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CITY OF SEDRO-WOOLLEY  
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Regular Meeting of the City Council  
December 13, 2017– 7:00 P.M. – Council Chambers

### **Call to Order**

The meeting was called to order by Mayor Keith Wagoner at 7:00 P.M.

### **Pledge of Allegiance**

**ROLL CALL:** Present: Mayor Keith Wagoner; Councilmembers: Judith Dunn Lee, Germaine Kornegay (Late). Brenda Kinzer, Julia Johnson, Chuck Owen, Rick Lemley and Brett Sandström. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg Public Works Director Freiburger, Fire Chief Klinger and Police Chief Tucker

Councilmember Dunn Lee moved to excuse the absence of Councilmember Kornegay. Seconded by Councilmember Kinzer. Motion carried (6-0).

### **Approval of Agenda**

Mayor Wagoner announced the addition of a late material item to the agenda Final Acceptance – Contract 2017-PW-13, SR20/Cascade Trail West Extension Phase 1A Trail Road to SR 9 South and Phase 1B Hodgkin Road to Trail Road SRV Construction Inc.

Councilmember Lemley moved to approve the agenda including the late materials on the Cascade Extension. Seconded by Councilmember Owen. Motion carried (6-0)

### **Consent Calendar**

- Minutes from Previous Meeting
- Finance
  - Claim Checks #187307 to #187467 plus EFT in the amount of \$862,928.40
  - Payroll Checks #59447 to #59460 plus EFT's in the amount of \$303,329.26
- Interagency Agreement – Washington Traffic Safety Commission and SWPD for Traffic Safety Grant Project 2018-HVE-2414
- TIB Fuel Tax Grant Distribution Agreement No. P-W-126(P04)-1 – SR20, Township Street to Fruitdale Road Sidewalk Project
- TIB Fuel Tax Grant Distribution Agreement No. 3-W-126(005)-1 – Overlay Project, Various Locations
- TIB Fuel Tax Grant Distribution Agreement No. 8-2-126(011)-1 – Fruitdale Road, McGarigle Road to North City Limits
- 2018 Front Load Container and Toter Purchases – Purchase Order No. 2018-PO-01 and Purchase Order No. 2018 –PO-02

- 2018 – 2023 ThyssenKrupp Elevator Corporation Maintenance Agreement – NJPA Maintenance Agreement – Contract #100516-TKE
- Resolution 975-17 Increasing the Fee for Attendance to the SWFD’s Public CPR Courses
- Resolution 976-17 Declaring Certain Property as Surplus and Authorizing its Disposition
- Authorizing the Mayor to Execute Documents to Facilitate the Transaction between Rimmer and Les Schwab to sell P122795
- Updated Personnel Policy on sick leave implementing the requirements of I-1433
- Proposed Construction Agreement with WSDOT Re SR20/SR9 to Hansen Creek & SR9/SR20 to Park Cottage Place
- Change Order 1 to Contract 2017-PW-16 for Approval – 2017 Sanitary Sewer Cured-In-Place Pipe (CIPP) Project
- Change Order 2 to Contract 2017 – PW-02 for Approval – (1) One New Double Wide Manufactured Home – Homes Direct of Washington LLC
- Possible Bid Award – Agreement No. 2017-PW-30 – Site Work and Installation Services for (1) New Double Wide Manufactured Home – Site Services LLC

Councilmember Dunn Lee moved to approve the consent calendar items 1 through 16. Seconded by Councilmember Lemley. Motion carried (6-0)

Introduction of Special Guests and Presentations

### **Staff Reports**

Police Chief Tucker – thanked Nathan and Kevin for their work on a construction project in the Police Department. He reported on a lock down at Cascade Middle School due to the report of a firearm in a backpack. It turned out to be a threat only but was good practice of the lock down procedures.

Fire Chief Klinger – reported that six of the firefighters passed the State Firefighter 1 exam and the final amount sent to the Phoenix Foundation from the Boot to Burn event was \$27,000.

Final Acceptance – Contract 2017-PW-13, SR20/Cascade Trail West Extension Phase 1A Trail Road to SR 9 South and Phase 1B Hodgkin Road to Trail Road SRV Construction Inc.

Public Works Director Freiburger – reviewed the late material item for the final acceptance of the SR20/Cascade Trail West Extension. Freiburger recommended to accept the project.

Councilmember Johnson moved to approve the final acceptance of the SR20/Cascade Trail West Extension Phase 1A Trail Road to SR9 South and Phase 1B Hodgkin Road to Trail Road Project contract 2017-PW-13 as constructed by SRV Construction, Inc., of Oak Harbor, WA in the amount of \$1,048,767.87. Seconded by Councilmember Sandström. Motion carried (6-0).

Public Works Director Freiburger – reported they are in the process of advertising for statement of qualifications for consultants for various projects. They have already closed the Jones/John Liner/Trail Road scoping project and have an RSQ closing on the 19th for the design on the

SR20/Fruitdale Lane Widening Sidewalk project as well as an RSQ closing on the 21st for facility planning work for the Wastewater Treatment Plant.

City Supervisor/Attorney Berg – gave a reminder of the special meeting to bid farewell to outgoing Councilmembers and the swearing in of the incoming Councilmembers on December 20th at 4:00 P.M. He also gave a reminder of the Employee Recognition lunch to be held at noon at City Hall on the 21st.

Finance Director Nelson – reported the Finance Department has been busy preparing for year end as well as the new year preparations. She stated the revenues and expenditures for 2017 are looking good and the staff is grateful for the addition of the part time staff. Amanda Miller will be taking a Spanish course that will be helpful at the front counter.

### **Councilmember and Mayor's Reports**

Councilmember Dunn Lee reported she attended a seminar on the new sick leave laws. She gave thanks for finally getting the section of Cook Road smoothed out and loved the article on the Police Chief that was in the paper.

Councilmember Johnson – thanked the Mayor for sending her to the ReWire Washington. She learned a lot on the conflict in B & O taxes. She announced the upcoming Spaghetti Feed at the Lyman Baptist Church to benefit the flood victims and mentioned the Historical Home Tour to benefit the museum.

Councilmember Lemley – gave a farewell as this is his official last evening behind the dais and thanked the city for allowing him to serve the community. He gave kudos to Finance Director Nelson and Public Works Director Freiberger for their outstanding work in keeping Sedro-Woolley a top notch community.

Councilmember Sandström – Thanked Stacy Penno, Councilmember Johnson and Cheryl Brue for their participation in the home tour.

Mayor Wagoner – reported he had the pleasure to announce for the Spud Walley wrestling tournament.

Proclamations

### **Public Comments**

Helge Andersson – 928 Beachley Rd., addressed the announcement at the November 21st Council meeting that the library agreements would be discussed at the December 13th meeting. Instead the first read was held on December 6th. He stated it was beyond disingenuous and border line unethical to have changed the December 6th worksession into a regular meeting without wider publicity. He then spoke on the lack of parking downtown, and angry building owners at having a nonprofit building in the downtown. Andersson also addressed the revitalization of the downtown and if the library does not help to revitalize the downtown, is

there a plan B. He questioned how a library downtown will benefit the patrons and children and noted it is the worst way to spend taxpayer's money. He also noted that nobody he knows has called down to Olympia as stated at the last meeting.

Mayor Wagoner addressed the current rules and because of there being some confusion he would allow for comment on the library under the second reading with the Council's approval. There was no objection from the Council.

Dennis O'Neil – 109 Talcott St. addressed the state legislature trying to balance the budget and that we are being penalized every month. He noted there are 200+ towns in the state of Washington and if everyone is asking for money then it will not last very long, most people don't have the money to give to projects. He then spoke of taking ownership without shifting blame.

Dr. Tim Howland – 26203 Minkler Rd. speaking on behalf of the school bond and levy committee who is looking to pass the upcoming bond and levy and reported of a committee that was tasked to look to see what needed to be done to upgrade the facilities. The committee came up with a list of construction projects and upgrades in all schools and reviewed the highlights of the repair objectives. He noted the School District is committed to using local trades and labor which will allow the community to benefit. Dr. Howland requested the City Council to allow the School District to give a presentation on the upcoming bond and levy at a future Council meeting.

Councilmember Kornegay arrived at 7:28 P.M.

Ed Koogle – 501 Fidalgo, stated it's a good idea to pay bills upfront and not put things on credit. He also addressed the payment of taxes but believes they should be fair. He addressed the Transportation Benefit District (TBD) charge on his vehicle licensing for his scooter and questioned if he was being charged the same for his scooter than a commercial vehicle that would do more damage to the roads.

City Supervisor/Attorney Berg reported the TBD tax rules and regulations are established by State Law and the city does not have the flexibility to change the rules.

Jared Couch – 824 Orth Way thanked Councilmember Lemley and Councilmember Sandström for their hard work through some tough issues. He noted he is proud of the Council for what they have accomplished as well as what have done for the community.

Phillip Murray – 223 State St. noted as he was driving around down by the river and he noticed the city using a rented excavator and questioned the recent purchase of a new excavator. Murray stated they were smashing old motorhomes and drug trailers with drug paraphilia and hazardous materials going everywhere.

## **Public Hearings**

### Proposed Amendment No. 3 to the Sauk Mountain Development Agreement dated January 29, 2004

City Supervisor/Attorney Berg reviewed the proposed amendment to the Sauk Mountain Development Agreement regarding the timing of an outstanding requirement under that agreement.

Mayor Wagoner opened the public hearing opened at 7:35 P.M.

Mayor Wagoner closed the public hearing at 7:35:25 P.M.

Councilmember Sandström moved to authorizing the Mayor to sign the agreement with respect to Sauk Mountain Development, Amendment No. 3. Councilmember Kornegay seconded. Motion carried (7-0).

## **Unfinished Business**

### Joint Pre-Design Committee recommendations for the New Library site, conceptual design and budget as addressed in the Partnership Interlocal Agreement

City Supervisor/Attorney Berg stated he reviewed the Partnership Interlocal Agreement in detail at the last meeting. The recommendation of the joint pre-design committee is: SITE located at 103 State St., BUDGET 5.3 million, expandable by whatever we might get from the legislature fundraising opportunities and CONCEPTUAL DESIGN located in the packet. This would be the Council's last action in the pre-design process. If the district takes the same action, whichever body acts last, becomes day 1 of a 60 day countdown clock where the two libraries would be jointly operated. Berg reviewed the time frame for the project to include full design in 2018 with a 10-12 month construction window and opening end of 2019- beginning of 2020. Berg also addressed the related items regarding the site and authorization to complete the purchase and sale and a budget amendment for an interfund loan for interim construction funding.

Mary Andersson – 928 Beachley Rd. pointed out the Library survey ranked the library collection as the most important service and yet the proposed new building allocates only 4900 sq ft. for books, less than the two library's have now. She believes 50-70 % of the collection will have to be thrown out and no library can sustain that type of loss. She also addressed the impact on reciprocal borrowing and the library patrons. She posted a rendering of a plan to enlarge the current library to 19,000 sq. ft. It would be enough room for all the bells and whistles and to keep our books as well as sufficient parking. Andersson encouraged the Council to vote no on reducing our library.

Dorothy DeFremery – 316 Garden of Eden Rd., stated she was interested to hear Andersson's comments because she shares some of the same concerns. She stated it appears we are going forward with the site and in doing so she hopes the focus will be on the primary function of a

library that came out as the highest concern in the report. DeFremery spoke of the need for compromise, the use of shared space and the need to be practical so as not to defeat the original purpose. She also noted the city could benefit from a teen center which could be at the site of the old library if the project moves forward.

Jim Johnson – 587 Carter St., stated it is the first time he has seen the documents regarding size and design and expressed his disappointment as he expected much more. He noted he believes in the library and the collection and depends on the library as a community center. He likes the idea of meeting rooms but the primary function is to serve readers. He stated the proposal doesn't reflect the community that we are or that we could be.

Dennis O'Neil -- 109 Talcott St., questioned the sq. footage of the existing library and the downstairs area compared to the square footage of the new building. He also addressed cost overruns, taking space from the downtown area, hurting tax revenue and stated to "do it right if you are going to build a new library".

Ed Koogle – 501 Fidalgo St. expressed disappointment on the process. The public should have been consulted first. He stated the purpose of having a new library is because our library is too small. The number of people being served is doubling but the size of the library is not doubling. The new library is not going to serve the citizens any better and he does not see how the proposal serves the citizens. If there was an increase in the budget for the library, we could do this on our own.

Mayor Wagoner closed the public comment at 7:55 P.M.

Council discussion and questions ensued regarding the if the percentages are absolute, conceptual design to show how space could be used, additional public meetings, design goals or aesthetics, vision of design goals not captured in survey, still has time to look at space allocation, allocation of space by how it is used, flexibility to change over time and uses for extra funding.

Councilmember Dunn Lee moved to approve the joint pre-design committee's recommendations for the new library's site, conceptual design and budget as addressed in the Partnership Interlocal Agreement. Seconded by Councilmember Sandström seconded. Motion carried (7-0).

Resolution authorizing the Mayor to Execute Necessary Documents to Complete the Land Acquisition for the New Library and Resolution authorizing an Interfund Loan to Purchase Land for the New Library.

City Supervisor/Attorney Berg reviewed the two resolutions necessary to execute the documents for the purchase of 103 W. State St. and to establish an interfund loan, establishing a rate of interest on the loan and the process by which the loan will be repaid.

Councilmember Johnson moved to adopt Resolution No. 977-17 authorizing the Mayor to execute necessary documents to complete the land acquisition for the New Library. Councilmember Kornegay seconded. Motion carried (7-0).

Councilmember Dunn Lee moved to adopt Resolution No. 978-17 authorizing an interfund loan from fund 302 to fund 305 to purchase land for the New Library. Councilmember Johnson seconded. Motion carried (7-0).

### 2017 Budget Amendment

City Supervisor/Attorney Berg noted the budget amendment was discussed in detail at the last meeting. The amendment is for typical adjustments that come at the end of the year with the largest adjustment being for the acquisition of the land for the library.

Councilmember Sandström moved to approve Ordinance No. 1892-17 an Ordinance amending Ordinance No. 1863-16 entitled An Ordinance Adopting the Annual Budget for the City of Sedro-Woolley, Washington, for the fiscal year ending December 31, 2017. Seconded by Councilmember Lemley. Motion carried (7-0).

### **New Business**

#### Willowbrook Manor and Sedro-Woolley Museum Tea & Tour Historical Bike and Walking Tour Route

City Supervisor/Attorney Berg introduced Terri Gifford to explain the concept for “Tea and Tour”. Gifford expressed her appreciation for all that the city does. She stated the purpose of the “Tea and Tour” is to share the historic town of Sedro-Woolley with a bike and foot tour. She requested permission for boxes to be placed at certain locations along the tour route. She also noted she will be collaborating with local businesses and requested permission to make the tour a viable outing for town. The tour would run June – September.

Gifford entertained questions from the Council regarding the boxes, homeowner participation, list of locations, protection of the bikes and boxes being taken down at the end of the season.

Councilmember Sandström moved to allow a trial period for placement of the boxes in association of the Sedro-Woolley Museum and Willowbrook Farms. Seconded by Councilmember Johnson. Motion carried (7-0).

### Information Only Item

Fire Department Monthly Incident Data  
Building Permit and Planning Permit Review Status  
Report of Contracts Approved Under SWMC 2.104.060  
Miscellaneous Information

### **Good of the Order**

Councilmember Johnson requested time be made on the agenda in January for a School Board Levy presentation.

### **Executive Session**

The meeting adjourned to executive session at 8:19 P.M. for approximately 20 minutes to discuss possible litigation under RCW 42.30.110(1)(i).

The meeting reconvened at 8:44 P.M.

Councilmember Sandström moved to authorize the city attorney to institute litigation against Purdue Pharma, Endo Pharmaceuticals, and Janssen Pharmaceuticals as discussed in executive session. Seconded by Councilmember Johnson. Motion carried (7-0).

### **Adjournment**

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

The meeting adjourned at 8:46 P.M.