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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
September 8, 1999 – 7:00 P.M. – Senior Center

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

Pledge of Allegiance

**ROLL CALL**

Present: Mayor Walley, Councilman Anderson, Miller, Tesarik, Beitler, Pearson, Dillon and Silves. Staff Members: City Attorney Hayden, City Supervisor Stendal, City Planner Rivera, Police Chief Cooper and Fire Chief Klinger

**Consent Calendar**

- Minutes from Previous Meeting
- Finance
  - Claim Vouchers #38384 to #38478 for \$333,729.46
  - Payroll Warrants #23178 to #23263 for \$99,265.92

Councilman Miller moved to approve the consent calendar. Councilman Pearson seconded. Motion carried.

**Items from the Audience**

Councilman Beitler addressed a recent article printed in the Courier Times regarding Council attendance. Beitler indicated that three of the four Council members noted as delinquent had previously notified staff of their absence. Beitler requested a retraction from the City of the statement.

Dee Denton – reviewed the upcoming Founders Day schedule for September 11 & 12<sup>th</sup> and encouraged attendance.

Louie Requa – representing the Northern State Recreation Task Force presented an update of the project. Requa stated an architectural firm from Burlington has been hired to put together a concept plan for the youth playfields and some cost factors for the County Commissioners. Requa also noted their next meeting will be held on October 7, 1999 at the Burlington Community Center at 7:30 P.M.

**PUBLIC HEARING**

## Ordinance – TCI Franchise

Mayor Walley opened the public hearing.

Attorney Hayden reviewed information for the renewal of the TCI Franchise agreement. Hayden stated the current agreement is due to expire at the end of this year and this agreement sets minimum standards for the cable system provider and addresses work within the city right of way. Attorney Hayden recommended a ten-year time limit due to changing laws and technology.

Dan Crocker – general manager for TCI/ATT Cable introduced himself to the Council and indicated he was available to answer any questions the public or Council might have.

Crocker addressed questions from Councilman Anderson, Beitler, Pearson, Dillon and Miller which addressing the advantage to the City, the effect on fees and services access to Canadian stations, revenues and station channels and future mergers and upgrades.

Attorney Hayden pointed out that the agreement was a non exclusive franchise agreement which means any other cable provider can come into the City and build their own system.

Crocker also addressed questions from the audience. An unidentified audience member questioned a disconnection fee.

Mayor Walley closed the public hearing.

Councilman Pearson moved to adopt Ordinance #1337-99 the TCI Cablevision franchise for the right of ways of the City of Sedro-Woolley. Seconded by Councilman Beitler. Roll Call Vote: Councilman Silves – yes, Dillon – yes, Pearson – yes, Beitler – yes, Tesarik – yes, Miller – yes and Anderson – yes. Motion carried.

## **OLD BUSINESS**

### Ferry Street Trees

Mayor Walley moved to agenda item #7 Ferry Street Trees.

City Engineer Barnet reviewed the history of the Ferry Street Project and the Council's wish to move forward with the sidewalks. Barnet stated that trees have been marked for removal based on an arborists report and a site visit with representatives from Puget Sound Energy (PSE) and City Staff. After the first marking, a second marking was made based solely on the arborist report. Barnet stated PSE is willing to remove all or selected trees on the North side only, as directed by Council and he is still pursuing the trade in funding for the project. Barnet reviewed a menu of options on tree removal, sidewalk repair and tree replacement.

Discussion was held on the amount of funds currently available, funding sources and costs.

Mark Chatt – 502 Ferry St, speaking on behalf of a number of Ferry Street residents urged the Council to follow the plan of the arborist, Jim Barbarinos that was originally prepared. Chatt stated that Barbarinos has been hired to reevaluate the trees by the citizens along Ferry Street and requested the Council allow time for this re-evaluation to take place.

Mayor Walley addressed the audience reviewing the type of funding the City currently has and other restrictions on STP federal funding. Mayor Walley recommended to wait for the new study and only remove the trees recommended by the arborist and in the fall start a program with the city crews removing the sidewalk, cut the interfering roots and lay forms and pour concrete with the property owners paying for the concrete only.

Engineer Barnet recommended that Barbarinos use the same report adding a column for his updated findings to maintain consistency.

Cecile Tipton –708 Ferry Street, reported on DNR funds that become available at the first of every year for community groups for the reforestation of urban projects. This was recommended by Barbarinos for the community group to apply for these funds when they become available. Barbarinos would recommend the type of trees for planting and would supervise the planting of the trees.

Councilman Beitler – addressed the citizens group and clarified that he was at the site when the trees were marked however he believes only the ones listed in the report should be removed.

Kathleen Ridgeway – spoke on the topic of interfering with Mother Nature and the individual stress that is accompanied with the topic of the tree removal.

Councilman Pearson moved to accept the arborists new study that effects the defective trees, only remove the defective trees, grind the stump, plant new plantings plus the tree roots that interfere with the sidewalk and the sidewalks in dire straits will be removed and pour new sidewalks with the property owner being assessed for the concrete only. Councilman Miller seconded. Motion carried.

#### Ordinance – Stormwater Management Plan

### **NEW BUSINESS**

#### Proposed Skagit Housing Solutions Project/CDBG Proposals

Planner Rivera stated the City has been requested by Skagit Housing Solutions to apply for a Community Development Block Grant to construct apartments on N. Murdock Street. Rivera stated only a city be a recipient of a block grant.

Catherine Wyman – 2200 Cook Road, Burlington, representing Skagit Housing Solutions presented information on Skagit Housing Solutions and the need for their proposed project.

Councilman Dillon moved to call for a public hearing for September 22, 1999 for the Community Development Block Grant funds proposal. Seconded by Councilman Silves. Motion carried.

#### Ordinance (Condemnation) – Cook Road Right of Way

Attorney Hayden reviewed the policy for acquisition of right of way on a project. Councilman Pearson moved to adopt Ordinance #1338-99 for the right to pay fair market value for the appraised property's in question along Cook Road. Roll Call Vote: Councilman Silves – yes, Dillon – yes, Pearson – yes, Beitler – yes, Tesarik – yes, Miller – yes, Anderson – yes. Motion carried.

### **OLD BUSINESS**

#### Stormwater Management Plan Ordinance

Mayor Walley opened the public hearing.

Engineer Barnet presented a brief history and the proposed Stormwater Management Ordinance which would put together a two year plan to address some of the issues raised within the stormwater management plan.

Barnet fielded numerous Council questions and concerns.

Dean Warner – 419 Bennett St., stated he believed it was a good plan and also an important plan. Warner stated that he believes citizens are currently paying exorbitant sewer fees compared to other cities. He addressed the fee structure of residences and businesses and believes the residences are carrying the load. Warner recommended the Council direct staff to re-examine residences and businesses to better reflect the benefit to each.

Mayor Walley stated this is for a start up program and there currently no way to measure impervious surface. Barnet also addressed the fees and how they were determined.

John Coward – addressed the Council on the maintenance of the storm ditches on North Murdock Street.

Jerry Cook – resident of Puget Street, stated with the new highway improvements that a culvert was installed instead of a ditch and he believes the water will be a problem on his property.

Engineer Barnet addressed Cook's concerns and stated that the project is not complete and as problems arise these will be addressed on a case by case basis.

Jim Robinson – 313 N. Reed St., requested an explanation of the difference between a drainage fee and a stormwater tax.

Engineer Barnet stated that within the City there are Sub Flood Control Zone and those residents within that area pay a drainage fee to Skagit County for problems and maintenance. Barnet's proposal is the same and would allow the City to form a utility and this would eventually replace the Sub Flood Control Zones. This would allow one utility to be able to address all the problems.

Councilman Beitler expressed concern of double taxation to citizens and stated he believes anyone that could show they were paying into the County system should be exempt.

Tony Splane – Sapp Road, agreed with Councilman Beitler on exempting those already paying into the County system. Splane stated that he felt the fees would only go higher.

Councilman Anderson questioned whether there is a specific law that requires a drainage utility. Attorney Hayden stated there is a law that requires treatment of stormwater before it goes into a natural drainage area, treated to a specific set of standards. How that is paid for is not determined. The proposed utility is just one way of paying for it.

Discussion ensued on the drainage courses and DOE requirements.

Supervisor Stendal addressed the stormwater issues stating that the current system is over 40 years old and is beginning to fail. This is something that affects all citizens regardless of where they live and staff believes it is now time to address the stormwater issues.

Gerald Chandler – Greenstreet Blvd., questioned if the drainwater could be treated through the sewer treatment plant.

Barnet stated that the City of Mount Vernon currently uses their sewer treatment plant to treat the stormwater generated by downtown Mount Vernon however, our system is designed to treat wastewater only. In the future, an option could be to put it into the wastewater treatment plant. Barnet stated that it would require further research.

Councilman Silves questioned if there are any fee projections after the two years is up. Barnet quoted some of the fees from other area cities but stated that the research done in the two years would be used to set the future fees.

James Hawkings – 1211 State St., addressed the Council in opposition of the Stormwater Utility.

Louis Requa – Skagit Surveyors and Engineers, spoke in support of the Stormwater Utility and sited some historical facts and various problems that a utility would help to

resolve. Requa stressed that water quality is an important issue and action now would be cost effective in the long run and urged the council to approve the ordinance.

Harold Skiles – Central Street, stated he believes Council should think about the area in question as it is a large area.

Tom Bigelow – addressed past problems along Highway 20 due to a railroad culvert which helped solve some of the problems but some still remain today.

Wes Syverson – 720 Fidalgo St., addressed the current sewer rates and stated he felt they were high for persons who are part time residents and doesn't see the need for a utility.

Arnold Donovan – 310 Sapp Road, believes drainage to be a complex issue. Donovan stated other parts of the country pay as high as \$30.00 per month for drainage.

Bob Donovan – Sapp Road, stated there's a lot of water to be considered because of run off from areas outside the City limits and questioned whether the County could have some involvement within the utility. Donovan agreed with gathering information to know what the City would be dealing with but encouraged the County to retain responsibility for Brickyard Creek.

Ted Anderson – addressed the County Critical Areas Ordinance and it's affect when working along streams. Anderson cited the effect of the drainage issues in relation to the upcoming Cook Road project. Anderson spoke on the advantages of having a stormwater plan and a drainage district or utility in order to obtain funding to help with the drainage problems. Anderson stated the County does have some funds the City could apply for.

Councilman Silves addressed the billing method that is proposed and wanted to look into a property tax assessment because of delinquent bills.

Louie Requa – clarified that in obtaining funding, matching funds has to be available.

Councilman Dillon spoke about businesses that have been required to put in retention ponds and the lack of any credits given towards their efforts.

Mayor Walley closed the public hearing.

Councilman Beitler requested if the ordinance is passed the addition of persons who are already paying a drainage tax be exempt. Discussion ensued.

Councilman Tesarik moved to adopt Ordinance #1338-99 Adopting the City of Sedro-Woolley Storm Water management Plan and creating a new Storm Water Utility to adopt the attached fee schedule and work program during the first two years of the utility. Motion died for lack of a second.

## **NEW BUSINESS**

### Updated Inter-local Agreement for Skagit-Island RTPO

Engineer Barnet reviewed the background on the update of the Inter-local Agreement.

Councilman Dillon moved to authorize the Mayor to sign the Inter-local Agreement for Skagit-Island Regional Transportation Planning Organization. Seconded by Councilman Miller. Motion carried.

### Council Meeting Location

Councilman Anderson stated he had brought it up and requested some discussion as to future plans for the Council Meeting location.

Councilman Pearson questioned if the City had looked into installing an elevator to the Court Chambers.

Mayor Walley stated it had been done some time ago and the building was found to have some structural problems that would make it difficult. Mayor Walley stated at the Council's direction it could be revisited.

At the Council's direction staff will look into the feasibility and updated cost of the installation of an elevator. Council also decided in the interim to continue meeting at the Senior Center.

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

Councilman Silves – questioned the implementation date for the voluntary yard waste collection, the continuation of the grass collection next year and has received a request for bike racks to be located downtown.

Mayor Walley stated the yard waste collection is to begin October 1<sup>st</sup>, the grass collection will be a Council decision if they choose to continue it and the Planner Rivera has recently applied for a grant that includes bike racks for the downtown area.

Councilman Dillon – stated that the Soroptimist is considering the purchase of bike racks for the downtown area. Dillon also reported on a garbage situation at an apartment house at the corner of Fidalgo and Township.

Mayor Walley stated the garbage situation has been rectified.

Councilman Beitler – questioned the progress of the budget.

Supervisor Stendal stated a schedule had been given to Council on the important dates and he will provide an update at the next meeting.

Councilman Anderson – commented on a dirt bike area in Burlington and would like the City to look into doing something similar.

Planner Rivera – stated she had applied for a grant for downtown amenities which included bike racks, planters and bulb outs for the downtown area as well as some other parts of the City. Rivera also stated the grant for the light at the Skagit Plant the decision has been delayed for another month.

Engineer Barnet – stated from a recent meeting with the Department of Ecology on the stormwater issue he would be sending a letter of tonight’s decision.

Councilman Dillon – stated Engineer Barnet has agreed to keep the Council apprised of any decision on the plans for the closure of Cook Road during the construction project.

Mayor Walley read a proclamation declaring September 17 – 23, 1999 as Constitution Week.

The Meeting was adjourned at 10:35 P.M.

ATTEST:

APPROVED:

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