 000 015	2,755.17
001 000 017	21.77
001 000 018	89.44
001 000 019	170.06
001 000 020	301.03
001 000 021	18,582.09
001 000 022	1,243.92
001 000 024	482.65
001 000 062	2,399.90
FUND CURRENT EXPENSE FUND	42,085.45
101 000 076	8,172.54
FUND PARK FUND	8,172.54
102 000 036	421.42
FUND CEMETERY FUND	421.42
103 000 042	4,562.07
FUND STREET FUND	4,562.07
104 000 042	268,247.16
FUND ARTERIAL STREET FUND	268,247.16
105 000 072	1,203.12
FUND LIBRARY FUND	1,203.12
107 000 076	504.15
FUND PARKS RESERVE FUND	504.15
111 000 021	9.82
FUND DOG FUND	9.82
401 000 035	74,954.82
FUND SEWER FUND	74,954.82
412 000 000	83.69
412 000 037	57,837.42
FUND SOLID WASTE FUND	57,921.11
425 000 039	836.23
FUND STORMWATER	836.23
501 000 047	22.68
FUND EQUIPMENT REPLACEMENT FUND	22.68
TOTAL	458,940.57



CITY COUNCIL AGENDA
REGULAR MEETING

NOV 28 2012

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

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

Mark A. Freiberger, PE
Director of Public Works

MEMO TO: City Council and Mayor Anderson
FROM: Mark A. Freiberger, PE
RE: **Possible Contract Amendment 01
Contract 2012-PS-05
SCADA & Controls Engineering Inc.**
DATE: November 16, 2012 (for Council action November 28, 2012)

ISSUE:

Shall council move to authorize Mayor Anderson to execute contract amendment 01 to Contract 2012-PS-05 with SCADA & Controls Engineering Inc. of Bothell, WA for the extension of the existing on-call engineering support services related to the city's wastewater treatment plant and pump station SCADA systems?

BACKGROUND / DISCUSSION:

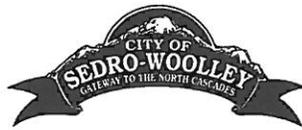
Earlier this year our Mountain View pump station was damaged due to a motor vehicle accident. The attached amendment would extend the contract amount from the original not-to exceed total of \$10,000 to \$46,000 to allow for the additional work necessary to bring the pump station back online. Funding for this request will eventually be covered under the current open insurance claim presently in process.

FINANCIAL:

Funds for this project are available from the Account 401.000.035.596.35.64.11, Mt. View PS Insurance Replacement line item.

MOTION:

Move to authorize Mayor Anderson to execute Amendment No. 1 for Professional Services Agreement No. 2012-PS-05 with SCADA Control Engineering, Inc. of Bothell, WA extending the not to exceed agreement total to \$46,000.



AMENDMENT NO. 1

To the ON-CALL PROFESSIONAL SERVICES AGREEMENT No. 2012-PS-05
Dated February 23, 2012
Between The City of Sedro-Woolley, Washington
And SCADA & Controls Engineering Inc.

This Amendment revises the above contract as follows:

Section 6. Compensation and Schedule of Payments.

City shall pay the Contractor its hourly rates, not to exceed under this agreement
[X] \$46,000.00 without prior approval of the Director of Public Works/City Engineer.
[X] Pursuant to the schedule set forth on Exhibit B, "Standard Labor Rates and General Terms and Conditions."

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

All other terms and conditions remain as per the original agreement.

DATED this 29th day of November, 2012.

CITY OF SEDRO-WOOLLEY
A Washington municipal corporation

By: _____
Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

CONTRACTOR:

SCADA & Controls Engineering Inc.

By: _____

NOV 28 2012

ORDINANCE NO. _____

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

**AN AMENDING ORDINANCE TO CORRECT LEGAL DESCRIPTIONS IN
ORDINANCE 1604-08, AN ORDINANCE TO ANNEX INTO THE CITY OF
SEDRO-WOOLLEY, CITY-OWNED PROPERTIES INCLUDING: THE FIRE
DEPARTMENT TRAINING FACILITY, TWO PROPERTIES ADJACENT TO
THE WASTEWATER TREATMENT FACILITY AND A SECTION OF THE
CITY CEMETERY**

WHEREAS, the City annexed into city limits four city-owned properties (Parcel numbers P119441, 37618, 37637 and P39816, totaling approximately 15.96 acres) under Ordinance #1604-08 in January of 2008 for municipal purpose use; and

WHEREAS, The Washington State Office of Financial Management determined that the legal description of Parcel P39816 is an abbreviated legal description and has required that a complete legal description for Parcel P39816 be included in an amending ordinance; and

WHEREAS, a complete legal description for parcel P39816 is attached as Exhibit "A"; and

WHEREAS, the Department of Transportation determined that a legal description for the stretch of 3rd Street that is now surrounded by properties within city limits is not included in Ordinance 1604-08; and

WHEREAS, a legal description for and map showing the section of 3rd Street that is intended to be located within city limits is attached as Exhibit "B"; and

WHEREAS, this amending ordinance contains no substantive changes to Ordinance 1604-08; now, therefore,

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

Section 1. That the legal description of Parcel P39816 in Exhibit "A" of Ordinance 1604-08 is amended to read as described in Exhibit "A" attached; and

Section 2. That the right-of way described in Exhibit "B" attached hereto is hereby annexed into the City of Sedro-Woolley; and that the corporate city limits of the City of Sedro-Woolley shall include the property and territory hereinbefore fully described; and

Section 3. 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.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Exhibit A

Parcel Number: P39816

Address: Not Assigned

Legal Description: E 265 feet of South 330 feet of W 1/2, SW 1/4, NE 1/4 of Section 19,
Township 35 North, Range 5 East W.M., LESS Road

Exhibit B

Legal description and map of a portion of Third Street to be annexed into the City of Sedro-Woolley

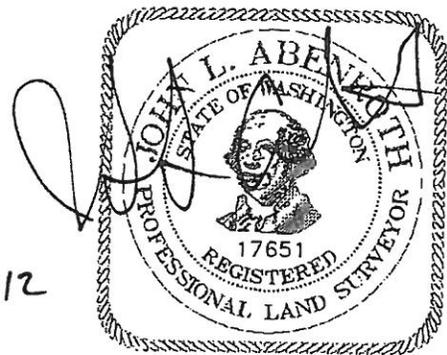
SKAGIT SURVEYORS AND ENGINEERS

806 Metcalf St.
Sedro-Woolley, WA 98284
360.855.2121

LEGAL DESCRIPTION
FOR
CITY OF SEDRO-WOOLLEY
OF
A PORTION OF THIRD STREET TO BE ANNEXED TO CITY

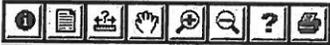
August 23, 2012

All of the right of way for Third Street lying in the southeast quarter of the northwest quarter of Section 25, Township 35 North, Range 4 East, EXCEPT the south 1,069.00 feet thereof.





Search by:
 Section
 Parcel Number
 Address
 Xref ID
 Road Name

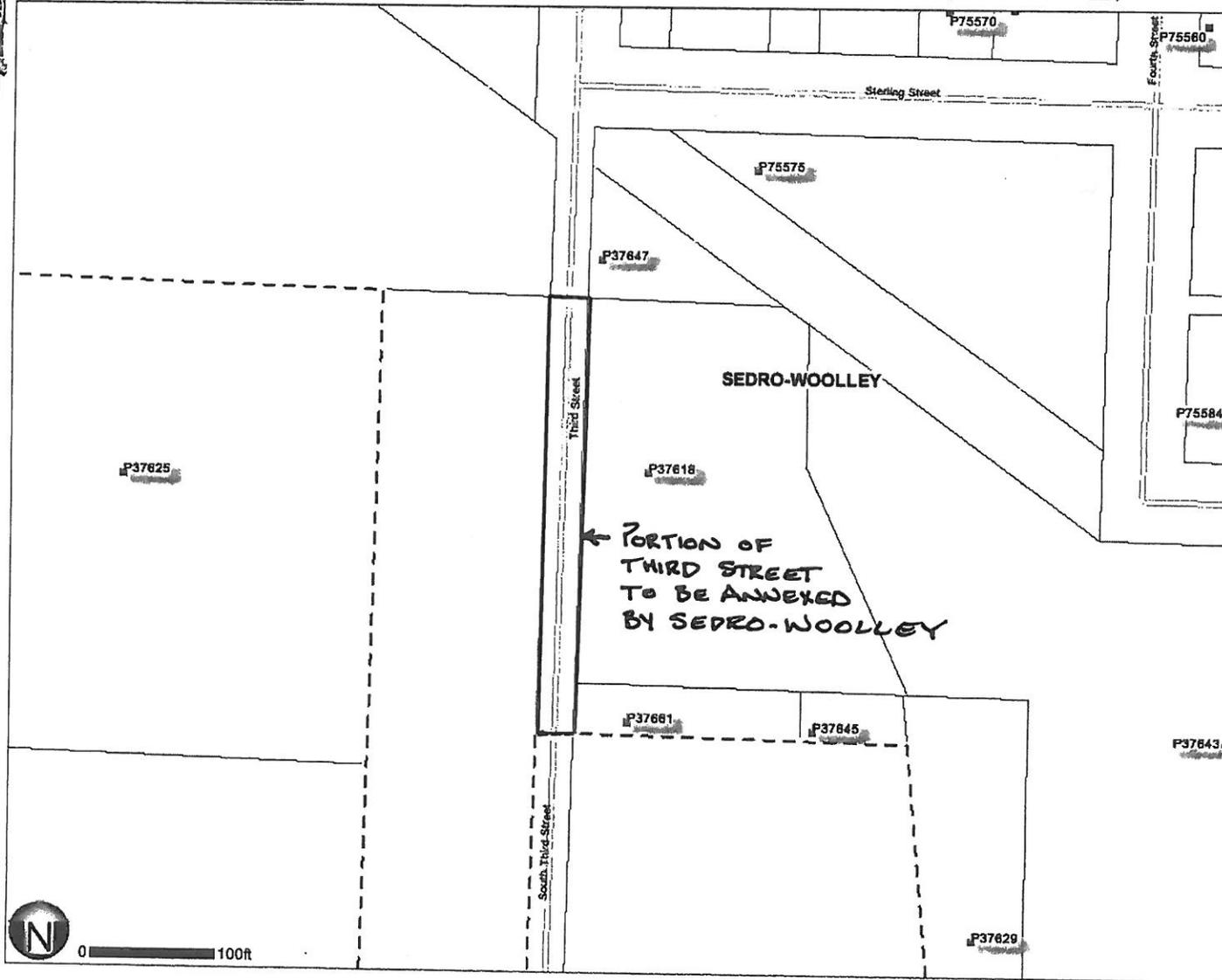


Select Region ▼ | Select View ▼

Map Size Large ▼

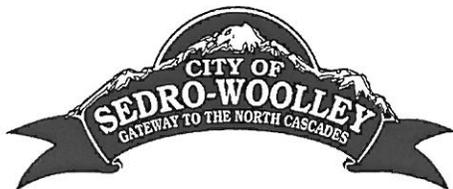
VIEWLAYERS

- County Boundary
- Railroads
- Roads**
- State Roads
- Local Roads
- City Limits
- Parcel ID
- Parcels
- Pre-Tax Account
- Rivers and Streams



CITY COUNCIL AGENDA
REGULAR MEETING

NOV 28 2012



7:00 P.M. COUNCIL CHAMBERS Sedro-Woolley Municipal Building
AGENDA NO. 34

CITY OF SEDRO-WOOLLEY

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: Prosecutor contract
DATE: November 28, 2012

ISSUE: Should the Council approve the attached agreement between the City and Fields Law Firm for prosecution services in 2013?

BACKGROUND: The City requested proposals from all interested firms and attorneys in October. Following the deadline of November 15th for proposals to be submitted to the City, a panel including four members of the SWPD, the mayor and I, met with the responsive candidates. The Fields Law Office proposed to provide the necessary services for the same cost as we are currently spending; our recommendation is that we proceed with Sharon Fields and John Gleason.

Since we are transitioning from Jennifer Bouwens who has performed this service since January 1, 2007 to a new contractor, I am proposing that we begin the new contract on December 1, 2012 to allow for a one month transition time between the contractors.

REQUEST FOR ACTION: Motion to approve the contract in a final form to be negotiated by the City Supervisor/Attorney.

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT is made and entered into as of this ____ day of November, 2012, by and between the CITY OF SEDRO-WOOLLEY, acting by and through its City Supervisor/Attorney, hereinafter referred to as the "City," and FIELDS LAW OFFICE, hereinafter referred to as the "Law Firm."

WHEREAS the City has need of legal services for the provision of a competent attorney to effectively prosecute those people charged by the City with misdemeanors in the Sedro-Woolley Municipal Court, including appeals at all appellate levels; and

WHEREAS the Law Firm has expertise in this area of practice, and is able to provide advice and representation;

NOW, THEREFORE, it is hereby agreed as follows:

1. Legal Services: The Law Firm agrees to provide legal services in connection with the City's Request for Proposals ("RFP") dated October 26, 2012. For the purposes of this Agreement, the aforesaid RFP is incorporated into this agreement as though fully set forth.
2. Service: The Law Firm will make every effort to expedite such legal matters promptly and efficiently according to the highest legal and ethical standards.
3. Term: Services to be provided pursuant to this agreement shall commence on December 1, 2012, and terminate on December 31, 2013, with the first month of the contract intended to allow the Law Firm to transition from the current contractor. The term of this agreement may be extended upon the mutual agreement of the parties.
4. Fees: For the work under this agreement, the City shall pay the Law Firm as sole compensation for the services performed under this agreement, the sum of \$2,500.00 per month. Additionally, the City agrees to reimburse Law Firm for its actual costs in attending one WSAMA conference in 2013, up to a maximum of \$1,000.00.
5. Services are Personal: The legal services described herein shall be provided by the following attorneys: John Gleason and Sharon Fields. The City has entered into this agreement based upon the skills and qualifications of the attorneys named above, who will provide the services described herein. While this attorney will be the primary attorney providing such services, the Law Firm may, from time to time, assign other attorneys to provide services with the City's consent as to individuals assigned.
4. Billing Procedures: Billings should be submitted on a monthly basis. Each billing statement should set forth for each date services were performed:

A brief summary of the services provided;
The number of hours, or fractions of hours, spent by each provider.

Payment shall be made through the City's ordinary payment process, and shall be considered timely if made within 30 days of receipt of a properly completed invoice.

All payments shall be subject to adjustment for any amounts, upon audit or otherwise, determined to have been improperly invoiced. In no event shall the total of the City's payment pursuant to this Agreement exceed the amount set forth hereinabove.

5. Interaction with City:

A. The City Supervisor/Attorney for the City shall be responsible for managing this contract on behalf of the City.

B. The Law Firm will keep City well informed of all disputes between the Law Firm and its clients represented pursuant to this Agreement. The Law Firm, at such times and such form as the City may require, shall furnish the City with periodic reports pertaining to the work and services undertaken pursuant to this agreement.

6. Independent Contractor Status: The Law Firm shall at all times perform its duties and responsibilities and carry out all services as an independent contractor.

The Law Firm, at its sole expense, shall obtain and keep in force any and all necessary licenses, permits, and tax certificates. The Law Firm shall maintain a professional liability policy with policy limits as set forth in the RFP to protect Law Firm and the City from losses and claims which may arise out of or result from performance of duties related to this Agreement, including Worker's Compensation and professional liability insurance.

The Law Firm shall obtain a business license under the Sedro-Woolley Municipal Code.

7. Suspension or Termination:

A. Disposal of files upon termination of contract.

B. Disposition of open cases upon termination of contract.

C. City may suspend or terminate the performance of services under this Agreement by written notice to the Law Firm, in whole, or from time to time in part, at the City's discretion based upon Law Firms violation of the terms of this Agreement.

8. Indemnification: The Law Firm shall indemnify and hold harmless the City, its officials, officers, agents, employees, volunteers, and representatives from, and shall process and defend at its sole expense, any and all claims, demands, damages, suits at law or at equity, liabilities, losses, judgments, liens, expenses, and cost arising out of or occasioned by the negligent performance, negligent acts, and/or omissions by the Law Firm and its employees relative to any activity and/or services covered hereunder. In the event of

recovery due to the aforementioned circumstances, the Law Firm shall pay any judgment or lien arising therefrom, including any and all costs as part thereof.

- 9. Non-discrimination: The Law Firm agrees to take all necessary and affirmative steps to ensure compliance with all federal, state and City laws and policies regarding non-discrimination and equal employment opportunities. The Law Firm shall not discriminate in any employment action or in the representation of any client because of race, creed, color, national origin, marital status, sex, age, or the presence of any sensory, mental or physical handicap.

In the event of non-compliance by the Law Firm with any of the non-discrimination provisions of this Agreement, the City will have the right, at its option, to cancel the Agreement in whole or in part by written notice. If the Agreement is canceled after partial performance, the City will be obligated to pay only for that portion of the total work authorized under this Agreement that is satisfactorily completed.

- 10. Conflict of Interest: In addition to Rule of Professional Conduct 1.7, the Law Firm shall comply with all federal and state conflict of interest laws, statutes and regulations as they shall apply to all parties and beneficiaries under this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first written above.

CITY OF SEDRO-WOOLLEY

LAW FIRM

By _____
Mayor signature

By _____
Fields Law Office
By: _____

Attest:

Tax ID # _____

Finance Director

720 S. Main Street, Suite 227
Mount Vernon, WA 98273

Approved as to form:

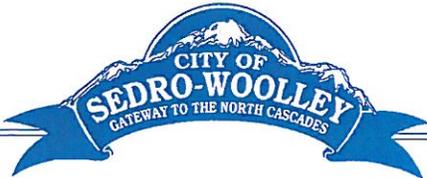
City Attorney

CITY COUNCIL AGENDA
REGULAR MEETING

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

NOV 28 2012

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



Eron M. Berg
City Supervisor/City Attorney

November 21, 2012

Mr. Bill McCann, Esq.
302 Metcalf Street
Sedro-Woolley, WA 98284

RE: Public Defense

Dear Bill:

I am writing to follow up on our conversation from earlier today regarding the public defense contract for 2013. I understand that you may have had a written agreement with this arrangement which started more than a decade ago. However, as a result of the new indigent defense standards from the Washington Supreme Court, it seems prudent to update our arrangement as follows:

1. Increased compensation to \$36,000 per year, paid monthly in the same manner as currently processed;
2. City will provide office space, telephone, normal office support, and a notebook computer (if requested);
3. Conflict counsel is provided by the City as appointed by the Judge;
4. Private investigators are available for your use as ordered by the Judge;
5. Expert witnesses are available for your use as ordered by the Judge;
6. You will provide the necessary time to represent indigent defense clients as assigned by the Judge up to a maximum of 250 cases per year;
7. If you desire to have additional cases assigned beyond the 250 annual case limit, additional compensation will negotiated in advance;
8. If at any time you believe, in your sole judgment, that you are unable to provide a constitutionally adequate defense, this agreement may be renegotiated or terminated with 30 days written notice.

Additionally, you and I will meet periodically throughout the year to discuss this and be available to make adjustments as needed to make this agreement work.

Sincerely,

CITY OF SEDRO-WOOLLEY

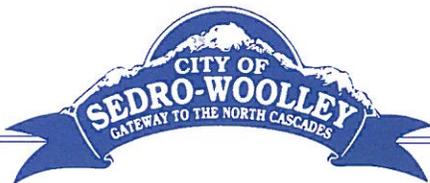
Eron Berg, City Supervisor

Agreed this 21st day of November, 2012: Wm McCann
Bill McCann

1072

NOV 28 2012

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



SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

NOV 28 2012

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

Memorandum

To: Mayor Anderson and City Council
From: Patsy Nelson 
Date: 11/20/12
Re: 2013 Budget Public Hearing (second reading)

The attached ordinance summarizes the budget amounts for each fund as detailed in the Mayor's 2013 Preliminary Budget which was presented and discussed at the November Worksession. No changes have been made to the proposed budget since the first presentation. All funds have been balanced according to State law and as outlined in the Mayor's 2013 Budget Memo.

We are still working out the details and requirements associated with Proposition #1 and its incorporation into the existing ERR program.

Staff recommends that Council proceed with tonight's public hearing, direct staff to make any resulting changes to the preliminary budget, and adopt the 2013 budget at your first meeting in December after review of proposed additions.

ORDINANCE NO. -12

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF SEDRO-WOOLLEY, WASHINGTON, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013.

WHEREAS, the Mayor of the City of Sedro-Woolley, Washington, completed and placed on file with the City Finance Director, a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses for the City of Sedro-Woolley for the fiscal year ending December 31, 2013, and a notice was published that the Sedro-Woolley City Council would meet on the 28th day of November, 2012, at the hour of 7:00 P.M., at the Sedro-Woolley City Hall, for the purpose of making and adopting a budget for the year 2013, and giving taxpayers within the city limits of Sedro-Woolley an opportunity to be heard upon said budget; and

WHEREAS, the Sedro-Woolley City Council did meet at said time and place and did then consider the matter of said proposed budget; and

WHEREAS, the proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Sedro-Woolley for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of said City for said year and being sufficient to meet the various needs of said City during said period.

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

Section 1. The budget for the City of Sedro-Woolley, Washington, for the year 2013 is hereby adopted at the fund level in its final form and content as set forth in the document entitled City of Sedro-Woolley 2013 Annual Budget, which are on file in the Office of the Finance Director or available on the City's website.

Section 2. Estimated resources, including fund balances or working capital from each separate fund of the City of Sedro-Woolley, and aggregate totals for all such funds combined, for the year 2013 are set forth in summary form below, and are hereby appropriated for expenditure at the fund level during the year 2013 as set forth below:

FUND:	AMOUNT:
001 GENERAL FUND	4,771,162
101 PARKS FUND	618,553
102 CEMETERY FUND	144,209
103 STREET FUND	770,823
104 ARTERIAL STREET FUND	1,824,483
105 LIBRARY FUND	413,392
106 CEMETERY ENDOWMENT FUND	118,096
107 PARKS RESERVE FUND	503
108 STADIUM FUND (HOTEL/MOTEL)	40,405
109 SPECIAL INVESTIGATIONS FUND	12,434
111 DOG FUND	1,777
112 CODE ENFORCEMENT FUND	26,510
113 PATHS AND TRAILS FUND	41,594
205 G/O BOND REDEMPTION FUND 2008	265,234
206 G/O BOND 2008 RESERVE FUND	155,850
230 G/O BOND 1996 REDEMPTION FUND	282,986
302 CAPITAL PROJECTS RESERVE FUND	415,143
303 BUILDING MAINTENANCE RESERVE FUND	188,815
310 POLICE MITIGATION RESERVE FUND	541
311 PARKS IMPACT FEE RESERVE FUND	13,810
312 FIRE IMPACT FEE RESERVE FUND	25,340
332 PWTF SEWER CONSTRUCTION FUND	78
401 SEWER OPERATIONS FUND	3,571,829
402 SEWER OPERATIONS RESERVE FUND	612,735
407 98 SEWER REV BOND REDEPTION FUND	799,066
410 SEWER FACILITES RESERVE FUND	2,258,597
411 98 SEWER REV BOND RESERVE FUND	376,482
412 SOLID WASTE OPERATIONS FUND	1,965,709
413 SOLID WASTE RESERVE FUND	175,299
425 STORMWATER FUND	627,652
426 STORMWATER RESERVE FUND	106,000
501 EQUIPMENT REPLACEMENT FUND	907,031
621 SUSPENSE (SWSD)	41,950
TOTAL ALL FUNDS	21,574,088

Section 3. The City Finance Director is directed to transmit a certified copy of the budget hereby adopted to the Association of Washington Cities.

Section 4. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS th
DAY OF, 2012.

Mike Anderson, Mayor

ATTEST:

Finance Director

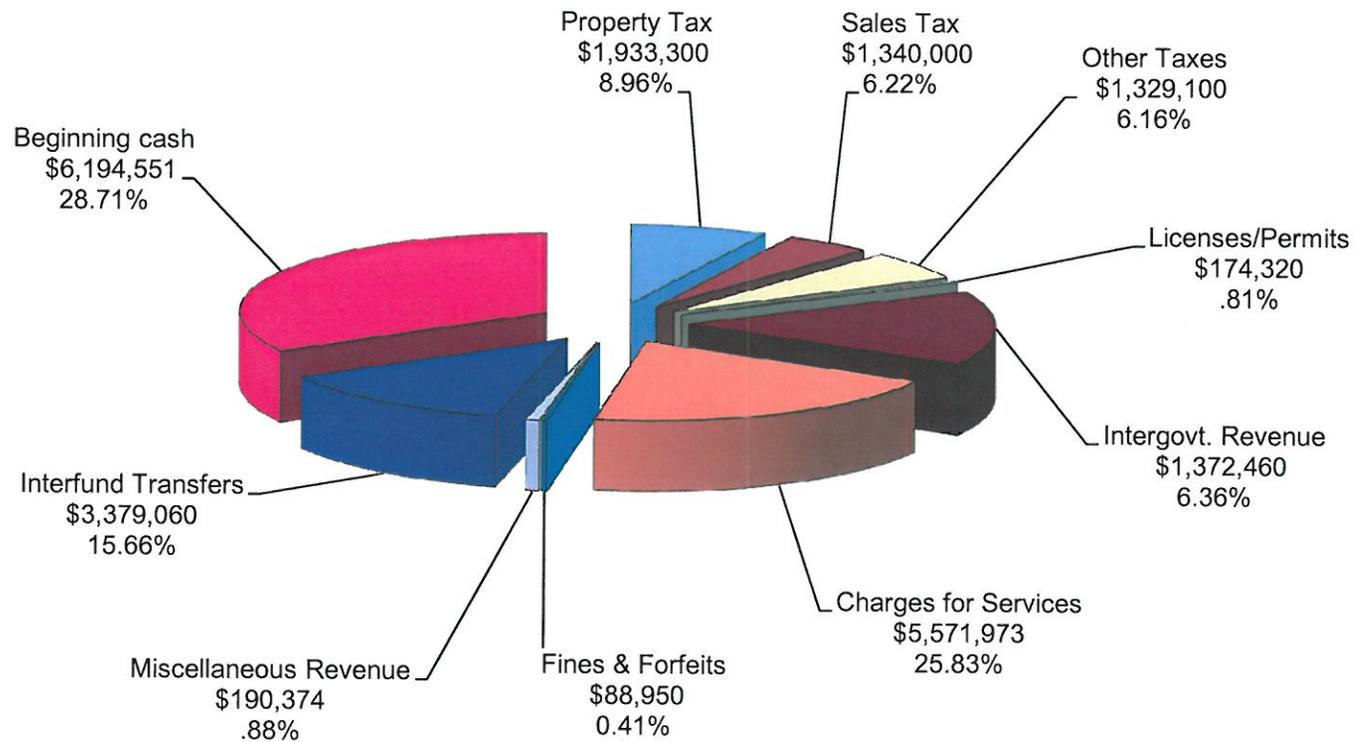
APPROVED AS TO FORM:

City Attorney

**City of Sedro-Woolley 2013 Preliminary Budget
Revenue Projections - All City Funds (by source)**

Fund Name	Property Tax	Sales Tax	Other Taxes	Licenses/ Permits	Intergovt. Revenue	Charges for Services	Fines Forfeits	Misc. Revenue	Interfund Transfers	Beginning Cash	Total
General	889,850	1,135,000	1,003,600	174,320	457,290	41,550	83,750	9,800	368,000	608,002	4,771,162
Parks	437,250	40,000	-	-	-	46,975	-	1,700	23,400	69,228	618,553
Cemetery	4,500	-	-	-	-	100,000	-	200	-	39,509	144,209
Streets	150,900	165,000	-	-	217,800	-	-	80	190,000	47,043	770,823
Arterial Streets	-	-	-	-	556,250	130,535	-	300	500,000	637,398	1,824,483
Library	245,800	-	-	-	11,350	6,300	5,200	74	80,000	64,668	413,392
Cemetery Endowment	-	-	-	-	-	2,500	-	-	-	115,596	118,096
Parks Reserve	-	-	-	-	-	-	-	500	-	3	503
Lodging Tax (Tourism)	-	-	30,500	-	-	-	-	25	-	9,880	40,405
Special Investigations	-	-	-	-	-	-	-	5,015	-	7,419	12,434
Dog Fund	-	-	-	-	-	-	-	1,500	-	277	1,777
Code Enforcement	-	-	-	-	-	-	-	20	-	26,490	26,510
Paths & Trails	-	-	-	-	1,115	-	-	60	-	40,419	41,594
2008 GO Bond	-	-	195,000	-	-	-	-	450	-	69,784	265,234
2008 GO Bond Reserve	-	-	-	-	-	-	-	-	-	155,850	155,850
1996 GO Bond	205,000	-	-	-	-	-	-	225	-	77,761	282,986
Capital Projects Reserve	-	-	100,000	-	-	-	-	400	80,000	234,743	415,143
Building Maintenance Reserve	-	-	-	-	-	2,338	-	125	55,000	131,352	188,815
Police Mitigation Reserve	-	-	-	-	-	-	-	20	-	521	541
Parks Impact Fees	-	-	-	-	-	12,000	-	-	-	1,810	13,810
Fire Impact Fees	-	-	-	-	-	1,500	-	30	-	23,810	25,340
Sewer Construction - PWTF	-	-	-	-	-	-	-	-	-	78	78
Sewer Operations	-	-	-	-	-	3,112,475	-	41,500	66,500	351,354	3,571,829
Sewer Operations Reserve	-	-	-	-	-	-	-	-	75,000	537,735	612,735
Sewer Debt Service	-	-	-	-	-	4,500	-	1,500	450,000	343,066	799,066
Sewer Facilities Reserve	-	-	-	-	-	77,000	-	3,500	1,037,660	1,140,437	2,258,597
Sewer Bond Reserve	-	-	-	-	-	-	-	-	-	376,482	376,482
Solid Waste Operations	-	-	-	-	-	1,651,700	-	77,050	-	236,959	1,965,709
Solid Waste Reserve	-	-	-	-	-	-	-	250	-	175,049	175,299
Stormwater	-	-	-	-	128,655	382,600	-	5,300	-	111,097	627,652
Stormwater Reserve	-	-	-	-	-	-	-	-	106,000	-	106,000
Suspense (SWSD)	-	-	-	-	-	-	-	40,000	-	1,950	41,950
Equipment Replacement & Fleet	-	-	-	-	-	-	-	750	347,500	558,781	907,031
TOTAL	1,933,300	1,340,000	1,329,100	174,320	1,372,460	5,571,973	88,950	190,374	3,379,060	6,194,551	21,574,088
	8.96%	6.21%	6.16%	0.81%	6.36%	25.83%	0.41%	0.88%	15.66%	28.71%	100.00%

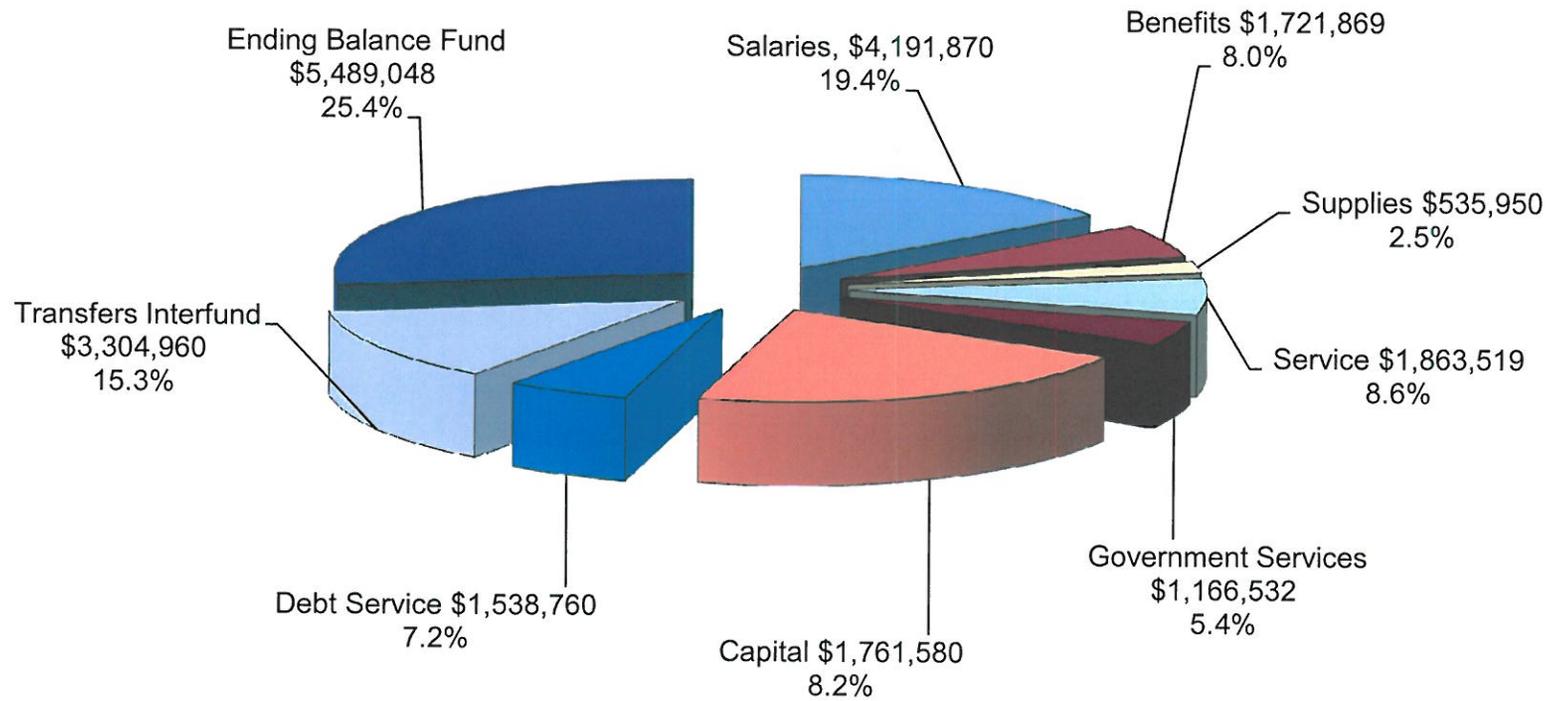
**2013 Preliminary
Revenue Projections
All City Funds by source
\$21,574,088**



**City of Sedro-Woolley 2013 Preliminary Budget
Expenditures by Category - All Funds**

Fund Name	Salaries	Benefits	Supplies	Service Charges	Gov't Services	Capital	Debt Service	Transfers Interfund	End. Fund Balance	Total
General	2,266,930	833,195	146,100	687,339	305,350	37,200	105,840	7,065	382,143	4,771,162
Parks	218,070	109,415	41,900	163,150	875	7,700	10,000	12,953	54,490	618,553
Cemetery	62,775	29,465	12,500	12,545	2,000	-	-	12,953	11,971	144,209
Streets	159,325	84,313	46,200	236,800	60	105,000	-	76,538	62,587	770,823
Arterial Streets	-	-	-	-	3,197	646,500	-	500,000	674,786	1,824,483
Library	177,820	47,445	4,000	53,875	150	10,000	-	80,000	40,102	413,392
Cemetery Endowment	-	-	-	-	-	-	-	-	118,096	118,096
Cummulative Reserve - Parks	-	-	-	-	-	-	-	-	503	503
Lodging Tax (Tourism)	-	-	-	40,000	-	-	-	-	405	40,405
Special Investigations	-	-	-	3,000	500	5,000	-	-	3,934	12,434
Dog Fund	-	-	750	-	-	1,000	-	-	27	1,777
Code Enforcement	-	-	-	25,000	-	-	-	-	1,510	26,510
Paths & Trails	-	-	-	-	-	5,000	-	-	36,594	41,594
2008 GO Bond	-	-	-	-	-	-	150,555	55,000	59,679	265,234
2008 GO Bond Reserve	-	-	-	-	-	-	-	-	155,850	155,850
1996 GO Bond	-	-	-	-	-	-	223,200	-	59,786	282,986
Current Expense Reserve	-	-	-	-	-	-	-	270,000	145,143	415,143
Facilities Maintenance Reserve	-	-	-	-	-	-	-	6,500	182,315	188,815
Police Mitigation Reserve	-	-	-	-	-	-	-	-	541	541
Parks Impact Fees	-	-	-	-	-	-	-	10,000	3,810	13,810
Fire Impact Fees	-	-	-	-	-	-	-	-	25,340	25,340
Sewer Construction - PWTF	-	-	-	-	-	-	-	-	78	78
Sewer Operations	668,000	318,595	142,000	434,800	81,000	527,500	-	1,114,063	285,871	3,571,829
Sewer Operations Reserve	-	-	-	-	-	75,000	-	-	537,735	612,735
Sewer Debt Service	-	-	-	-	-	-	428,700	-	370,366	799,066
Sewer Facilities Reserve	-	-	-	-	-	-	620,465	791,500	846,632	2,258,597
Sewer Bond Reserve	-	-	-	-	-	-	-	-	376,482	376,482
Solid Waste Operations	383,400	187,085	129,500	109,150	725,000	35,580	-	231,435	164,559	1,965,709
Solid Waste Reserve	-	-	-	-	-	-	-	-	175,299	175,299
Stormwater Operations	193,000	95,343	10,000	97,860	8,400	33,000	-	136,953	53,096	627,652
Stormwater Reserve	-	-	-	-	-	-	-	-	106,000	106,000
Suspense (SWSD)	-	-	-	-	40,000	-	-	-	1,950	41,950
Equipment Replacement & Fleet	62,550	17,013	3,000	-	-	273,100	-	-	551,368	907,031
TOTAL	4,191,870	1,721,869	535,950	1,863,519	1,166,532	1,761,580	1,538,760	3,304,960	5,489,048	21,574,088
	19.4%	8.0%	2.5%	8.6%	5.4%	8.2%	7.1%	15.3%	25.4%	100.0%

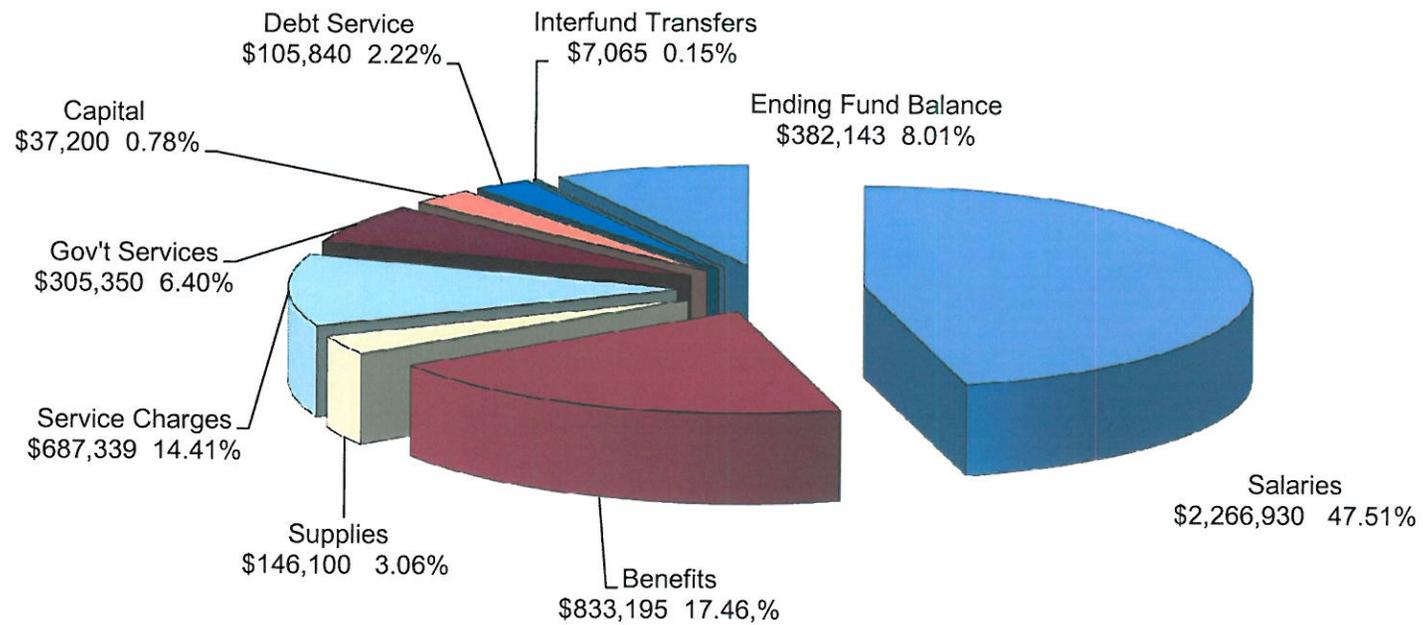
**2013 Preliminary
All Funds
Expenditures - by Purpose
\$21,574,088**

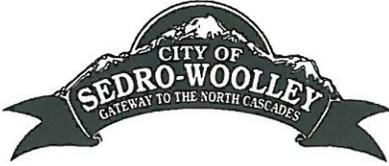


**City of Sedro-Woolley 2013 Preliminary Budget
Expenditures by Category - General Fund Departments**

Department Name	Salaries	Benefits	Supplies	Service Charges	Gov't Services	Capital	Debt Service	Transfers Interfund	Total	%
Legislative	42,000	3,346	5,350	7,000	15,200	-	-	-	72,896	1.53%
Judicial	38,130	6,655	3,500	48,486	14,877	500	-	-	112,148	2.35%
Executive	56,725	19,570	1,000	68,500	-	-	-	-	145,795	3.06%
Finance	59,110	31,455	10,000	58,128	-	1,000	-	-	159,693	3.35%
Legal	21,000	8,588	100	92,845	1,400	-	-	-	123,933	2.60%
Civil Service	-	-	250	3,000	-	-	-	-	3,250	0.07%
Information Technologies	53,700	15,372	2,700	22,100	-	9,000	-	-	102,872	2.16%
Central Services	-	-	3,600	5,000	-	-	-	7,065	15,665	0.33%
Planning	73,500	24,798	2,300	12,260	5,015	600	-	-	118,473	2.48%
Engineering	68,515	28,265	3,500	28,595	-	500	-	-	129,375	2.70%
Police	1,370,790	568,358	59,700	176,165	200,500	25,000	-	-	2,400,513	50.31%
Fire	466,350	120,568	51,500	126,100	-	-	105,840	-	870,358	18.24%
Building	17,110	6,220	2,600	39,160	-	600	-	-	65,690	1.38%
Emergency Services	-	-	-	-	21,000	-	-	-	21,000	0.44%
Pollution Control	-	-	-	-	3,707	-	-	-	3,707	0.08%
Economic Development	-	-	-	-	2,000	-	-	-	2,000	0.04%
Aging	-	-	-	-	20,441	-	-	-	20,441	0.43%
Public Health	-	-	-	-	21,210	-	-	-	21,210	0.44%
Ending Fund Balance									382,143	8.01%
TOTAL	2,266,930	833,195	146,100	687,339	305,350	37,200	105,840	7,065	4,771,162	100.00%

**2013 Preliminary
Expenditures by Category
General Fund Departments
\$4,771,162**





CITY COUNCIL AGENDA
REGULAR MEETING

NOV 28 2012

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

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

MEMO:

To: City Council
Mayor Anderson

From: John Coleman, AICP
Planning Director

Date: November 28, 2012

Subject: Zoning Rules for Medical Cannabis Collective Gardens – *2nd Read*

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. 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.

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 expressed concern about the city's liability 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.

Since the 1st read of the proposed ordinance, Initiative-502 passed, which makes the recreational use of marijuana legal in the state. I-502 is relevant to the proposed ordinance, but does not directly affect the city's ability to regulate zoning rules for medical cannabis collective gardens.

ATTACHMENTS

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

RECOMMENDATION

Continued discussion of proposed ordinance (2nd read).

Attachment 1

To Council Memo on Zoning Rules for Medical Cannabis Collective Gardens – 2nd 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 – 2nd 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).

Recommendation:	The Planning Commission recommends APPROVAL 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.
Hearing Date:	Tuesday, October 16, 2012
Proponent:	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.

NOV 28 2012

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

Memorandum

To: Mayor Anderson and City Council
From: Patsy Nelson *Patsy*
Date: 11/20/2012
Re: Property Tax Levy Ordinances (second reading)

Background information: The attached property tax ordinance has two components. The first is voter approved bond tax revenues and the second is general property tax revenues.

Voter Approved Bond Tax Revenues Part of the ordinance is for the debt service for the Public Safety Building which was previously approved by the voters of Sedro-Woolley. Low-income senior citizens and disabled persons do not pay this tax. The 2013 tax request is \$210,000 which is the same as 2009, 2010, 2011 and 2012.

General Property Tax Revenues Attached are preliminary tax rate calculations based upon a tax increase of 1% of the highest lawful levy which results in an estimated tax rate of 2.59924, below the statutory maximum rate of 3.3750. The final assessed valuations and resulting tax rate, will not be known until January/February, 2013.

A levy increase of 1%, would result in \$17,619 of additional property tax. A levy increase at the highest lawful levy would result in \$35,145 of additional property tax, resulting in an estimated \$3.50 annual increase on a \$100,000 property. Low-income senior citizens and disabled persons either do not pay this tax or receive a tax reduction, as determined by the Skagit County Assessor's Office. The use of this tax increase is not limited to the general fund; it may be restricted for specific items such as the acquisition of land, payment of debt etc.

Banking of Property Tax If the Council does not wish to increase general property tax this year and save it as banked capacity for the future; approve an Ordinance with an increase of 1% and instruct the Finance Director to complete the 2013 Budget/Levy Request with a lower percentage increase. The difference between the ordinance and the levy request will be banked for the future.

If the Council does not wish to create banked capacity, either take the 1% tax increase (nothing left to bank) or approve an increase of 0%.

According to the Washington State Department of Revenue, no one has the authority to delete prior banked capacity so the dollar amount which is currently banked will remain available until used.

ORDINANCE NO. -12

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY APPROVING THE PROPERTY TAX LEVY AT AN INCREASE OF 0%.

WHEREAS, The City Council of the City of Sedro-Woolley has properly given notice of the public hearing held November 14, 2012, to consider the City of Sedro-Woolley 2013 Real Estate Property Tax Levy; and

WHEREAS, the City Council, after hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Sedro-Woolley will not require an increase or decrease in general property tax revenue from the previous year, in addition to the increase resulting from the addition of new construction and improvements to property, addition of properties as a result of annexation and any increase in the value of state assessed property, in order to discharge the expected expenses and obligations of the City of Sedro-Woolley and in its best interest; and

WHEREAS, per a 1996 citizen voted and approved GO Bond issuance, it is necessary to increase property taxes to pay GO Bond principal and interest; and

WHEREAS, the City's actual levy amount from the previous year was \$1,761,865; and

WHEREAS, the population of this City is more than 10,000; and now, therefore,

IT IS HEREBY ORDAINED, by the City Council of the City of Sedro-Woolley, an increase in the regular property tax levy shall not be imposed in addition to the increase resulting from the addition of new construction and improvements to property, addition of properties as a result of annexation and any increase in the value of state-assessed property. It is further ordained that the City Council hereby authorizes the 2013 levy in the amount of an increase of 0.00% from last year, or \$0.00 not to exceed the levy limit as allowed by law.

Also levied here is an amount necessary to fund the debt service of the 1996 G/O Bond Fund (Public Safety Building) in the amount of \$210,000.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 28th DAY OF NOVEMBER, 2012.

Mike Anderson, Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

City Attorney

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Also levied here is an amount necessary to fund the debt service of the 1996 G/O Bond Fund (Public Safety Building) in the amount of \$210,000.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 28th DAY OF NOVEMBER, 2012.

Mike Anderson, Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

City Attorney

**PRELIMINARY ASSESSED VALUE
FOR COMPUTATION OF PROPERTY
LEVY FOR DISTRICTS WITH
POPULATION MORE THAN 10,000
2012 LEVY FOR 2013 TAXES**

TAXING DISTRICT: City of Sedro Woolley

Tax Base for Regular Levy	
1. Preliminary total district taxable value (excluding boats, timber assessed value and senior citizen exemptions from regular levy). Tax base for regular levy:	\$683,885,190
2. 2012 State Assessed Utility value:	\$12,073,365
Preliminary Total Tax Base for Regular Levy	<u>\$695,958,555</u>
Tax Base for Excess and Voted Bond Levies	
3. Less assessed value of the senior citizen/disability exempt property:	\$13,874,140
4. Plus 2013 Timber Assessed Value (TAV):	\$0
5. Tax Base for Excess and Voted Bond Levies (1+2-3+4):	<u>\$682,084,415</u>

**PRELIMINARY
LEVY LIMIT CALCULATION
2012 LEVY FOR 2013 TAXES**

A. Highest regular tax which could have been lawfully levied beginning with the 1985 levy.				
Year: 2012	\$1,779,218	X	101% =	\$1,797,010
B. Current year's assessed value of new construction and improvements in original district before the annexation occurred times last years levy rate.				
A.V.	\$4,913,200	X	2.4322859014 / \$1,000 =	\$11,950
C. Current year's assessed value of state assessed property in original district if annexed, less last years value of state assessed property. The remainder to be multiplied by last year's regular levy rate.				
\$ _____	-	\$ 12,073,365	=	\$ _____
Current Yr. A.V.		Previous Yr. A.V.		Remainder
\$ _____	X	\$ 2.4322859014	/	\$1,000 =
Remainder		Last Years Levy Rate		
D. Regular Property Tax Limit: A+B+C =				<u>\$1,808,960</u>

**PRELIMINARY LEVY RATE
COMPUTATION**

Regular Levy

Type of Taxing District:

Statutory **maximum** dollar rate for taxing district: \$3.3750

The dollar amount of the **certified levy** divided by the assessed value

\$1,808,960 / \$695,958,555 = 2.59924 *

For **Regular Rate**, enter the lesser of the statutory maximum dollar rate or the certified levy rate:

\$2.59924

**Not to exceed the Statutory Maximum rate shown above!*

