



Next Ord:2069-24
Next Res:1140-24

CITY COUNCIL AGENDA

March 13, 2024

6:00 PM

**Sedro-Woolley Municipal Building
Council Chambers
325 Metcalf Street**

- a. Call to Order**
- b. Pledge of Allegiance**
- c. Roll Call**
- d. Approval of Agenda**
- e. Consent Agenda**

Note: Items on the Consent Agenda 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 Agenda.

- 1. Check Register - Regular
- 2. Reimbursable Job Order - Skagit County Public Works - 2024 Chip Seal Project
- 3. Adopt Updated Salary Grid - Municipal Judge Position
- 4. Settlement Agreement - Johnson & Johnson - Multi-District Opioid Litigation
- 5. Ending the Community Development Grant Program Application Process - Resolution 1139-24

- f. Introduction of Special Guests and Presentation**

- 1. Recognition of Service - Wastewater Treatment Plant Supervisor Kevin Wynn
- 2. Family Promise Executive Director Andrea Woll - Family Promise Update and Projects

- g. City Administrator Report**

- 1. Sidewalk Update

- h. Councilmember and Mayor's Report**

- i. Proclamation(s)**

- j. Public Comments**

Please keep comments to three minutes or less. Because State law prohibits the use of city facilities for the purpose of supporting or opposing a campaign or ballot proposition, we respectfully request that public comment not make reference to such matters.

Written comments will be accepted by letter or via email at finance@sedro-woolley.gov Attn: 'Public Comment.'

- k. Public Hearing(s)**

l. Unfinished Business

1. Adoption of Amendments to Title 13 Stormwater Code Chapters - Ordinance 2068-24
- 2nd Read

m. New Business

1. Community Development Grant - Chamber of Commerce of Sedro-Woolley

n. Information Only Items

1. Finance and Information Technology Committee Meeting Minutes - February 28, 2024

o. Executive Session

1. Discussion with Legal Counsel Regarding the Legal Risks of a Proposed Action or Current Practice (RCW 42.30.110(1)(i)(iii)).

p. Adjournment

Next Meeting(s) City Council - March 27, 2024

The City of Sedro-Woolley complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, limited English proficiency, age, disability, or sex. The City of Sedro-Woolley doesn't exclude people or treat them differently because of race, color, national origin, limited English proficiency, age, disability, or sex.

The City of Sedro-Woolley also complies with applicable state laws and doesn't discriminate on the basis of creed, gender, gender expression or identity, sexual orientation, marital status, religion, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability.

Join Zoom Meeting:

<https://zoom.us/j/91786850179?pwd=Vys0Y29XalZmQTRmemJBM2txVDIUQT09>

or dial by location at:

- +1 253 215 8782 US (Tacoma)
- +1 669 900 6833 US (San Jose)
- +1 346 248 7799 US (Houston)
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)

Meeting ID: 917 8685 0179

Passcode: 091845

CHECK REGISTER

City Of Sedro-Woolley

Time: 10:09:54 Date: 03/05/2024

03/13/2024 To: 03/13/2024

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2386	03/13/2024	Claims	2	EFT	City of Sedro-Woolley	14.45	
					101 - 576 80 47 053 - Other Utilities	14.45	
2387	03/13/2024	Claims	2	EFT	City of Sedro-Woolley	14.45	
					104 - 595 20 63 082 - RW Trail Road Extension	14.45	
2388	03/13/2024	Claims	2	EFT	City of Sedro-Woolley	14.45	
					104 - 595 20 63 082 - RW Trail Road Extension	14.45	
2389	03/13/2024	Claims	2	EFT	Comcast Holdings Corp	470.81	
					001 - 518 80 42 021 - Internet Services	470.81	
2390	03/13/2024	Claims	2	EFT	Comcast Holdings Corp	71.95	
					101 - 576 80 47 020 - Senior Center	71.95	
2391	03/13/2024	Claims	2	EFT	Pitney Bowes Global Fin Svcs	942.27	
					001 - 514 23 45 000 - Operating Rentals/Leases	235.57	
					001 - 521 20 42 010 - Postage	235.57	
					001 - 522 20 42 010 - Postage	235.57	
					001 - 524 20 42 000 - Postage		
					001 - 524 20 42 000 - Postage	79.15	
					001 - 558 60 42 010 - Postage	79.15	
					001 - 595 10 42 000 - Postage	77.26	
2392	03/13/2024	Claims	2	EFT	Cellco Partnership dba Verizon Wireless	3,319.78	
					001 - 513 10 42 020 - Telephone	154.35	EX
					001 - 514 23 42 020 - Telephone	84.42	FIN
					001 - 518 80 42 020 - Telephone	84.42	IT
					001 - 521 20 42 020 - Telephone	1,002.08	PD
					001 - 524 20 42 020 - Telephone	150.67	BLD
					401 - 535 80 42 030 - Cell Phones	513.20	WWT
					102 - 536 20 42 020 - Telephone	82.22	CEM
					412 - 537 80 42 025 - Cell Phones	379.89	SW
					103 - 542 30 42 020 - Telephone	234.06	STR
					001 - 558 60 42 020 - Telephone	82.22	PLN
					101 - 576 80 42 020 - Telephone	343.40	PRK
					001 - 595 10 42 025 - Cell Phones	208.85	ENG
2393	03/13/2024	Claims	2	EFT	Cellco Partnership dba Verizon Wireless	1,070.51	
					001 - 521 20 42 020 - Telephone	880.76	
					001 - 522 20 42 020 - Telephone	149.74	
					101 - 576 80 42 020 - Telephone	40.01	
2394	03/13/2024	Claims	2	EFT	NW Fiber LLC, dba Ziply Fiber	75.14	
					101 - 576 80 47 010 - Community Center	75.14	
2395	03/13/2024	Claims	2	EFT	NW Fiber LLC, dba Ziply Fiber	452.39	
					401 - 535 80 42 020 - Telephone	452.39	
2396	03/13/2024	Claims	2	EFT	NW Fiber LLC, dba Ziply Fiber	790.64	
					001 - 521 20 42 020 - Telephone	219.78	
					001 - 521 20 42 020 - Telephone	124.65	
					101 - 576 80 47 070 - City Hall	446.21	
2397	03/13/2024	Claims	2	EFT	NW Fiber LLC, dba Ziply Fiber	901.94	
					001 - 512 50 42 020 - Telephone	54.12	
					001 - 513 10 42 020 - Telephone	81.17	
					001 - 514 23 42 020 - Telephone	81.17	
					001 - 515 31 42 001 - Telephone	36.08	
					001 - 518 80 42 020 - Telephone	27.06	
					001 - 521 20 42 020 - Telephone	270.58	
					001 - 522 20 42 020 - Telephone	99.21	

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			001 - 524 20 42 020 - Telephone			27.06	
			401 - 535 80 42 020 - Telephone			72.16	
			412 - 537 80 42 020 - Telephone			36.08	
			103 - 542 30 42 020 - Telephone			9.02	
			001 - 558 60 42 020 - Telephone			27.06	
			101 - 576 80 42 020 - Telephone			18.04	
			001 - 595 10 42 020 - Telephone			63.13	
2398	03/13/2024	Claims	2	201637	A-1 Shredding		for check run, the printer pulled 1 plain sheet of paper instead of the checks. 4 checks have to be voided
2399	03/13/2024	Claims	2	201638	Ackermann Electric Co.		for check run, the printer pulled 1 plain sheet of paper instead of the checks. 4 checks have to be voided
2400	03/13/2024	Claims	2	201639	Amazon Capital Svcs, Inc		for check run, the printer pulled 1 plain sheet of paper instead of the checks. 4 checks have to be voided
2401	03/13/2024	Claims	2	201640	Aramark Uniform & Career Apparel Group		for check run, the printer pulled 1 plain sheet of paper instead of the checks. 4 checks have to be voided
2402	03/13/2024	Claims	2	201641	Bio Bug Northwest, Inc	97.74	
			101 - 576 80 48 016 - City Hall			97.74	
2403	03/13/2024	Claims	2	201642	Blade Chevrolet	380.80	
			001 - 522 20 48 000 - Repairs/Maint-Equip			380.80	
2404	03/13/2024	Claims	2	201643	Boulder Park Inc	22,485.08	
			401 - 535 80 35 020 - Solids Handling			22,485.08	
2405	03/13/2024	Claims	2	201644	Joe Burns	360.67	
			001 - 511 60 43 000 - Travel			360.67	
2406	03/13/2024	Claims	2	201645	CPC Materials Inc.	1,036.06	
			412 - 537 50 48 010 - Repairs/Maint-Building			1,036.06	
2407	03/13/2024	Claims	2	201646	C.Hlth130, dba Cardinal Health 112 LLC	3,122.99	
			001 - 522 21 31 000 - Operating Supplies - Medical			43.77	
			001 - 522 21 31 000 - Operating Supplies - Medical			102.01	
			001 - 522 21 31 000 - Operating Supplies - Medical			102.01	
			001 - 522 21 31 000 - Operating Supplies - Medical			2,875.20	
2408	03/13/2024	Claims	2	201647	Carl's Towing	476.75	
			001 - 521 20 41 001 - Professional Services			275.84	
			425 - 531 50 48 000 - Repairs/Maintenance			200.91	Unit 607 towing
2409	03/13/2024	Claims	2	201648	Central Welding Supply	619.32	
			001 - 522 21 31 000 - Operating Supplies - Medical			619.32	
2410	03/13/2024	Claims	2	201649	City of Burlington	435.94	
			001 - 342 60 00 001 - Transport Billing Fees - City Of			-435.94	
2411	03/13/2024	Claims	2	201650	Cnty of Skagit Public Utility	48,660.38	
			001 - 522 20 48 001 - Repairs/Maint-Hydrants			48,480.38	
			001 - 522 20 48 001 - Repairs/Maint-Hydrants			180.00	
2412	03/13/2024	Claims	2	201651	Code Publishing LLC	186.25	
			001 - 511 60 31 001 - Legal Publications			186.25	
2413	03/13/2024	Claims	2	201652	Crothers, Linda & Fontaine, Danielle	7,716.00	
			410 - 367 41 00 000 - Sewer Connection Fees			-7,716.00	
2414	03/13/2024	Claims	2	201653	DS Services of America, Inc.	54.68	

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			103 - 542 30 31 000 - Operating Supplies			54.68	
2415	03/13/2024	Claims	2	201654	Deere & Company	28,283.72	
			501 - 594 36 64 000 - Equip & Vehicles - Cem			28,283.72	
2416	03/13/2024	Claims	2	201655	Denbow	3,313.11	
			101 - 576 80 48 001 - Riverfront			2,000.00	
			101 - 576 80 48 006 - Memorial Park			500.00	
			101 - 576 80 48 007 - Bingham Park			813.11	
2417	03/13/2024	Claims	2	201656	Dick's Restaurant Supply North LLC	292.77	
			101 - 576 80 31 004 - Operating Sup - Comm Center			292.77	
2418	03/13/2024	Claims	2	201657	Donald Coggins	180.28	
			001 - 514 23 31 000 - Supplies			39.10	
			001 - 517 90 43 001 - Employee Recognition			21.72	
			001 - 521 20 31 002 - Office/Operating Supplies			21.72	
			001 - 522 20 31 010 - Office Supplies			48.87	
			001 - 522 20 31 010 - Office Supplies			48.87	
2419	03/13/2024	Claims	2	201658	E & E Lumber, Inc.	507.38	
			401 - 535 80 31 010 - Operating Supplies			15.59	
			102 - 536 20 31 000 - Office Supplies			62.58	
			102 - 536 20 31 010 - Operating Supplies			16.82	
			412 - 537 80 31 000 - Operating Supplies			91.17	
			103 - 542 30 31 000 - Operating Supplies			28.08	
			101 - 576 80 31 009 - Operating Sup - Bingham Park			46.89	
			101 - 576 80 48 001 - Riverfront			46.00	
			101 - 576 80 48 001 - Riverfront			170.05	
			101 - 576 80 48 001 - Riverfront			12.50	
			001 - 595 10 63 013 - Eng - TIB Compl Streets 2023-2			17.70	
2420	03/13/2024	Claims	2	201659	Edge Analytical Inc	190.00	
			401 - 535 80 41 000 - Professional Services			190.00	
2421	03/13/2024	Claims	2	201660	Enviro-Clean Equip, Inc.	1,550.41	
			425 - 531 50 48 000 - Repairs/Maintenance			1,297.95	
			425 - 531 50 48 000 - Repairs/Maintenance			252.46	Unit 607
2422	03/13/2024	Claims	2	201661	Fastenal Company	518.43	
			401 - 535 80 31 010 - Operating Supplies			186.14	
			412 - 537 80 31 000 - Operating Supplies			217.72	
			103 - 542 30 31 000 - Operating Supplies			114.57	
2423	03/13/2024	Claims	2	201662	Mark Freiberger	116.00	
			001 - 595 10 49 000 - Dues/Memberships			116.00	
2424	03/13/2024	Claims	2	201663	GMP Consultants LLC	4,263.00	
			001 - 558 60 41 000 - Professional Services			4,263.00	
2425	03/13/2024	Claims	2	201664	Galls Parent Holdings, LLC	100.61	
			001 - 522 20 26 000 - Uniforms			100.61	
2426	03/13/2024	Claims	2	201665	Glen Gardner	108.60	
			001 - 521 20 48 010 - Repair & Maint - Auto			108.60	
2427	03/13/2024	Claims	2	201666	Groeneveld-Beka USA Inc	354.01	
			501 - 548 30 31 000 - Operating Supplies			354.01	
2428	03/13/2024	Claims	2	201667	Megan Guard-Lilley	104.99	
			001 - 522 20 26 000 - Uniforms			104.99	
2429	03/13/2024	Claims	2	201668	Guardian Security Systems, Inc.	5,142.46	
			001 - 522 50 49 050 - Fire/Theft Protection			798.94	
			401 - 535 50 48 000 - Maintenance Contracts			789.62	

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			101 - 576 80 47 020 - Senior Center			481.32	
			101 - 576 80 48 000 - Repairs/Maintenance			425.08	
			101 - 576 80 48 004 - Community Center			551.82	
			101 - 576 80 48 004 - Community Center			466.88	
			101 - 576 80 48 016 - City Hall			1,628.80	
2430	03/13/2024	Claims	2	201669	Harnish Group Inc.	10.95	
			103 - 542 30 48 010 - Repair/Maintenance-Equip			10.95	Unit 339
2431	03/13/2024	Claims	2	201670	Home Depot Credit Services	352.83	
			401 - 535 80 31 010 - Operating Supplies			223.60	
			101 - 576 80 48 006 - Memorial Park			129.23	
2432	03/13/2024	Claims	2	201671	ICONIX Waterworks (US) Inc	2,914.92	
			401 - 535 50 48 010 - Maintenance Of Lines			1,787.76	
			401 - 535 50 48 010 - Maintenance Of Lines			944.32	
			401 - 535 50 48 050 - Maint Of General Equip			182.84	
2433	03/13/2024	Claims	2	201672	Julia Johnson	100.25	
			001 - 513 10 43 000 - Meals/Travel			100.25	
2434	03/13/2024	Claims	2	201673	Kent D Bruce Co., LLC	362.83	
			001 - 522 20 48 000 - Repairs/Maint-Equip			362.83	
2435	03/13/2024	Claims	2	201674	Knox Associates	1,409.63	
			001 - 522 21 31 010 - Office Supplies			1,409.63	
2436	03/13/2024	Claims	2	201675	The Language Exchange, Inc	610.00	
			001 - 512 50 41 040 - Language Interpreter			610.00	
2437	03/13/2024	Claims	2	201676	Lauts Inc dba Lautenbach Industries	8,095.22	
			412 - 537 60 47 015 - Construction Demolition Land			493.96	BYK Trail Rd
			412 - 537 60 47 015 - Construction Demolition Land			1,512.62	Janicki 1010 Hodgin
			412 - 537 60 47 015 - Construction Demolition Land			3,026.30	Janicki 1010 Hodgin
			412 - 537 60 47 015 - Construction Demolition Land			501.38	BYK trail rd
			412 - 537 60 47 015 - Construction Demolition Land			1,340.90	1010 Hodgin
			412 - 537 60 47 015 - Construction Demolition Land			1,220.06	Byk & Janicki CDL disposal
2438	03/13/2024	Claims	2	201677	Lenz Enterprises, Inc	591.18	
			412 - 537 60 47 021 - Curbside Yard Waste Disposal			591.18	
2439	03/13/2024	Claims	2	201678	Les Schwab Tire Center	7,280.87	
			412 - 537 50 48 000 - Repairs/maint-equip			1,639.76	Unit 522 tires
			412 - 537 50 48 000 - Repairs/maint-equip			5,628.09	Unit 524 tires
			101 - 576 80 48 021 - Equipment			13.02	
2440	03/13/2024	Claims	2	201679	Life Assist Inc.	1,787.05	
			001 - 522 21 31 000 - Operating Supplies - Medical			409.53	
			001 - 522 21 31 000 - Operating Supplies - Medical			491.21	
			001 - 522 21 31 000 - Operating Supplies - Medical			259.62	
			001 - 522 21 31 000 - Operating Supplies - Medical			626.69	
2441	03/13/2024	Claims	2	201680	Loggers & Contractors	824.47	
			401 - 535 50 48 010 - Maintenance Of Lines			824.47	
2442	03/13/2024	Claims	2	201681	Karen Marler	580.00	
			001 - 522 21 41 000 - EMS Professional Services-Sys I			580.00	
2443	03/13/2024	Claims	2	201682	Austin McCombs	435.96	
			001 - 521 20 26 000 - Uniforms/Accessories			435.96	
2444	03/13/2024	Claims	2	201683	Mountain Law, PLLC	102.90	
			001 - 515 93 41 000 - Indigent Defender			102.90	
2445	03/13/2024	Claims	2	201684	Walter E Nelson Co. of N. WA	697.00	

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			101 - 576 80 31 006 - Operating Sup - City Hall			631.99	
			101 - 576 80 31 006 - Operating Sup - City Hall			65.01	
2446	03/13/2024	Claims	2	201685	Nordic Temperature Control	272.04	
			101 - 576 80 48 000 - Repairs/Maintenance			272.04	
2447	03/13/2024	Claims	2	201686	Northwest Clean Air Agency	800.40	
			401 - 535 80 49 010 - Misc-Dues/Subscriptions			800.40	
2448	03/13/2024	Claims	2	201687	Oliver-Hammer, Inc	499.48	
			401 - 535 80 35 010 - Safety Equipment			92.29	
			412 - 537 80 31 000 - Operating Supplies			195.44	
			103 - 542 30 35 010 - Safety Equipment			211.75	
2449	03/13/2024	Claims	2	201688	PGBA Tricare	284.24	
			001 - 522 21 41 000 - EMS Professional Services-Sys I			284.24	
2450	03/13/2024	Claims	2	201689	Pacific Trade Sys, Inc,	476.80	
			101 - 576 80 48 016 - City Hall			19.58	
			101 - 576 80 48 016 - City Hall			457.22	
2451	03/13/2024	Claims	2	201690	Pape' Group, dba Pape' Machinery Inc.	142.43	
			101 - 576 80 48 021 - Equipment			118.31	Unit 212 txfr to parks
			101 - 576 80 48 021 - Equipment			24.12	Unit 212 txfr to parks
2452	03/13/2024	Claims	2	201691	Petty Cash	30.40	
			001 - 522 50 46 000 - Insurance			30.40	
2453	03/13/2024	Claims	2	201692	Premera Blue Cross	587.51	
			001 - 522 21 41 000 - EMS Professional Services-Sys I			587.51	
2454	03/13/2024	Claims	2	201693	Public Safety Testing, Inc	8,858.85	
			001 - 521 20 41 001 - Professional Services			8,858.85	
2455	03/13/2024	Claims	2	201694	Red's Mobile 24-Hour Truck & Equip Repai	2,464.25	
			412 - 537 50 48 000 - Repairs/maint-equip			2,464.25	
2456	03/13/2024	Claims	2	201695	Ricoh USA, Inc	153.57	
			001 - 558 60 49 040 - Misc - Dept. Split			153.57	
2457	03/13/2024	Claims	2	201696	SBA Structures, LLC	609.29	
			001 - 591 28 70 001 - Lease - SBA			304.65	
			401 - 591 28 70 401 - Lease - SBA			304.64	
2458	03/13/2024	Claims	2	201697	San Diego Police Equip Co. Inc.	799.02	
			001 - 521 20 31 015 - Ammunition			799.02	
2459	03/13/2024	Claims	2	201698	Parberry Env Soln dba Scraplt Recycling	2,211.35	
			001 - 521 20 41 001 - Professional Services			2,211.35	
2460	03/13/2024	Claims	2	201699	Sedro-Woolley Auto Parts Inc	744.00	
			401 - 535 50 48 050 - Maint Of General Equip			607.88	
			103 - 542 30 31 000 - Operating Supplies			124.63	
			103 - 542 30 31 000 - Operating Supplies			11.49	
			103 - 542 30 48 010 - Repair/Maintenance-Equip			-205.80	
			103 - 542 30 48 010 - Repair/Maintenance-Equip			205.80	
2461	03/13/2024	Claims	2	201700	Sedro-Woolley Chamber of Commerce	2,200.00	
			001 - 513 10 49 010 - Dues & Subscriptions			2,200.00	
2462	03/13/2024	Claims	2	201701	Skagit Cnty Public Health	915.77	
			001 - 566 00 41 000 - Skagit Co Public Health-2% Liq			915.77	

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2463	03/13/2024	Claims	2	201702	Skagit Cnty Treasurer	70,497.81	
		114 - 523 60 41 022 - Jail Sales Tax Pass Through 2/11				70,242.48	
		425 - 531 50 44 000 - Taxes & Assessments				10.00	
		425 - 531 50 44 000 - Taxes & Assessments				10.00	
		401 - 535 80 44 010 - Taxes & Assessments				23.50	
		401 - 535 80 44 010 - Taxes & Assessments				10.00	
		102 - 536 20 44 010 - Taxes And Assessments				10.00	
		102 - 536 20 44 010 - Taxes And Assessments				113.00	
		102 - 536 20 44 010 - Taxes And Assessments				10.00	
		103 - 542 65 44 000 - Taxes & Assessments				5.00	
		103 - 542 65 44 000 - Taxes & Assessments				5.00	
		103 - 542 65 44 000 - Taxes & Assessments				10.00	
		101 - 576 80 48 025 - Olmsted Park				10.00	
		635 - 589 30 05 635 - County Crime Victim Witness P				38.83	
2464	03/13/2024	Claims	2	201703	Skagit Farmers Supply	54.86	
		401 - 535 80 31 010 - Operating Supplies				3.94	
		501 - 548 30 31 000 - Operating Supplies				50.92	Propane 418
2465	03/13/2024	Claims	2	201704	PNG Media LLC, dba Skagit Publishing	828.52	
		001 - 511 60 31 001 - Legal Publications				91.46	
		001 - 511 60 31 001 - Legal Publications				43.04	
		001 - 524 20 41 000 - Professional Services				32.28	
		001 - 558 60 41 010 - Advertising				123.74	
		001 - 558 60 41 011 - Advertising Reimbuseable				231.34	
		001 - 558 60 41 011 - Advertising Reimbuseable				306.66	
2466	03/13/2024	Claims	2	201705	Skagit Regional Health	110.00	
		001 - 524 20 41 000 - Professional Services				110.00	
2467	03/13/2024	Claims	2	201706	Staples, Inc.	313.90	
		401 - 535 80 31 000 - Office Supplies				313.90	
2468	03/13/2024	Claims	2	201707	Stryker Sales Corp.	20.58	
		001 - 522 21 31 000 - Operating Supplies - Medical				20.58	
2469	03/13/2024	Claims	2	201708	Superhawk Truck Accessories	3,121.16	
		501 - 594 22 64 501 - Vehicles - Fire				3,121.16	
2470	03/13/2024	Claims	2	201709	Systems Design West, LLC	3,531.51	
		001 - 522 21 41 000 - EMS Professional Services-Sys I				3,531.51	
2471	03/13/2024	Claims	2	201710	Tacoma Screw Products Inc.	10.86	
		401 - 535 80 31 010 - Operating Supplies				10.86	
2472	03/13/2024	Claims	2	201711	Thompson, Guildner & Assoc, Inc P.S.	14,560.94	
		001 - 515 41 41 000 - Ext Legal-City Attorney				13,112.20	
		001 - 515 45 41 000 - Legal - Litigation				1,448.74	
2473	03/13/2024	Claims	2	201712	Transportation Solutions, Inc.	3,365.00	
		104 - 544 40 41 000 - Transportation Plan Update				2,431.50	
		001 - 595 10 41 000 - Professional Services				933.50	
2474	03/13/2024	Claims	2	201713	John Green, dba Trimline Design	4,777.80	
		501 - 594 21 64 501 - Equip & Vehicles - Police				2,388.90	
		501 - 594 21 64 501 - Equip & Vehicles - Police				2,388.90	
2475	03/13/2024	Claims	2	201714	HD Supply Inc, dba USA BlueBook	1,780.18	
		401 - 535 50 48 050 - Maint Of General Equip				1,626.83	
		401 - 535 80 35 010 - Safety Equipment				71.92	
		401 - 535 80 35 010 - Safety Equipment				81.43	

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2476	03/13/2024	Claims	2	201715	UniFirst Corp.	1,688.85	
		001 - 522 20 26 000 - Uniforms				347.22	
		001 - 522 20 26 000 - Uniforms				344.44	
		001 - 522 20 26 000 - Uniforms				529.82	
		001 - 522 20 26 000 - Uniforms				734.59	
		001 - 522 20 26 000 - Uniforms				336.59	
		001 - 522 20 26 000 - Uniforms				-197.04	
		001 - 522 20 26 000 - Uniforms				-406.77	
2477	03/13/2024	Claims	2	201716	Valvoline Instnt Oil Chg	54.71	
		001 - 521 20 48 010 - Repair & Maint - Auto				54.71	Foster veh264
2478	03/13/2024	Claims	2	201717	WA Assoc Of Sheriffs &	320.00	
		001 - 521 20 49 010 - Dues/Subscriptions				320.00	
2479	03/13/2024	Claims	2	201718	WA Fed of Animal Care	1,495.60	
		001 - 521 20 41 022 - WA Federation Animal Care				1,495.60	
2480	03/13/2024	Claims	2	201719	WA St Dept of Ecology	9,690.00	
		401 - 535 80 41 060 - DOE Discharge Permit				9,690.00	
2481	03/13/2024	Claims	2	201720	WA St Dept of Transport	784.47	
		104 - 595 10 63 083 - Eng-SR 9-John Liner-McGarigle				784.47	
2482	03/13/2024	Claims	2	201721	WA St Off of Treasurer	2,799.88	
		635 - 586 30 00 635 - State Court Fees Remittance				2,799.88	
2483	03/13/2024	Claims	2	201722	WW Grainger Inc	151.61	
		401 - 535 50 48 050 - Maint Of General Equip				124.28	
		401 - 535 80 35 010 - Safety Equipment				27.33	
2484	03/13/2024	Claims	2	201723	West Coast Code Consultants	300.00	
		001 - 524 20 41 000 - Professional Services				300.00	
2485	03/13/2024	Claims	2	201724	S3DVBE, dba Western Fire Supply	1,345.20	
		001 - 522 20 31 000 - Operating Supplies				1,345.20	
2486	03/13/2024	Claims	2	201725	World Kinect Energy Services, dba	12,769.03	
		001 - 514 23 43 000 - Meals/Travel				24.55	
		001 - 518 20 32 000 - Auto Fuel				37.81	
		001 - 518 20 32 000 - Auto Fuel				41.08	
		001 - 518 20 32 000 - Auto Fuel				87.06	
		001 - 521 20 32 000 - Auto Fuel				2,678.87	
		001 - 522 20 32 000 - Auto Fuel/Diesel				1,874.59	
		001 - 522 20 32 000 - Auto Fuel/Diesel				1,919.61	
		425 - 531 50 32 000 - Vehicle Fuel				73.76	
		425 - 531 50 32 000 - Vehicle Fuel				80.01	
		425 - 531 50 32 000 - Vehicle Fuel				187.19	
		425 - 531 50 32 000 - Vehicle Fuel				90.60	
		102 - 536 20 32 000 - Auto Fuel/Diesel				90.54	
		412 - 537 80 32 000 - Auto Fuel/Diesel				1,486.96	
		412 - 537 80 32 000 - Auto Fuel/Diesel				1,745.53	
		412 - 537 80 32 000 - Auto Fuel/Diesel				1,650.91	
		412 - 537 80 32 000 - Auto Fuel/Diesel				197.87	Fuel 514 & 525
		412 - 537 80 32 000 - Auto Fuel/Diesel				80.09	
		103 - 542 30 32 000 - Auto Fuel/Diesel				269.10	
		103 - 542 30 32 000 - Auto Fuel/Diesel				74.73	
		103 - 542 30 32 000 - Auto Fuel/Diesel				78.17	
2487	03/13/2024	Claims	2	201726	Zachor, Stock & Krepps, Inc PS	8,840.00	
		001 - 515 41 41 001 - Ext Legal-Prosecutor				8,840.00	
2488	03/13/2024	Claims	2	201727	A-1 Shredding	279.00	

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
					001 - 512 50 31 000 - Supplies	60.00	
					001 - 514 23 31 000 - Supplies	60.00	
					001 - 521 20 31 002 - Office/Operating Supplies	114.00	
					001 - 524 20 31 000 - Off/Oper Supps & Books	15.00	
					001 - 558 60 31 000 - Supplies/Books	15.00	
					001 - 595 10 31 000 - Supplies	15.00	
2489	03/13/2024	Claims	2	201728	Ackermann Electric Co.	488.70	
					401 - 535 50 48 050 - Maint Of General Equip	488.70	
2490	03/13/2024	Claims	2	201729	Amazon Capital Svcs, Inc	3,828.85	
					001 - 514 23 31 000 - Supplies	110.49	
					001 - 514 23 31 000 - Supplies	30.40	
					001 - 514 23 31 000 - Supplies	27.41	
					001 - 518 80 31 001 - Repair & Maintenance Sup	87.04	
					001 - 518 80 31 001 - Repair & Maintenance Sup	187.35	
					001 - 518 80 35 000 - Small Tools/Minor Equip	2,383.72	
					001 - 522 20 31 000 - Operating Supplies	71.20	
					001 - 522 20 48 000 - Repairs/Maint-Equip	161.77	
					001 - 522 20 48 000 - Repairs/Maint-Equip	125.08	
					001 - 522 20 48 000 - Repairs/Maint-Equip	40.17	
					401 - 535 80 35 010 - Safety Equipment	244.34	
					412 - 537 80 35 000 - Small Tools & Minor Equip	156.36	
					001 - 558 60 49 040 - Misc - Dept. Split	40.63	
					001 - 594 24 64 000 - Office Equipment	162.89	
2491	03/13/2024	Claims	2	201730	Aramark Uniform & Career Apparel Group	56.00	
					401 - 535 80 49 000 - Laundry	14.20	
					401 - 535 80 49 000 - Laundry	14.20	
					102 - 536 20 49 030 - Misc-laundry	1.04	
					102 - 536 20 49 030 - Misc-laundry	1.04	
					412 - 537 80 49 000 - Misc-Laundry	3.97	
					412 - 537 80 49 000 - Misc-Laundry	3.97	
					103 - 542 30 49 000 - Misc-Laundry	8.79	
					103 - 542 30 49 000 - Misc-Laundry	8.79	
					001 Current Expense Fund	131,188.08	
					101 Parks & Facilities Fund	10,282.68	
					102 Cemetery Fund	387.24	
					103 Street Fund	1,258.81	
					104 Arterial Street Fund	3,244.87	
					114 Law Enforcement Sales Tax	70,242.48	
					401 Sewer Operations Fund	43,217.81	
					410 Sewer Capital Projects Reserve	7,716.00	
					412 Solid Waste Operations Fund	25,700.52	
					425 Stormwater Operations	2,202.88	
					501 Equipment Replacement Fund	36,587.61	
					635 Custodial Fund	2,838.71	
							Claims: 334,867.69
					* Transaction Has Mixed Revenue And Expense Accounts	334,867.69	

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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CERTIFICATION: I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described, or that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Sedro Woolley, and that I am authorized to authenticate and certify to said claim.

APPROVED

By Kelly Kohnken at 2:04 pm, Mar 05, 2024

Finance Committee Member

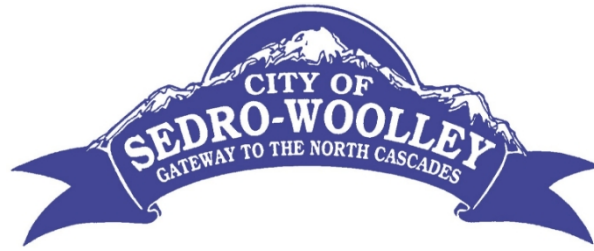
Date

Finance Committee Member

Date

Finance Committee Member

Date



City Council Agenda Item

Agenda Item No.: e.2.

Date: March 13, 2024

From: Nathan Salseina , Maintenance Operations Supervisor

Subject: Reimbursable Job Order - Skagit County Public Works - 2024 Chip Seal Project

RECOMMENDED ACTION:

Motion to authorize Mayor Johnson to sign the attached reimbursable job order request from Skagit County Public Works authorizing the county to perform roadway chip & fog sealing work for the city in 2024.

ISSUE:

Should council authorize the Mayor to sign the attached reimbursable job order request from Skagit County Public Works authorizing the county to perform roadway chip and fog sealing work for the city in 2024?

BACKGROUND/SUMMARY INFORMATION:

The City and Skagit County have an interlocal agreement that authorizes each entity to perform reimbursable work on behalf of the other. The agreement calls for each entity to reimburse the other for their actual expenses for services performed plus a 15% administrative fee. The attached job order will cover the county's expenses and fee to perform chip sealing work for the city on portions of 5 different city streets for 2024. Streets scheduled for resurfacing are, Metcalf Street from Warner to Nelson, Nelson Street from 3rd to Walley, Walley Street from State to Nelson, Central Street from Ferry to Southern, Alderwood Ln. City crews completed prep work for this project in 2023, and these streets were originally planned for resurfacing in 2023, but the work was not able to be completed due to staffing and materials issues with the county.

FISCAL IMPACT, IF APPROPRIATE:

REVENUE 2024 Budget fund 103 Resurfacing Projects Line item funded by
REET.....\$250,000.00

EXPENSE Skagit County Public Works Reimbursable Job
Order.....\$45,959.52

REMAINING BUDGET FOR OTHER RESURFACING
PROJECTS.....\$204,040.48

ATTACHMENTS:

1. 2024 SCPW Reimbursable Chip Seal Job Form

REIMBURSABLE JOB NUMBER REQUEST FORM

Skagit County Public Works Department

CUSTOMER NAME: City of Sedro-Woolley
ADDRESS: 409 Alexander street
Sedro Woolley, WA 98284
CUSTOMER SIGNATURE: _____

Job #: RD97-122

Budget Coding:

For County Departments only

ESTIMATED START DATE: June/1/2024

COMPLETION DATE: August/31/2024

ESTIMATED COST:

Labor/Fringes	<u>\$5,600.00</u>
Inventory	_____
Equipment	<u>\$5,200.00</u>
Purchases	<u>\$26,000.00</u>
Admin @ 15%	<u>\$5,520.00</u>
Sales Tax @ 8.6 %	<u>\$3,639.52</u>

TOTAL ESTIMATED COST: \$45,959.52

This is not a firm bid.

DESCRIPTION OF WORK TO BE PERFORMED

Chip seal and fog seal 4 roads in the City of Sedro-Woolley, If time allows.

ESTIMATE PREPARED BY: _____ DATE: _____

PW DIVISION MANAGER: _____ DATE: _____

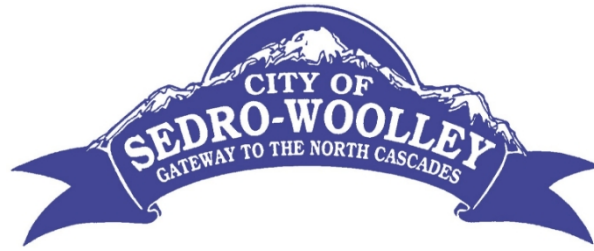
Operations Division Manager

PW ADMINISTRATIVE APPROVAL: _____ DATE: _____

Controller

PROJECT APPROVED BY: _____ DATE: _____

Director, Skagit County Public Works



City Council Agenda Item

Agenda Item No.: e.3.

Date: March 13, 2024

From: Charlie Bush, City Administrator

Subject: Adopt Updated Salary Grid - Municipal Judge Position

RECOMMENDED ACTION:

Motion to approve the updated salary grid to include non-represented Municipal Judge position at grade 108 and place Judge Stiles on step 5.

ISSUE:

Should the City Council add Judge Stiles to the City's Non-Represented Employee Salary Grid and adjust his salary accordingly?

BACKGROUND/SUMMARY INFORMATION:

Resolution 1077-21 Appointed Judge Stiles to his current term as Sedro-Woolley Municipal Court Judge. The services agreement attached to the resolution, all of which is attached to this agenda item, allowed Judge Stiles' salary to be adjusted by ordinance annually. This was how all non-represented employees, previous to our 2022 Classification and Compensation Study, had their salaries adjusted. This 2021 agreement did not take into account how the new system would operate, as it was unknown at the time. Under the new system, the City Council adopts a salary grid each year for non-represented employees. The Judge's position was not studied as a part of the Classification and Compensation Study and was not included on the new salary grid adopted in 2023, or in the one adopted in 2024.

This action would amend the 2024 grid to add the Municipal Court Judge position to it and allow Judge Stiles to receive a raise. Based on the fiscal analysis below, we concluded that the Municipal Court Judge position should be included in Grade 108, Step 5, of the salary grid. Similar to other employees, Judge Stiles would then move through the steps in his range as the grid is approved each year. For example, in 2025 he would go to Step 6.

Staff did a quick review of Municipal Court Judge salaries, using our comparable cities, but results were significantly different as judges had different caseloads, worked different hours, and therefore had different salaries, in each of the cities. There were also only three comparable positions included in our data set. Presumably, the other cities without judges contract for judicial services. An additional factor here was that the City had already committed to a salary of \$3,996 per month for Judge Stiles in 2022. That salary would have historically increased by the consumer price index, consistent with other non-represented employee salaries.

FISCAL IMPACT, IF APPROPRIATE:

Judge Stiles salary was set by ordinance in 2022 at \$3,996 per month. Unlike other non-represented employees, it has not been adjusted since. Had we included his position in the 2023 salary grid in step 4, his 2023 salary would have been \$4,227.67, a 5.8% increase. In 2024, that amount would have increased to \$4,312.25, a 3% increase as he moved to step 5. The fiscal impact of moving the position onto the Grid to Grade 108, Step 5, is \$2,846.25 for 2024, assuming that implementation occurs on April 1. This amount can be absorbed in the existing 2024 budget.

ATTACHMENTS:

1. Resolution No 1077-21 Appointing Judge Stiles
2. 2024_MasterSchedule_AFSCME+Non-Reps_3-05-2024
3. 2024_MasterSchedule_Non-Reps_3-05-2024



Agenda
Item No.

Date: November 23, 2021

Subject: Resolution No. 1077-21 Municipal
Court Services Agreement

FROM:

Doug Merriman, Ph.D, City Administrator

RECOMMENDED ACTION:

A motion to adopt Resolution No. 1077-21 appointing Brock Stiles as Municipal Court Judge, and authorizing the Mayor to sign a Municipal Court Services Agreement, as evidenced by Exhibit A to the Resolution.

1st read of Resolution No. 1077-21 was provided on November 10, 2021

ISSUE:

Should the City Council pass a resolution confirming the Mayor's appointment of Brock Stiles as Municipal Court Judge for the years 2022-2025?

BACKGROUND/SUMMARY INFORMATION:

Per RCW 3.50.040, a municipal judges are appointed for four-year terms. Appointments shall be made on or before December 1 of the year next preceding the year in which the terms commence.

Judge Brock Stiles will be completing his current four-term term on January 1, 2022. Mayor Johnson desires to reappoint Judge Stiles to a four-year term beginning January 1, 2022, and , accordingly, seeks City Council confirmation of this appointment per SWMC 2.16.030(A).

Resolution No. 1077-21 is presented to confirm the appointment. Exhibit A to the Resolution represents the Municipal Court Services Agreement outlining the terms and conditions of the Judge's responsibilities.

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

1. Resolution 1077-21 with Municipal Court Services Agreement
2. RCW 3.50,040

RESOLUTION NO. 1077-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SEDRO-WOOLLEY, SKAGIT COUNTY, WASHINGTON,
CONFIRMING THE MAYOR'S APPOINTMENT OF BROCK
STILES AS MUNICIPAL COURT JUDGE AND AUTHORIZING
THE MAYOR TO EXECUTE A JUDICIAL SERVICES
AGREEMENT**

WHEREAS, pursuant to SWMC 2.16.030, the Mayor has the authority to appoint the municipal court judge, subject to confirmation by the City Council, for a term of four years; and

WHEREAS, the current municipal court judge appointment expires on December 31, 2021; and

WHEREAS, the City Council desires to confirm the Mayor's reappointment of Brock Stiles as Judge of the Sedro-Woolley Municipal Court; and

WHEREAS, the Council supports the Mayor's appointment of Brock Stiles and finds the proposed agreement to be fair and reasonable;

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

Section 1. The City Council of the City of Sedro-Woolley, Washington, does the hereby confirm the Mayor's appointment of Brock Stiles as Municipal Court Judge for the four-year term of January 1, 2022 through December 31, 2025, and authorizes the Mayor, on behalf of the City, to execute a Judicial Services Agreement substantially in the form attached the hereto as Exhibit A.

PASSED by the City Council of the City of Sedro-Woolley, Washington, and approved by its Mayor at a regular meeting of said Council held on the 8th day of December, 2021.

Julia Johnson, Mayor

Attest:

Debbie Burton, Finance Director

Approved as to form:

Nikki Thompson, City Attorney

EXHIBIT A

MUNICIPAL COURT JUDICIAL SERVICES AGREEMENT

This agreement (the "Agreement") is by and between the City of Sedro-Woolley, a municipal corporation operating as a non-charter code city under the laws of the state of Washington (the "City"), and Brock Stiles ("Contractor"), and is dated the 23rd day of November, 2021.

RECITALS

- A. The City operates a Municipal Court pursuant to SWMC Chapter 2.16 and Chapter 3.50 RCW.
- B. The Contractor meets the judicial qualifications set forth at SWMC 2.16.030.
- C. The Contractor is willing and able to serve as the City's Municipal Court Judge for the four-year term ending December 31, 2025.
- D. The City and Contractor desire to enter into an agreement setting forth the relative rights, duties and obligation of the parties;

Now, therefore, in consideration of the mutual promises and covenants set forth below, the sufficiency of which is acknowledged by the parties, it is agreed as follows:

- 1. Appointment** - Effective November 23, 2021, and subject to confirmation by the Sedro-Woolley City Council, Contractor is appointed to be the Judge of the Sedro-Woolley Municipal Court.
- 2. Term** — The term of this agreement shall be from January 1, 2022 through December 31, 2025, unless sooner terminated as may be provided by law.
- 3. Duties** — Contractor agrees to serve as the Municipal Court Judge for the City of Sedro-Woolley with all the powers, duties, privileges and obligations which said office confers and in accordance with this Agreement and as required by the City's ordinances, the constitutions and laws of the state of Washington and the United States, and all other applicable laws and treaties. Contractor shall abide by the Rules of Judicial Conduct as promulgated by the Washington Supreme Court. Contractor shall at all times maintain his status as a licensed attorney in the state of Washington in the status of either active or judicial. The services to be provided will include regularly scheduled court sessions and any administrative work and out-of-court work done by the Municipal Court Judge, and all time expended for judicial education. In addition to regularly scheduled sessions of the Sedro-Woolley Municipal Court, the Judge shall conduct arraignments, probable cause hearings, drug forfeiture hearings, bail hearings, jury trials, or other court hearings as may

be necessary, and shall otherwise be available, as needed, to provide the Municipal Court services in accordance with SWMC Chapter 2.16 and state statute. Contractor shall also use the Contractor's best efforts to improve the City's Court by advancing the causes of justice, impartiality, fairness and efficiency in all of the Court's business.

4. Compensation — The parties acknowledge that compensation is based upon the assumption that the Contractor will attend all regularly scheduled court appearance calendars each month, provide office hours to perform administrative duties of the Court, in addition to occasional phone calls with court staff and the police department. Based upon the foregoing, the City shall compensate Contractor in accordance with the City's salary ordinance for all the Contractor's time, both judicial and administrative. The rate of compensation may be adjusted annually by ordinance.

5. Interaction with City:

A. The City Administrator for the City shall be responsible for managing this contract on behalf of the City.

B. The Contractor, 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. Judges Pro Tem — In the event the Contractor is unable to serve due to disability, illness and/or absence, an actual conflict, or an affidavit of prejudice, it shall be the Contractor's responsibility to so notify the Court Clerk who shall make arrangements for the presence of a Judge pro tem. All Judges pro tem shall be qualified to hold the position of Judge of the Municipal Court, as provided the herein. Judges pro tem shall be paid by the City. The City will be responsible for compensating the pro tempore judge; provided that, when a judge pro tempore serves when Contractor is unable to serve due to disability, illness and/or absence, the City shall deduct pro-tem costs dollar-per-dollar from the flat base rate of compensation per month paid to the judge.

7. Status — Contractor will be an independent contractor, and shall pay all of the Contractor's own withholding taxes, social security taxes, and any other payroll taxes.

The Contractor, at its sole expense, shall obtain and keep in force any and all necessary licenses, permits, and tax certificates. The Contractor shall maintain a professional liability policy to protect Contractor 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.

- 8. Termination** — This agreement shall be in effect during the term specified in paragraph 2 unless terminated by mutual agreement or according to law. The City shall release Contractor from the Contractor's obligations under this Municipal Court Judicial Services Agreement if Contractor accepts a full-time judicial appointment, in which case Contractor will release the City from its obligations.
- 9. General Rule 29** —The parties agree that the provisions of Washington State Rules of Court General Rule 29, which governs the election, term, vacancies, removal, selection, responsibilities and authorities of presiding judges in courts of limited jurisdiction, shall be applicable to all court operations and personnel.
- 10. Qualification** — Contractor declares that the Contractor is, and shall at all times during the term of this Agreement be, qualified to serve as a Municipal Court Judge in that the Contractor is a citizen of the United States and of the State of Washington, resides in Skagit County, and an attorney admitted to practice law before the courts of record of the State of Washington
- 11. Indemnity Agreement** — The City shall defend, indemnify and hold Contractor and/or pro tem judges that may serve in the Contractor's absence, harmless from any and all claims arising out of the good faith performance of the Contractor's duties and functions as the Sedro-Woolley Municipal Court Judge.
- 12. Non-discrimination** — The Contractor 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 Contractor 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.
- 13. Conflict of Interest** — In addition to Rule of Professional Conduct 1.7, the Contractor 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, applicable court rules and the Canons of Judicial Conduct promulgated by the Washington Supreme Court.

14. Interpretation and Venue:

- A. Washington law shall govern the interpretation of this Agreement. Skagit County shall be the venue of any arbitration or lawsuit arising out of this Agreement.
- B. If one or more of the clauses of this Agreement is found to be unenforceable, illegal or contrary to public policy, the Agreement will remain in full force and effect except for the clauses that are unenforceable, illegal or contrary to public policy.

C. This Agreement constitutes the complete and final agreement of the parties, replaces and supersedes all oral and/or written proposals and agreements heretofore made on the subject matter, and may be modified only by a writing signed by both parties.

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

CITY OF SEDRO-WOOLLEY

STILES LAW, INC., P.S.

By _____
Mayor Julia Johnson

By _____
Brock Stiles, WSBA No. 15707
P.O. Box 228
Sedro-Woolley, WA 98284
Tax ID # _____

Attest:

Debbie Burton, Finance Director

Approved as to Form:

Nikki Thompson, City Attorney

RCW 3.50.040**Municipal judges—Appointed—Terms, qualifications—District judge as part-time municipal judge.**

Within thirty days after the effective date of the ordinance creating the municipal court, the mayor of each city or town shall appoint a municipal judge or judges of the municipal court for a term of four years. The terms of judges serving on July 1, 1984, and municipal judges who are appointed to terms commencing before January 1, 1986, shall expire January 1, 1986. The terms of their successors shall commence on January 1, 1986, and on January 1 of each fourth year thereafter, pursuant to appointment or election as provided in this chapter. Appointments shall be made on or before December 1 of the year next preceding the year in which the terms commence.

The legislative authority of a city or town that has the general power of confirmation over mayoral appointments shall have the power to confirm the appointment of a municipal judge.

A person appointed as a full-time or part-time municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney admitted to practice law before the courts of record of the state of Washington: PROVIDED, That in a municipality having a population less than five thousand persons, a person who has taken and passed by January 1, 2003, the qualifying examination for a lay candidate for judicial officer as provided by rule of the supreme court may be the judge. Any city or town shall have authority to appoint a district judge as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a district judge, the city or town shall pay a pro rata share of the salary.

[**2002 c 136 § 2**; **1984 c 258 § 106**; 1975-'76 2nd ex.s. c 35 § 1; **1961 c 299 § 53**.]

NOTES:

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW **3.30.010**.

Application—1984 c 258 §§ 101-139: See note following RCW **3.50.005**.

CITY OF SEDRO-WOOLLEY

March 13, 2024

Master Schedule for AFSCME and Non-Represented Staff

Grade/Step	Position	1	2	3	4	5	6	7	8	9
104	INTERN - ADMIN SUPPORT	19.55 3,388.58 40,663	20.14 3,490.25 41,883	20.74 3,594.92 43,139	21.36 3,702.75 44,433	21.79 3,776.83 45,322	22.23 3,852.33 46,228	22.56 3,910.17 46,922	22.90 3,968.83 47,626	23.24 4,028.33 48,340
105	PARK CARETAKER	20.19 3,498.83 41,986	20.79 3,603.83 43,246	21.41 3,711.92 44,543	22.06 3,823.25 45,879	22.50 3,899.75 46,797	22.95 3,977.75 47,733	23.29 4,037.42 48,449	23.64 4,098.00 49,176	24.00 4,159.42 49,913
106	INTERN - TECHNICAL SUPPORT	20.86 3,616.50 43,398	21.49 3,725.00 44,700	22.14 3,836.75 46,041	22.80 3,951.83 47,422	23.25 4,030.83 48,370	23.72 4,111.50 49,338	24.08 4,173.17 50,078	24.44 4,235.75 50,829	24.80 4,299.33 51,592
107	RECEPTIONIST	21.57 3,739.00 44,868	22.22 3,851.17 46,214	22.89 3,966.75 47,601	23.57 4,085.75 49,029	24.04 4,167.42 50,009	24.52 4,250.83 51,010	24.89 4,314.58 51,775	25.26 4,379.25 52,551	25.64 4,445.00 53,340
108	MUNICIPAL COURT JUDGE	22.32 3,868.92 46,427	22.99 3,985.00 47,820	23.68 4,104.50 49,254	24.39 4,227.67 50,732	24.88 4,312.25 51,747	25.38 4,398.50 52,782	25.76 4,464.42 53,573	26.14 4,531.42 54,377	26.54 4,599.42 55,193
109		23.11 4,006.17 48,074	23.81 4,126.33 49,516	24.52 4,250.17 51,002	25.26 4,377.67 52,532	25.76 4,465.1				

CITY OF SEDRO-WOLLEY

March 13, 2024

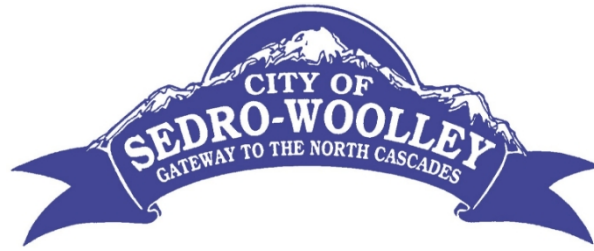
Master Schedule for AFSCME and Non-Represented Staff

Grade/Step	Position	1	2	3	4	5	6	7	8	9
124	WW TREATMENT SUPERVISOR	42.10	43.36	44.67	46.01	46.93	47.86	48.58	49.31	50.05
	ENGINEER (EIT)	7,297.67	7,516.58	7,742.08	7,974.33	8,133.83	8,296.50	8,421.00	8,547.33	8,675.50
	IT SYSTEM INTEGRATION ANALYST	87,572	90,199	92,905	95,692	97,606	99,558	101,052	102,568	104,106
	MAINTENANCE OPNS SUPERVISOR	44.09	45.42	46.78	48.18	49.15	50.13	50.88	51.64	52.42
125	PLANNER	7,642.75	7,872.00	8,108.17	8,351.42	8,518.50	8,688.83	8,819.17	8,951.42	9,085.75
		91,713	94,464	97,298	100,217	102,222	104,266	105,830	107,417	109,029
126	BUILDING OFFICIAL (CMML INSP)	46.19	47.57	49.00	50.47	51.48	52.51	53.30	54.10	54.91
		8,006.08	8,246.25	8,493.67	8,748.50	8,923.50	9,101.92	9,238.50	9,377.00	9,517.67
		96,073	98,955	101,924	104,982	107,082	109,223	110,862	112,524	114,212
127	HUMAN RESOURCE MANAGER	48.41	49.86	51.35	52.89	53.95	55.03	55.86	56.69	57.55
	ASSISTANT ENGINEER	8,390.42	8,642.08	8,901.33	9,168.42	9,351.75	9,538.83	9,681.92	9,827.08	9,974.50
		100,685	103,705	106,816	110,021	112,221	114,466	116,183	117,925	119,694
128	SENIOR PLANNER	50.74	52.27	53.83	55.45	56.56	57.69	58.55	59.43	60.32
		8,795.58	9,059.42	9,331.25	9,611.17	9,803.42	9,999.42	10,149.42	10,301.67	10,456.25
		105,547	108,713	111,975	115,334	117,641	119,993	121,793	123,620	125,475
129	ASSISTANT FIRE CHIEF	53.22	54.81	56.46	58.15	59.31	60.50	61.41	62.33	63.26
		9,224.33	9,501.00	9,786.08	10,079.67	10,281.25	10,486.83	10,644.17	10,803.83	10,965.83
		110,692	114,012	117,433	120,956	123,375	125,842	127,730	129,646	131,590
130	DIRECTOR, INFO TECHNOLOGIES	55.83	57.50	59.23	61.00	62.22	63.47	64.42	65.39	66.37
	POLICE LIEUTENANT	9,676.50	9,966.83	10,265.83	10,573.83	10,785.25	11,001.00	11,166.00	11,333.50	11,503.50
	CITY ENGINEER	116,118	119,602	123,190	126,886	129,423	132,012	133,992	136,002	138,042
131	DIRECTOR, FINANCE	58.57	60.33	62.14	64.00	65.28	66.59	67.59	68.60	69.63
		10,152.33	10,456.92	10,770.58	11,093.67	11,315.58	11,541.92	11,715.00	11,890.75	12,069.08
		121,828	125,483	129,247	133,124	135,787	138,503	140,580	142,689	144,829
132	DIRECTOR, COMMUNITY DEVEL	61.47	63.31	65.21	67.17	68.51	69.88	70.93	71.99	73.07
		10,654.25	10,973.83	11,303.08	11,642.17	11,875.00	12,112.50	12,294.17	12,478.58	12,665.75
		127,851	131,686	135,637	139,706	142,500	145,350	147,530	149,743	151,989
133	DIRECTOR, PUBLIC WORKS	64.53	66.46	68.46	70.51	71.92	73.36	74.46	75.58	76.71
	POLICE CHIEF	11,184.92	11,520.42	11,866.08	12,222.00	12,466.50	12,715.83	12,906.58	13,100.17	13,296.67
	FIRE CHIEF	134,219	138,245	142,393	146,664	149,598	152,590	154,879	157,202	159,560
134		67.76	69.79	71.88	74.04	75.52	77.03	78.19	79.36	80.55
		11,744.33	12,096.67	12,459.58	12,833.33	13,090.00	13,351.83	13,552.08	13,755.33	13,961.67
		140,932	145,160	149,515	154,000	157,080	160,222	162,625	165,064	167,540
135		71.16	73.30	75.50	77.76	79.32	80.90	82.12	83.35	84.60
		12,335.08	12,705.17	13,086.33	13,478.92	13,748.50	14,023.42	14,233.83	14,447.33	14,664.00
		148,021	152,462	157,036	161,747	164,982	168,281	170,806	173,368	175,968
136	CITY ADMINISTRATOR	78.54	80.90	83.32	85.82	87.54	89.29	90.63	91.99	93.37
		13,613.42	14,021.83	14,442.50	14,875.75	15,173.25	15,476.75	15,708.92	15,944.50	16,183.67
		163,361	168,262	173,310	178,509	182,079	185,721	188,507	191,334	194,204

Non-Represented Staff

Placeholder Positions
New / Updated

CITY OF SEDRO-WOOLLEY March 13, 2024 Master Schedule for Non-Represented Staff										
Grade/Step	Position	1	2	3	4	5	6	7	8	9
108	MUNICIPAL COURT JUDGE	3,868.92	3,985.00	4,104.50	4,227.67	4,312.25	4,398.50	4,464.42	4,531.42	4,599.42
		46,427	47,820	49,254	50,732	51,747	52,782	53,573	54,377	55,193
119	COURT CLERK	33.87	34.89	35.94	37.01	37.75	38.51	39.09	39.67	40.27
		5,871.17	6,047.33	6,228.75	6,415.58	6,543.92	6,674.75	6,774.92	6,876.50	6,979.67
		70,454	72,568	74,745	76,987	78,527	80,097	81,299	82,518	83,756
120		35.30	36.36	37.45	38.57	39.35	40.13	40.73	41.34	41.96
		6,118.67	6,302.25	6,491.33	6,686.08	6,819.83	6,956.17	7,060.50	7,166.42	7,273.92
		73,424	75,627	77,896	80,233	81,838	83,474	84,726	85,997	87,287
121	ENGINEER I (GRADUATE)	36.81	37.92	39.05	40.23	41.03	41.85	42.48	43.12	43.76
		6,380.92	6,572.33	6,769.50	6,972.58	7,112.08	7,254.33	7,363.17	7,473.58	7,585.67
		76,571	78,868	81,234	83,671	85,345	87,052	88,358	89,683	91,028
122		38.40	39.55	40.74	41.96	42.80	43.65	44.31	44.97	45.65
		6,655.42	6,855.08	7,060.75	7,272.5					



City Council Agenda Item

Agenda Item No.: e.4.

Date: March 13, 2024

From: Nikki Thompson, City Attorney

Subject: Settlement Agreement - Johnson & Johnson - Multi-District Opioid Litigation

RECOMMENDED ACTION:

Move to approve the opioid settlement with Johnson & Johnson.

ISSUE:

Should the City sign on to the Johnson & Johnson settlement agreement, as part of the MDL opioid litigation wrap up?

BACKGROUND/SUMMARY INFORMATION:

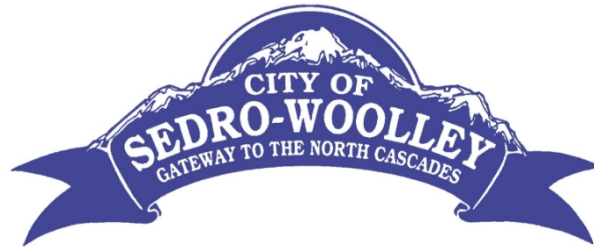
The City is a litigating party in the opioid multi-district litigation that has been pending for many years. Over the past few years, many of the defendants have settled with the litigating parties. Johnson & Johnson is the next defendant to reach settlement with the litigating parties. This settlement is structured similarly to previous settlements, in that 50% of the settlement proceeds will go to the State and 50% to local governments. The total settlement amount is \$123.34 million. Johnson & Johnson will make a one-time payment this year, if all local governments sign off on the settlement. If all do not sign on, 5% of the settlement will be withheld until all have signed on. More information can be found here:

www.atg.wa.gov/johnson-johnson-opioid-settlement.

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

None



City Council Agenda Item

Agenda Item No.: e.5.

Date: March 13, 2024

From: Charlie Bush, City Administrator

Subject: Ending the Community Development Grant Program Application Process -
Resolution 1139-24

RECOMMENDED ACTION:

Motion to approve Resolution 1139-24 ending the Community Development Grant Program application process.

ISSUE:

Should the City Council end the Community Development Grant Program application process?

BACKGROUND/SUMMARY INFORMATION:

Council discussed this topic as a part of the Community Development Grant Program Update at the March 6 work session. Council requested sunseting the application process on March 31, 2024. The attached resolution accomplishes that goal.

FISCAL IMPACT, IF APPROPRIATE:

At this time, if the program were to end with no additional applications and the City Council approves its one remaining application and this resolution, \$27,269 of the original \$140,000 would remain in the program.

ATTACHMENTS:

1. Resolution No. 1139-24 Ending the Community Development Grant Program Application Process

CITY OF SEDRO-WOOLLEY
Sedro-Woolley, Washington

**RESOLUTION 1139-24 – ENDING THE COMMUNITY DEVELOPMENT GRANT
PROGRAM APPLICATION PROCESS**

**A RESOLUTION OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON
ENDING THE COMMUNITY DEVELOPMENT GRANT PROGRAM
APPLICATION PROCESS.**

WHEREAS, the City of Sedro-Woolley created the Community Development Grant Program on July 26, 2023; and

WHEREAS, the City received 13 applications from businesses and nonprofits to receive grant funds for public facing improvements to benefit the community's appearance and to foster economic development; and

WHEREAS, the City Council approved 12 applications to date for funding; and

WHEREAS, a projected \$27,269 of the original \$140,000 program will remain if the thirteenth application, currently before the City Council, is approved;

WHEREAS, the City Council desires to provide a last call to the public to submit applications to the program as it has other needs to address with any funds that may remain.

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

The City's Community Development Grant Program shall receive grant applications until midnight on March 31, 2024. At that time, the program will no longer be open for application. Any remaining funds will be reallocated to other priorities by the City Council.

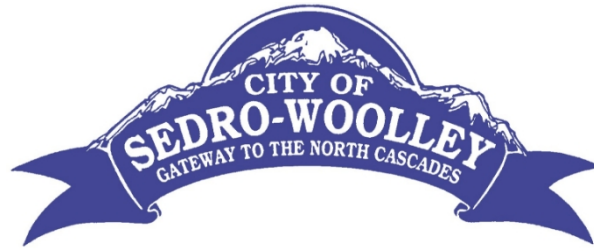
ADOPTED by the City Council and **APPROVED** by the Mayor this ____ Day of March 2024.

CITY OF SEDRO-WOOLLEY

By _____
Julia Johnson, Mayor

ATTEST:

By _____
Kelly Kohnken, City Clerk



City Council Agenda Item

Agenda Item No.: f.1.

Date: March 13, 2024

From: Julia Johnson, Mayor

Subject: Recognition of Service - Wastewater Treatment Plant Supervisor Kevin Wynn

RECOMMENDED ACTION:

Presentation, no recommended action.

ISSUE:

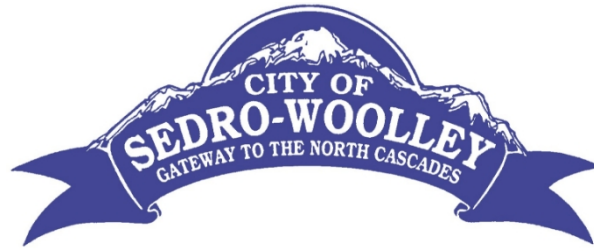
BACKGROUND/SUMMARY INFORMATION:

Presented Wastewater Treatment Plant Supervisor Kevin Wynn with a plaque for 10+ years of service to the City of Sedro-Woolley.

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

None



City Council Agenda Item

Agenda Item No.: f.2.

Date: March 13, 2024

From: Julia Johnson, Mayor

Subject: Family Promise Executive Director Andrea Woll - Family Promise Update and Projects

RECOMMENDED ACTION:

Presentation, no recommended action.

ISSUE:

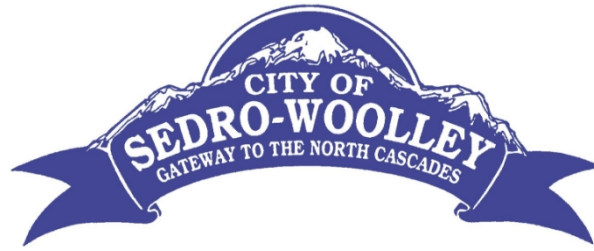
BACKGROUND/SUMMARY INFORMATION:

Update on Family Promise and projects.

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

None



City Council Agenda Item

Agenda Item No.: g.1.

Date: March 13, 2024

From: Charlie Bush, City Administrator

Subject: Sidewalk Update

RECOMMENDED ACTION:

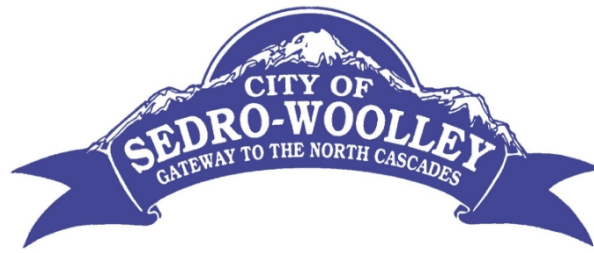
ISSUE:

BACKGROUND/SUMMARY INFORMATION:

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

None



City Council Agenda Item

Agenda Item No.: 1.1.

Date: March 13, 2024

From: David Lee , City Engineer

Subject: Adoption of Amendments to Title 13 Stormwater Code Chapters - Ordinance 2068-24 - 2nd Read

RECOMMENDED ACTION:

Motion to approve Ordinance 2068-24 AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, AMENDING TITLE 13 WATER AND SEWERS DIVISION II STORMWATER MANAGEMENT BY REPEALING EXISTING CHAPTER 13.36 STORMWATER MANAGEMENT AND ADOPTING A NEW CHAPTER 13.36 STORMWATER MANAGEMENT, REPEALING EXISTING CHAPTER 13.40 STORMWATER MAINTENANCE AND ADOPTING A NEW CHAPTER 13.40 STORMWATER MAINTENANCE AND ADOPTING A NEW CHAPTER 13.42 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) OF THE SEDRO-WOOLLEY MUNICIPAL CODE (SWMC).

ISSUE:

Should Council approve Ordinance 2068-24 AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, AMENDING TITLE 13 WATER AND SEWERS DIVISION II STORMWATER MANAGEMENT BY REPEALING EXISTING CHAPTER 13.36 STORMWATER MANAGEMENT AND ADOPTING A NEW CHAPTER 13.36 STORMWATER MANAGEMENT, REPEALING EXISTING CHAPTER 13.40 STORMWATER MAINTENANCE AND ADOPTING A NEW CHAPTER 13.40 STORMWATER MAINTENANCE AND ADOPTING A NEW CHAPTER 13.42 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) OF THE SEDRO-WOOLLEY MUNICIPAL CODE (SWMC)?

BACKGROUND/SUMMARY INFORMATION:

The first reading for these code amendments was at the February 28, 2024 Council meeting. There were no comments.

This is the second reading of the proposed amendments. Staff recommends the Council adopt Ordinance 2068-24.

Action is requested at this meeting.

The City's NPDES Phase II Stormwater permit under which the City operates the Stormwater Utility requires the City to continue to design and implement local development related codes, rules, and

standards to minimize impervious surfaces, native vegetation loss, and stormwater runoff, and to incorporate the implementation of LID principles. It also requires the implementation of an ordinance or regulatory mechanism to effectively prohibit non-stormwater illicit discharges.

The current code Chapters 13.36 and 13.40 were developed to address the NPDES permit requirements and have had minor revisions made to remain in compliance with new permit requirements implemented through the last two permit cycles.

The purpose of Chapter 13.36, Stormwater Management, is to provide policies and rules for development and construction activities before and during construction. The purpose of Chapter 13.40, Stormwater Maintenance, is to provide policies and rules related to inspections and maintenance of stormwater facilities after construction.

The proposed revisions to Chapters 13.36 and 13.40 remove the references to illicit discharge prohibitions and remove several other redundancies. The revisions also update the language in each to be more specific to the intended purpose of the chapter and to incorporate current permit requirements. Chapter 13.40 revisions also include the newly implemented Source Control inspection program requirement for existing sites.

Elements related to the prohibition of non-stormwater illicit discharges are currently repeated in both Chapters 13.36 and 13.40. The new proposed Chapter 13.42, Illicit Discharge Detection and Elimination was created to provide a code specific to the subject rather than have the requirements included in the two other chapters.

FISCAL IMPACT, IF APPROPRIATE:

None

ATTACHMENTS:

1. Title 13 Ordinance 2068-24
2. Attach. A - Title 13 CH 13.36 Stormwater Management
3. Attach. B - Title 13 CH 13.40 Stormwater Maintenance
4. Attach. C - Title 13 CH 13.42 Illicit Discharge

ORDINANCE NO. 2068-24

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, AMENDING TITLE 13 WATER AND SEWERS DIVISION II STORMWATER MANAGEMENT BY REPEALING EXISTING CHAPTER 13.36 STORMWATER MANAGEMENT AND ADOPTING A NEW CHAPTER 13.36 STORMWATER MANAGEMENT, REPEALING EXISTING CHAPTER 13.40 STORMWATER MAINTENANCE AND ADOPTING A NEW CHAPTER 13.40 STORMWATER MAINTENANCE AND ADOPTING A NEW CHAPTER 13.42 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) OF THE SEDRO-WOOLLEY MUNICIPAL CODE (SWMC).

WHEREAS, the City has not updated its codes related to Stormwater Management since 2015; and,

WHEREAS, updating of the City's codes related to Stormwater Management and adding a code related to illicit discharge is necessary;

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

Section One. Chapter 13.36. Stormwater Management of Division II of Title 13 of the Sedro-Woolley Municipal Code is hereby repealed, and a new Chapter 13.36 Stormwater Management as set out in Attachment A is hereby adopted.

Section Two. Chapter 13.40 Stormwater Maintenance of Division II of Title 13 of the Sedro Woolley Municipal Code is hereby repealed, and a new Chapter 13.40 Stormwater Maintenance as set out in Attachment B is hereby adopted.

Section Three. A new Chapter 13.42, entitled Illicit Discharge Detection and Elimination (IDDE), as set out in Attachment C is hereby adopted and added to Division II of Title 13 of the Sedro Wooley Municipal Code.

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

Section Five. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

Section Six. Publication. Publication of this ordinance may be made by summary.

Section Seven. Effective Date. This Ordinance shall be in full force and effect five days after publication by summary.

PASSED AND ADOPTED by the City Council of the City of Sedro-Woolley, Washington, on this _____ day of _____, 2024.

Julia Johnson, Mayor

ATTEST:

Kelly Kohnken, City Clerk

APPROVED AS TO FORM:

Nikki Thompson, City Attorney

ATTACHMENT A

Chapter 13.36 Stormwater Management of Division II of Title 13 of the Sedro-Woolley Municipal Code

Chapter 13.36

STORMWATER MANAGEMENT

Sections:

- 13.36.010 Purpose.**
- 13.36.015 Stormwater management manual adopted.**
- 13.36.020 Definitions.**
- 13.36.025 Abrogation and interpretation of provisions.**
- 13.36.030 Applicability.**
- 13.36.040 Minimum requirement thresholds.**
- 13.36.050 Low Impact Development (LID).**
- 13.36.060 Contents of a storm water site plan.**
- 13.36.070 Development in critical flood, drainage and/or erosion areas.**
- 13.36.080 Fees.**
- 13.36.090 Construction standards and specifications.**
- 13.36.100 Review and approval of plans.**
- 13.36.110 Inspections – Construction.**
- 13.36.120 Bonds and liability insurance required.**
- 13.36.130 Storm water covenant and easement.**
- 13.36.140 Maintenance of drainage facilities by owner.**
- 13.36.150 Applicability to governmental entities.**
- 13.36.160 Adjustments.**
- 13.36.170 Exceptions.**
- 13.36.180 Additional procedures and review.**
- 13.36.190 Enforcement.**
- 13.36.200 No special duty created.**
- 13.36.210 Severability.**
- 13.36.220 Appeals.**

13.36.010 Purpose.

The purpose of this chapter is to promote sound development policies and construction procedures which respect the city's watercourses; to minimize water quality degradation and control of sedimentation of creeks, streams, ponds, lakes, and other water bodies; to protect the life, health, and property of the general public; to preserve and enhance the suitability of waters for contact recreation and fish habitat; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable ground water quantities, locations, and flow patterns; to ensure the safety of city roads and rights-of-way; and to decrease drainage-related damages to public and private property.

13.36.015 Stormwater management manual adopted.

The current Department of Ecology Stormwater Management Manual for Western Washington (Stormwater Manual), and as amended by this code, is hereby adopted as the city's minimum storm water regulations, technical reference manual and maintenance standard and is hereinafter referred to as the "Stormwater Manual." Storm water infrastructure shall also be designed and constructed in accordance with the city's Public Works Department Standards (SWPWDS).

13.36.020 Definitions.

For the purpose of this chapter and other provisions in this title related to storm water, certain terms, phrases, words and their derivatives shall be defined and construed as specified in the Stormwater Manual and in this title. Words used in the singular include the plural, and the plural the singular. The words "shall," "will" and "must" are mandatory; the words "should" and "may" are permissive. When any definition in this title conflicts with definitions in the Stormwater Manual or any other ordinance of the city, that which provides more environmental protection shall control and apply unless specifically provided otherwise in this title.

"Applicant" means any person who has applied for a development permit or approval.

"Department" means the public works department of the city of Sedro-Woolley, as appropriate for capital or private development projects.

"Developer" means the person(s) applying for permits or approvals, the Applicant, whether an individual(s) or corporation(s) or governmental agency(ies).

"Director of public works" or "director" means the director of the public works department or his/her designee.

"Discharge storm water directly or indirectly to the Sedro-Woolley Municipal separate storm sewer system (MS4)" means that:

- (a) The drainage system installed is in right-of-way or an area that will become right-of-way after construction and final site approval;

(b) The drainage system installed will become publicly owned after construction and final site approval;

(c) The drainage system installed is intended to overflow to a portion of the existing MS4 or public right-of-way; or

(d) The drainage system installed is intended to outfall into a portion of the existing MS4 or public right-of-way.

“Drainage system” or “storm drainage system” or “storm water system” means the same as the Stormwater Manual definition for “storm water drainage system.”

“Engineer” means the city engineer or development services manager, as designated for enforcement of capital or private development activities, of Sedro-Woolley.

“Existing grade” means the grade prior to grading.

“Finish grade” means the final grade of the site, which conforms to the approved plan.

“Grading” or “grading activity” means any excavating, filling, grubbing or grading or combination thereof.

“Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

(a) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;

(b) Designed or used for collecting or conveying storm water;

(c) Which is not a combined sewer;

(d) Which is not part of a publicly owned treatment works (POTW) as defined in the Code of Federal Regulations at [40 CFR 122.2](#); and

(e) Which is defined as “large” or “medium” or “small” or otherwise designated by Ecology pursuant to [40 CFR 122.26](#).

“Parcel” means a tract or plot of land of any size, which may or may not be subdivided or improved.

“Planned residential developments” refers to residential developments which are planned and/or developed in several stages but submitted together for approvals, and which typically consist of clusters of structures interspersed with areas of common open spaces (refer to Chapter 17.73 SWMC).

“Private drainage system” or “private storm water disposal systems” means drainage systems located on private property that may or may not discharge directly as through pipes, channels, etc., or indirectly as sheet flow, subsurface flow, etc., into the city’s drainage system.

“Public storm drainage system” means that portion of the drainage system of the city located on public right-of-way, easements or other property owned by the city. Public storm drainage system does not include low impact development BMPs such as bioswales, infiltration ponds, pervious pavement, and other associated low impact development infrastructure located within easements held by the city of Sedro-Woolley for inspection purposes only.

“Small municipal separate storm sewer system” or “small MS4” means an MS4 that is not defined as “large” or “medium” pursuant to [40 CFR 122.26\(b\)\(4\)](#) and (7) or designated under [40 CFR 122.26\(a\)\(1\)\(v\)](#).

“Stormwater management manual,” “Stormwater Manual” or “manual” means Appendix I of the current NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the current Department of Ecology Stormwater Management Manual for Western Washington (“SWMMWW”).

13.36.025 Abrogation and interpretation of provisions.

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

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

13.36.030 Applicability.

(1) Storm water management review and approval by the city is required when any new development, redevelopment, or proposed construction site project meets or exceeds the threshold conditions defined in the Stormwater Manual (e.g., new impervious area, drainage system modifications, redevelopments, etc.) and/or is subject to a city development permit or approval requirement. All the provisions of this title are applicable to any project requiring storm water management review and approval.

(2) Commencement of construction work under any of the nonexempt actions, permits, or applications shall not begin until the department approves a storm water pollution prevention plan (SWPPP) pursuant to the requirements of the Stormwater Manual.

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

(4) Unless otherwise specified in this chapter, all standards, definitions, and requirements shall be in accordance with the current Stormwater Manual.

(5) The following activities are exempt from the minimum requirements set forth in the Stormwater Manual even if such practices meet the definition of new development or redevelopment:

(a) Forest Practices. Forest practices regulated under WAC Title [222](#), except for Class IV, General forest practices that are conversions from timberland to other uses, are exempt from the provisions of the minimum requirements.

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

(c) Oil and Gas Field Activities or Operations. Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain best management practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

(d) Pavement Maintenance.

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

(ii) The following pavement maintenance practices are not categorically exempt. The extent to which the minimum requirements in the Stormwater Manual apply is explained for each circumstance.

(A) Removing and replacing a paved surface to base course or lower, or repairing the roadway base: If impervious surfaces are not expanded, the Stormwater Manual minimum requirements Nos. (1) through (5) apply.

(B) Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders: These are considered new impervious surfaces and are subject to the minimum requirements in the Stormwater Manual that are triggered when the thresholds identified for redevelopment projects are met.

(C) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete: These are considered new impervious surfaces and are subject to the minimum requirements in the Stormwater Manual that are triggered when the thresholds identified for redevelopment projects are met.

(e) Underground Utility Projects. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to the

13.36.040 Minimum requirement thresholds.

The minimum requirements applicable to any project shall be determined as noted in the Stormwater Manual. Not all of the minimum requirements in the Stormwater Manual apply to every development or redevelopment project. The applicability varies depending on the type and size of the project. See the Stormwater Manual for more information about each of the minimum requirements.

13.36.050 Low impact development (LID).

(1) Low impact development (LID) is a storm water management and land development strategy utilized in site design and construction that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to mimic natural hydrologic functions. Implementation of LID benefits streams, lakes, and Puget Sound by moderating the impacts of storm water runoff generated by the built environment. LID techniques are the preferred and commonly used approach to site development with traditional, structural storm water management solutions used where LID is infeasible. Low impact development best management practices (LID BMPs) are described in the Stormwater Manual and the Low Impact Development Technical Guidance Manual for Puget Sound, published by the Puget Sound Partnership and Washington State University Extension. LID site design objectives are:

- (a) To retain or restore native forest cover to capture, infiltrate, and evaporate all or a portion of the rainfall on a site;
- (b) To confine development to the smallest possible footprint and minimize land disturbance and site grading;
- (c) To preserve or restore the health and water-holding capacity of soils;
- (d) To incorporate natural site features that promote storm water infiltration;
- (e) To minimize all impervious surfaces and especially those that drain to conventional piped conveyances;
- (f) To manage storm water through infiltration, bioretention, and dispersion;
- (g) To manage storm water runoff as close to its origin as possible in small, dispersed facilities;
- (h) Locate buildings away from critical areas and soils that provide effective infiltration;
- (i) Increase reliability of the storm water management system by providing multiple or redundant LID flow control practices; and
- (j) Integrate storm water controls into the development design and utilize the controls as amenities to create a multifunctional landscape.

(2) Use of LID BMPs may reduce or eliminate the need for conventional detention facilities but does not remove the obligation to comply with the minimum requirements in the Stormwater Manual. A variety of BMPs to minimize impervious surfaces and to manage storm water have been developed and tested for use in western Washington. These BMPs and the overall LID approach are described in the Stormwater Manual and the Low Impact Development Technical Guidance Manual for Puget Sound.

(3) The menu of LID BMPs identified in the Stormwater Manual and the Low Impact Development Technical Guidance Manual for Puget Sound are accepted for use in storm water site plans to address the minimum requirements in the Stormwater Manual, subject to the specifications, performance standards, and design criteria in the Stormwater Manual, and city of Sedro-Woolley engineering design and development standards and review and approval under this chapter, as applicable.

(4) Restrictions on conversion of drainage facilities shall be recorded on the face of the plat.

(5) A covenant and easement may also be required to be recorded with the Skagit County auditor's office for each lot containing or served by LID BMP facilities in a form approved by the city attorney. The covenant shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or shared ownership. The easement shall be granted for city access to low impact development facilities on private property to allow inspection, emergency maintenance and repair.

13.36.060 Contents of a storm water site plan.

(1) Storm Water Site Plan Required. New development and redevelopment projects must submit a storm water site plan, prepared using Volume I, Chapter 3 of the adopted Stormwater Manual, for approval by the department.

(2) Contents of Plan. In addition to the requirements described in the Stormwater Manual, an off-site analysis report shall be required.

13.36.070 Development in critical flood, drainage and/or erosion areas.

Development which would increase the volume of discharge from the subject property shall not be permitted in areas where existing flooding, drainage, and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community or property, until such time as the community hazard is alleviated. Where application of the provisions of this section will deny all reasonable use of the property, the director or designee may waive the restrictions on development contained in this section; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this chapter and Chapter 17.65 SWMC, Regulation for Critical Areas. .

13.36.080 Fees.

The applicant shall pay all fees and costs as established by ordinance or resolution prior to approval or other review and inspections pursuant to this chapter. If no separate fee is established, the applicant shall pay a fee based on the hourly rate for city engineering services established by separate ordinance or resolution for plan review and inspections.

13.36.090 Construction standards and specifications.

The director shall approve, prepare, administer, and enforce detailed construction standards and specifications for all storm drainage lines, on-site storm water and erosion control facilities. Where the City might otherwise accept ownership or a maintenance responsibility, the city shall not accept ownership or maintenance responsibility for any lines or facilities which are constructed in violation of said standards and specifications.

13.36.100 Review and approval of plans.

All storm water site plans and any other documents required by or prepared in connection with this chapter shall be submitted for review to and approval by the director or designee.

The applicant shall keep two sets of the approved plans on site at all times for recording as-built information; one set shall be submitted to the project engineer, and one set shall be submitted to the director at completion of construction and prior to final acceptance of work. The owner and/or contractor shall notify the engineer and the director when conflicts exist between the plans and field conditions. Conflicts shall be resolved (including plan and profile revisions) and resubmitted for approval prior to proceeding with construction. For further plan retention and revision requirements for storm water site plans and construction storm water pollution prevention plans see the Stormwater Manual. Minimum Requirement No. 2: Construction Storm Water Pollution Prevention Plan (SWPPP).

13.36.110 Inspections – Construction.

All activities regulated by this chapter shall be inspected by the engineer and/or public works department. Projects shall be inspected at various stages of the work to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land-disturbing activities; installation of utilities, landscaping, retaining walls; and completion of project. When required by the director or designee, a special inspection and/or testing shall be performed.

Prior to any clearing, grading, filling, and/or drainage facility construction, the contractor may be required to conduct a preconstruction conference with the city's engineering construction inspector to coordinate the project.

(1) All projects which include clearing, grading, filling or drainage shall be subject to inspection by the engineer or his designee, who shall be granted reasonable right of entry to the work site by the permittee. When required by the engineer, special inspection of the grading operations and special testing shall be performed by qualified professionals employed by the permittee. Inspections in conjunction with hydraulic permits will be performed and enforced by the Washington State Department of Fisheries or Wildlife.

(2) Each site that has an approved grading, erosion and sediment control or other required plans must be inspected as necessary to ensure that the sediment control measures are installed and effectively maintained in compliance with the approved plan and permit requirements. Where applicable, the permittee must obtain inspection by the city at the following stages:

(a) Following the installation of sediment control measures or practices and prior to any other land-disturbing activity;

- (b) During the construction of sediment basins or storm water management structures;
- (c) During rough grading, including hauling of imported or wasted materials;
- (d) Prior to the removal or modification of any sediment control measure or facility; and
- (e) Upon completion of final grading, including establishment of groundcover and planting, installation of all vegetative measures, and all other work in accordance with an approved plan and/or permit.

(3) The permittee may secure the services of a retained engineer, subject to the approval of the engineer, to inspect the construction of the facilities and provide the city with a fully documented certification that all construction is done in accordance with the provisions of an approved grading, erosion and sedimentation control or other required plan, applicable rules, regulations, permit conditions and specifications. If inspection certification is provided to and accepted by the city, approval by the engineer may be waived. In these cases the city shall be notified at the required inspection points and may make spot inspections. The retained engineer shall use the "Engineer's Construction Inspection Report" form for certification of the construction or other similar form approved by the engineer.

(4) Soils Approval. This inspection/approval applies when engineered soils, bioretention soil mixes, compost amended soils, soils to meet BMP T5.13, Post Construction Soil Quality and Depth, from Chapter 5, Volume V of the Stormwater Manual, or other specific soil mixes are used as a design feature of a storm water facility. The developer must demonstrate that the soil mixes approved on the plans are used for construction;

(5) System-wide inspections for residential developments will take place after all flow control and water quality treatment facilities are completed during the period of heaviest house construction to identify maintenance needs and enforce compliance with maintenance standards as needed;

(6) When low impact development BMPs or permanent storm water treatment and flow control BMPs/facilities are installed that are designed to infiltrate, the city may require the permit holder to verify proper installation and function. A licensed geotechnical engineer or other qualified personnel, as approved by the city, shall follow the testing procedures in the Stormwater Manual for other facility types. Permit holders are responsible for cost of testing and ensuring all facilities meet design standards, specifications, proper installation and function;

(7) Where a maintenance bond is required for a project, a final inspection by the city will be required at the end of the two-year maintenance bond period. The developer will be responsible for repairing any deficiencies found as a result of the city inspection. No bond shall be released until all deficiencies are resolved and accepted by the City.

In some circumstances not all of the above inspections may be necessary. It shall be at the discretion of the public works director or designee to waive or combine any of the above inspections as dictated by conditions.

The public works director or designee shall inspect the work and shall either approve the same or notify the applicant in writing in what respects there has been failure to comply with the requirements of the approved plan. Any portion of the work which does not comply shall be promptly corrected by the applicant. The public works director or designee may make unscheduled site inspections to ensure compliance. Uncorrected violations will be subject to the provisions of Title 18.

13.36.120 Bonds and liability insurance required.

The department is authorized to require all persons constructing retention/detention, low impact development, or other drainage system features to post surety or cash bonds. Where such persons have previously posted, or are required to post, other such bonds on the facility itself or on other construction related to the facility or project, such person may, with the permission of the public works director or designee, and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further, that such a bond shall on its face clearly delineate those separate bonds which it is intended to replace.

(1) Construction Bond. Prior to commencing construction, the person constructing the facility may be required to post a construction bond in an amount sufficient to cover the cost of performing said construction per the approved drainage plans. Alternatively, an equivalent cash deposit to an escrow account administered by a local account bank may be allowed at the city's option.

(2) Maintenance Bond. After satisfactory completion of the facilities and release of the construction bond by the city, the person constructing the facility or project may be required to post a two-year maintenance bond for the facility. The city may require the person constructing the facility to verify that the storm water facilities are functioning as designed. A cash bond, to be used at the discretion of the city and to correct deficiencies in said maintenance affecting public health, safety and welfare, must be posted and maintained throughout the two-year maintenance period. The amount of the cash bond shall be determined by the public works director or designee. In addition, at the discretion of the city, a surety bond or cash bond to cover the cost of design defects or failures in workmanship or function shall also be posted and maintained through the two-year maintenance period. Alternatively, an equivalent cash deposit to an escrow account administered by a local account bank may be allowed, at the city's option.

13.36.130 Storm water covenant and easement.

A drainage covenant and easement may be required to be recorded for all private storm water treatment and flow control facilities. The covenant and easement shall be in a form acceptable to the city attorney and shall provide the right of ingress and egress, and the right to perform emergency maintenance. The covenant and easement shall include a description of the property, facility(ies), and the maintenance responsibilities. The covenant shall be recorded with the Skagit County auditor's office against the title of the property and run with the land to all successors and assigns.

13.36.140 Maintenance of drainage facilities by owner.

It shall be the responsibility of the owner of the property, or persons with a shared ownership interest in the property, or their heirs, successors and assigns, to operate, maintain, repair and replace the facilities in continuous compliance with Chapter 13.40 and any approved operations and maintenance plans. The director or designee shall have authority to periodically enter upon the property and inspect the facilities to ensure such compliance.

13.36.150 Applicability to governmental entities.

All municipal corporations and governmental entities shall be required to submit a storm water site plan and comply with the terms of this chapter when developing and/or improving land within the incorporated areas of the city of Sedro-Woolley or within adjacent areas which may affect the city.

13.36.160 Adjustments.

All adjustments to the minimum requirements in the Stormwater Manual may be granted prior to permit approval and construction. Adjustments must be reviewed in the context of each application, site and potential impacts. Approval does not establish precedent for subsequent applications that may reflect different scale, complexity and site conditions. Adjustments to the minimum requirements may be granted by the director; provided, that a written finding of fact is prepared, that addresses the following:

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

13.36.170 Exceptions.

(1) Exceptions to the minimum requirements in the Stormwater Manual may be granted prior to permit approval and construction. Exceptions must be reviewed in the context of each application, site and potential impacts. Approval does not establish precedent for subsequent applications that may reflect different scale, complexity and site conditions. Application for an exception shall be filed in writing with the director and shall adequately detail the reason for an exception.

(2) Exceptions/variances (exceptions) to the minimum requirements in the Stormwater Manual may be granted by the director following legal public notice of an application for an exception or variance, legal public notice of the director's decision on the application, and written findings of fact that document the director's determination to grant an exception. The director will keep records, including the written findings of fact, of all exceptions to the minimum requirements.

(3) Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department of Ecology. The city will seek prior approval by the Department of Ecology for any jurisdiction-wide exception.

(4) The director may grant an exception to the minimum requirements in the Stormwater Manual if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the director must consider and document with written findings of fact the following:

- (a) The current (pre-project) use of the site; and
- (b) How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
- (c) The possible remaining uses of the site if the exception were not granted; and
- (d) The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and

(e) A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and

(f) The feasibility for the owner to alter the project to apply the minimum requirements.

(5) In addition, any exception must meet the following criteria:

(a) The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

(b) The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.

(6) An exception/variance shall be subject to the same notice requirements and appeal process from the decision of the director as a Type II decision subject to Chapter [2.90](#), to the extent applicable and not inconsistent with this chapter.

13.36.180 Additional procedures and review.

In various sections of this chapter, the public works director or designee, the engineer, and/or the city planner may be empowered to impose requirements, give approvals, make determinations and the like (hereinafter in this section “administrative determination(s)”). This section sets out procedures for administrative determination(s). All administrative determination(s) shall be made in a timely manner to satisfy all requirements of state law. All administrative determination(s) shall be in writing and shall set out facts and conclusions to support the decision made. All administrative determination(s) shall be made to achieve the purposes of this chapter as set forth in SWMC 13.36.010. All administrative determination(s) may be appealed to the hearing examiner by filing written notice of appeal with the city clerk within 10 days of service of the administrative determination.

13.36.190 Enforcement.

A. The director shall enforce this chapter. Violations of this chapter shall be subject to civil penalties and process as set forth in Title [18](#). It shall be a violation of this chapter to (1) engage in any regulated activity without a permit issued pursuant to this chapter, (2) to violate the terms and conditions of a permit issued pursuant to this chapter, or (3) to permit, allow, or commit an illicit discharge prohibited by SWMC 13.42.

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

13.36.200 No special duty created.

(1) It is the purpose of this chapter to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter. No provision or term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(2) Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this chapter or by reason or as a consequence of any inspection, notice, or order, in connection with the implementation or enforcement of this chapter, or by reason of any action of the city related in any manner to enforcement of this chapter by its officers, agents, or employees.

13.36.210 Severability.

If any section, subsection, sentence, clause, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this chapter.

13.36.220 Appeals.

Any applicant may appeal the decision of the director to issue, condition or deny a permit in the same manner as a Type II decision subject to Chapter [2.90](#), to the extent applicable and not inconsistent with this chapter. For administrative interpretations see Section 13.36.180.

ATTACHMENT B

Chapter 13.40 Stormwater Maintenance of Division II of Title 13 of the Sedro-Woolley Municipal Code

Chapter 13.40

STORMWATER MAINTENANCE

Sections:

- 13.40.010 Purpose.**
- 13.40.020 Definitions.**
- 13.40.030 Abrogation and interpretation of provisions.**
- 13.40.040 Applicability.**
- 13.40.050 Stormwater management manual and Appendix I of permit adopted—
Administrative provisions authorized.**
- 13.40.060 Regulated activities.**
- 13.40.070 Maintenance Requirements.**
- 13.40.075 Stormwater minimum requirements and best management practices
(BMPs).**
- 13.40.080 Maintenance of drainage ditches.**
- 13.40.085 Maintenance of low impact development (LID) facilities.**
- 13.40.090 Authority.**
- 13.40.100 Inspection program.**
- 13.40.110 Civil Enforcement.**
- 13.40.120 Criminal violation.**
- 13.40.130 Fees.**

13.40.010 Purpose.

The provisions of this chapter are intended to:

- A. Provide for inspection and maintenance of stormwater facilities in the city to provide for an effective, functional and maintained stormwater drainage system;
- B. Authorize the city to require that stormwater facilities be operated, maintained and repaired in conformance with this chapter;
- C. Establish the minimum level of compliance which must be met;
- D. Guide and advise all who conduct inspection and maintenance of stormwater facilities;
- E. Provide for inspections of existing sites by the City, or its authorized designee, to ensure adequate source control BMPs are in place and maintained to prevent illicit discharges or violations of surface water, groundwater, or sediment management standards.
- F. Provide for city maintenance to protect the public health and general welfare when no other reasonable option exists and provide for recovery of the City's cost and expense.

13.40.020 Definitions.

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

- A. Wetlands Guidance Appendices, Definitions of the SWMMWW;
- B. The glossary and notations in the current Department of Ecology SWMMWW; and
- C. Section 2, Definitions Related to Minimum Requirements, Appendix I of the current NPDES Phase II Municipal Stormwater Permit are incorporated by reference, unless the context clearly indicates that another definition is applicable.

"SWMMWW" means the current Ecology Stormwater Management Manual for Western Washington.

"Department" means Washington State Department of Ecology.

"Director" means the public works director or his/her authorized designee.

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

"Source Control BMP" is a structure or operation intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Structural Source Control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational Source Control BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

“Stormwater management manual” or “manual” means Appendix I of the current NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the current Department of Ecology Stormwater Management Manual for Western Washington (“SWMMWW”).

When not inconsistent with the definitions in this section, where applicable the definitions in Chapter 13.36 and 13.42 Sedro Wooley Municipal Code also shall apply.

13.40.030 Abrogation and interpretation of provisions.

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

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

13.40.040 Applicability.

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

B. This chapter applies to all activities and facilities subject to Chapter [13.36](#), and which are permanent, require maintenance or shall require compliance after the completion of the permitted activity and facility regulated by Chapter [13.36](#).

C. At the completion of the activities which are subject to Chapter [13.36](#), the continuing maintenance and operation of any facilities that continue in operation will be subject to Chapter [13.40](#).

13.40.050 Stormwater management manual and Appendix I of permit adopted—Administrative provisions authorized.

A. The thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the NPDES Phase II Municipal Stormwater Permit, including the minimum and mandatory incorporated provisions of the current Department of Ecology Stormwater Management Manual for Western Washington, are hereby adopted by reference, and are hereinafter collectively referred to as the “manual.”

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

C. Any standards, designs, and administrative regulations adopted by the director shall be published in printed form maintained for inspection and copying at the office of the city engineer. Any

such standards, designs, and administrative regulations shall have the same effect as a provision of this chapter, and its administration and application to a particular permit is subject to appeal and variance in the same manner as the provisions of this chapter.

D. Facilities shall be used and maintained to comply with the manual.

13.40.060 Regulated activities-

. Regulated Activities are:

1. All development,-redevelopment and activities subject to Chapter 13.36 and not exempt thereunder shall be a regulated activity subject to this chapter and shall be subject to the applicable requirements of the manual and maintenance as required by this Chapter.
2. If new development, redevelopment and activities at sites below the regulatory threshold of this chapter or Chapter 13.36 SWMC were subject to regulation at the time of permitting, they shall continue to be subject to stormwater regulations, even if the site activities resulted in land disturbances of less than the any threshold. The local stormwater requirements in effect at the time of permit issuance shall apply.
3. Existing publicly and privately-owned institutional, commercial, and industrial sites where land uses and activities have the potential to generate pollutants to the MS4.

13.40.070 Maintenance requirements.

A. Maintenance Required. All stormwater facilities and BMPs shall be operated and maintained in accordance with this chapter, the manual, including the minimum standards and BMPs in the manual, the Western Washington Phase II Municipal Stormwater Permit, the Sedro-Woolley stormwater management plan, development covenants, conditions and restrictions, and approved facilities operation and maintenance manuals. The director may require a memorandum advising of approved project operations and maintenance manuals to be recorded with Skagit County Auditor.

B. Compliance General. It shall be the duty of the owner to maintain, repair and restore, at the owner's expense, all private storm water and drainage systems and BMPs located on the owner's property or within an area of shared interest owned in common with other property owners. Maintenance shall be performed in accordance with the manual and in accordance with any maintenance schedule or approved operations and maintenance manual for the facility or property that was adopted during the plan review process for constructing the facilities. Should private storm water facilities not be maintained, repaired and restored in accordance with standards of this Chapter, then the city may choose to perform the necessary maintenance, repair or restoration and charge the property owner or property owners' association in accordance with the provisions of this Chapter.

C. Compliance for certain large facilities. The owner or operator of an institutional, commercial or industrial establishment, as defined in the manual, that has the potential to generate pollutants into the city storm sewer system shall provide appropriate protections from accidental discharge of prohibited materials, illicit discharges or other delivery of wastes through the use of applicable structural and non-structural source control BMPs in the manual. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in Chapter 13.42, shall be required to implement additional structural and non-structural source control BMPs to

prevent further discharge of pollutants to the storm sewer system as part of maintenance, repair and restoration.

D. Financial Responsibility. The director may require a bond or other surety, or a blocked or assigned fund in a federally insured financial institution, as security for the permanent maintenance, operation, restoration and repair of the stormwater facilities, as a condition of project or plat approval, on such conditions as the director deems reasonable, considering the size and cost of the facility. Whether any such security is provided, the property owner or owners, the Homeowner's Association or the person or entity causing discharge or a maintenance, repair or restoration failure shall be responsible for the costs associated with said discharge, and the costs of maintenance, repair or restoration.

E. City Cleanup, Maintenance and Repair. Notwithstanding any other provision of this chapter, where the public health or general welfare requires that cleanup of discharges, and/or repair, maintenance, or restoration of a facility subject to this Chapter, the City may undertake such cleanup, repair, maintenance or restoration. The costs incurred by the City shall be a charge against the responsible parties, and a lien against the property from where the discharge came, or the property where the facility is located may be imposed by the director..

13.40.075 Stormwater minimum requirements and best management practices (BMPs).

The following are the minimum standards for the maintenance of storm water facilities and BMPs:

- (1) No person shall cause or permit any drainage system located on the owner's property to be obstructed, filled, graded, or used for disposal of debris.
- (2) Inspection frequency shall be as specified in the manual or approved maintenance manual. Records of the inspection shall be retained on site or by the owner or administrator of the facility. If records are requested by the director, response and providing of the records is required within 90 days.
- (3) Vegetated storm water facilities, such as grassed swales and biofilters, shall be inspected, mowed and replanted as required by the manual or other applicable maintenance manual as set forth herein.
- (4) When an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed in accordance with the following schedule:
 - (a) Within one year for typical maintenance of facilities, except catch basins.
 - (b) Within six months for catch basins.
 - (c) Within two years for maintenance that requires construction of less than \$25,000.
- (5) Disposal of waste from maintenance activities shall be conducted in accordance with Chapter [173-304](#) WAC, Minimum Functional Standards for Solid Waste Handling; guidelines published by the Washington State Department of Ecology for disposal of waste materials from storm water maintenance activities; and, where appropriate, Chapter [173-303](#) WAC, Dangerous Waste Regulations.

13.40.080 Maintenance of drainage ditches.

(1) Open drainage ditches located on private property or within public drainage easements shall be cleaned, maintained and protected in continuous compliance with the standards and specifications of the city. Responsibility for such work shall be borne by the owner of the underlying property; provided, that the city shall bear such responsibility for regional drainage ditches, as determined by the director of the department of public works, if the same are publicly owned or within public easements which are accessible to city personnel. Any party may appeal a determination of the director in this regard to the city council, and the decision of the city council shall be final.

(2) No person shall cause or permit open drainage swales and ditches to be obstructed, filled, graded or used for disposal of debris.

(3) Upon receiving express approval from the director of the department of public works, a property owner may convert a drainage ditch into an enclosed drainage system. Such work shall be performed in compliance with the standards and specifications of the city and shall be subject to inspection and approval by the department of public works.

13.40.085 Maintenance of low impact development (LID) facilities.

(1) Approved LID facilities, which are located on private property or in public street rights-of-way but dedicated to private ownership, shall be cleaned, maintained, restored and protected in continuous compliance with this title, the standards and specifications of the city, and any recorded maintenance agreements. Responsibility for such work shall be borne by the owner of the underlying property or parties with shared ownership interest.

(2) Property owners shall inspect and maintain approved LID facilities in accordance with the maintenance requirements set forth in the manual, or the most current edition of the LID Technical Guidance Manual for Puget Sound, as needed or as specified in said manual and in city standards, maintenance specifications, and any recorded maintenance agreements.

(3) If an approved LID facility required to be maintained by a private property owner fails to perform as designed due to lack of maintenance, the city has the authority to perform the necessary maintenance, and to recoup the costs incurred from the property owner directly or by listening the property.

13.40.090 Authority.

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

B. Inspection Authority. The director is directed and authorized to develop an inspection program for private stormwater facilities, and existing public, commercial and industrial sites with the potential to generate pollutants.

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

D. Previously Constructed Facilities. This chapter shall apply to stormwater facilities which were legally constructed to the extent permitted and required by the manual. The facilities shall be subject to inspection for compliance with the original conditions of approval and the applicable standards of this chapter.

13.40.100 Inspection program.

A. Inspection. The director is authorized to inspect during regular working hours and at other reasonable times all private stormwater drainage systems, BMPs, and existing public, commercial, and industrial sites with the potential to generate pollutants within the city to determine compliance with the provisions of this chapter. The director shall establish a master list of all known stormwater facilities that are not owned by the city.

The following schedule shall apply:

- 1 Stormwater facilities permitted and constructed after February 2007 shall be inspected annually.
2. Stormwater facilities permitted and constructed prior to February 2007 will be inspected on an as-needed schedule.
3. Facilities which the director has reason to believe are not being maintained or operated consistent with permit approvals or as designed, may be inspected by the director at any time, as set forth below.
4. Existing public, commercial and industrial sites with the potential to generate pollutants to the city stormwater system shall be inspected at least once in a five-year period.

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

1. If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or any other person(s) having charge or control of the property or portions of the property and request entry.
2. If after reasonable effort, the inspector is unable to locate the owner or other person(s) having charge or control of the property and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.
3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent threat to public safety, the inspector shall obtain a search warrant, prior to entry, as authorized by the laws of the state of Washington.
4. The inspector may inspect the stormwater drainage system without obtaining a search warrant provided for in subsection (B)(3) of this section, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

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

1. As-built plans and locations;
2. Findings of fact from any exemptions granted by the local government;
3. Operation and maintenance requirements and records of inspections, maintenance actions and frequencies;
4. Engineering reports, as appropriate.

D. Easement. The director may require, as a condition of project approval, that the city of Sedro-Woolley be conveyed a permanent easement to access the permitted stormwater facilities for purposes of inspection and emergency maintenance, restoration and repairs.)

13.40.110 Civil enforcement.

A. The director shall enforce this chapter. Violations of this chapter shall be subject to civil penalties and process as set forth in Title [18](#). It shall be a violation of this chapter to (1) engage in any regulated activity without a permit issued pursuant to this chapter, (2) violate the terms and conditions of a permit issued pursuant to this chapter, (3) permit, allow, or commit an illicit discharge prohibited by Chapter 13.42., or (3) fail to maintain, repair or restore a facility as required by this Chapter.

B. The director is authorized to seek recover city costs incurred, injunctions, restraining orders, and other civil relief in court as is necessary to enforce this chapter.

13.40.120 Criminal violation.

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

13.40.130 Fees.

The applicant shall pay all fees and costs as established by ordinance or resolution prior to project approval or other review or inspections pursuant to this chapter. If no separate fee is established, the applicant shall pay a fee based on the hourly rate for city engineering services established by separate ordinance or resolution for plan review.

ATTACHMENT C

**A new Chapter 13.42, Illicit Discharge Detection and Elimination
(IDDE) added to Division II of Title 13 of the Sedro-Woolley
Municipal Code**

Chapter 13.42

ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

Sections:

- 13.42.010 Purpose/objectives.**
- 13.42.020 Applicability.**
- 13.42.030 Definitions.**
- 13.42.040 Prohibited discharges.**
- 13.42.050 Allowable discharges.**
- 13.42.060 Conditional discharges.**
- 13.42.070 Prohibition of illicit connections.**
- 13.42.080 Access to premises.**
- 13.42.090 Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices (BMPs).**
- 13.42.100 Watercourse protection.**
- 13.42.110 Notification of spills.**
- 13.42.120 Enforcement.**
- 13.42.130 Severability.**
- 13.42.140 Ultimate responsibility.**

13.42.010 Purpose/objectives.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Sedro-Woolley through the regulation of non-storm water discharges to the city's storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit illicit connections and discharges to the MS4 ; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

13.42.020 Applicability.

This chapter shall apply to all water entering the municipal separate storm sewer system (MS4) from any developed and undeveloped lands unless explicitly exempted by the city.

13.42.030 Definitions.

“AKART” is an acronym and means and stands for “all known, available, and reasonable methods of prevention, control, and treatment.” See also the State Water Pollution Control Act, RCW [90.48.010](#) and [90.48.520](#).

“Best management practices (acronym BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

“Director of public works” or “director” means the director of the public works department or his/her designee.

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

“Illicit discharge” means any direct or indirect non-storm water discharge to the city’s storm drain system, except as expressly exempted by this chapter.

“Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

“Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:

- (a) Owned or operated by the city of Sedro-Woolley;
- (b) Designed or used for collecting or conveying storm water;
- (c) Not part of a publicly owned treatment works (acronym POTW) “POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and
- (d) Not a combined sewer. “Combined sewer” means a system that collects sanitary sewage and storm water in a single sewer system. A not combined sewer conveys either only sanitary sewage or only storm water.

“National Pollutant Discharge Elimination System (acronym NPDES) storm water discharge permit” means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to [33 U.S.C. Section 1342\(b\)](#)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Non-storm water discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

“Person” means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner’s agent.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous materials, substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

“Storm or storm water drainage system” means publicly owned facilities, including the city’s municipal separate storm sewer system, by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets,

piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage channels, reservoirs, and other drainage structures.

“Storm water” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage or interflow.

“Stormwater manual” or “manual” means Appendix I of the current NPDES Phase II Municipal Stormwater Permit, including the mandatory incorporated provisions of the current Department of Ecology Stormwater Management Manual for Western Washington (“SWMMWW”).

13.42.040 Prohibited discharges.

(1) No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the municipal storm drain system any materials other than storm water.

(2) Examples of prohibited materials include but are not limited to the following:

- (a) Trash or debris.
- (b) Construction materials.
- (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- (d) Antifreeze and other automotive products.
- (e) Metals in either particulate or dissolved form.
- (f) Flammable or explosive materials.
- (g) Radioactive material.
- (h) Batteries.
- (i) Acids, alkalis, or bases.
- (j) Paints, stains, resins, lacquers, or varnishes.
- (k) Degreasers and/or solvents.
- (l) Drain cleaners.
- (m) Pesticides, herbicides, or fertilizers.
- (n) Steam cleaning wastes.
- (o) Soaps, detergents, or ammonia.

- (p) Swimming pool cleaning products, pool wastewater or pool filter backwash waters.
- (q) Chlorine, hyperchlorinated waters, bromine, or other disinfectants.
- (r) Heated water.
- (s) Domestic animal wastes.
- (t) Sewage.
- (u) Recreational vehicle waste.
- (v) Animal carcasses.
- (w) Food wastes.
- (x) Bark and other fibrous materials.
- (y) Lawn clippings, leaves, or branches.
- (z) Silt, sediment, concrete, cement or gravel.
- (aa) Dyes. Unless approved by the city.
- (bb) Wash water.
- (cc) Chemicals not normally found in uncontaminated water.
- (dd) Pollutants.
- (ee) Any other process-associated discharge except as otherwise allowed in this section.
- (ff) Any hazardous materials or waste not listed above.

13.42.050 Allowable discharges.

The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Diverted stream flows.
- (2) Rising ground waters.
- (3) Uncontaminated ground water infiltration –as defined in [40 CFR 35.2005\(b\)\(20\)](#).
- (4) Uncontaminated pumped ground water.

- (5) Foundation drains.
- (6) Air conditioning condensation.
- (7) Irrigation water from agricultural sources that is commingled with urban storm water.
- (8) Springs.
- (9) Uncontaminated water from crawl space pumps.
- (10) Footing drains.
- (11) Flows from riparian habitats and wetlands.
- (12) Discharges from emergency firefighting activities.

13.42.060 Conditional discharges.

The following types of discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Potable water, including but not limited to water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. These planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 parts per million or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the storm water system.
- (2) Lawn watering and other irrigation runoff. These discharges shall be minimized as much as possible using best management practices.
- (3) Dechlorinated swimming pool, spa and hot tub discharges. These discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 parts per million or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the storm water system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the storm water system.
- (4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. These discharges shall be permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.
- (5) Non-storm water discharges covered by another NPDES permit. These discharges shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(6) Other non-storm water discharges. These discharges shall be in compliance with the requirements of a pollution prevention plan reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

13.42.070 Prohibition of illicit connections.

(1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this section if the person connects a line conveying a not allowable discharge to the MS4 or if the person knows of a connection conveying a not allowable discharge and allows it to continue.

13.42.080 Access to premises.

(1) As a condition of approval of storm water facilities pursuant Chapters 13.36 , property owners shall be deemed to have permitted the city to enter and inspect premises subject to regulation under this title 13, as set forth in this section and as often as may be reasonably necessary to determine compliance with this title. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(2) Premises owners, occupiers and their agents shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of this title and the performance of any additional duties as defined by state and federal law.

(3) The city shall have the right to set up on any premises such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the storm water discharge.

(4) The city has the right to require premises owners, occupiers or their agents to install monitoring equipment as necessary. The monitoring equipment shall be maintained at all times in a safe and proper operating condition by the premises owners, occupiers, or their agents at their own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy. Written proof of calibration shall be maintained and shall be subject to inspection by the City on request.

(5) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the premises owner, occupiers or their agents at the written or oral request of the city and such obstruction shall not be replaced. The costs of clearing such access shall be borne by the premises owner or occupier.

(6) Unreasonable delays in allowing the city access to a premises is a violation of this chapter. A person who is the owner or operator of a premises commits a violation if the person denies the city

reasonable access to the premises for the purpose of conducting any activity authorized or required by this chapter.

13.42.090 Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices (BMPs).

The Stormwater Manual sets forth approved best management practices (BMPs). To the extent required by the Stormwater Manual all owners of property and all persons or parties responsible for discharges shall comply with the Stormwater Manual. The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited discharges into the municipal storm drain system or watercourses through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

13.42.100 Watercourse protection.

Every person owning or leasing property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

13.42.110 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation, has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the storm drain system, or water of the state flowing through the city, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the public works department in person or by phone or facsimile no later than the next business day. If the illicit discharge of prohibited materials or pollutants emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence.

13.42.120 Enforcement.

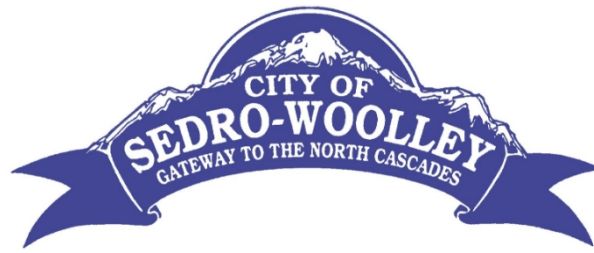
Enforcement of the provisions of this chapter shall be as set forth in SWMC Title 18. Included in the city's abatement costs that may be recovered under the provisions of SWMC Title 18 are the costs of abatement, sampling, or monitoring costs incurred if a violator fails to comply with the provisions of this chapter.

13.42.130 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

13.42.140 Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards. Compliance with the standards established under this chapter does not relieve persons from any responsibility or obligation imposed pursuant to any other local, state, or federal regulation.



City Council Agenda Item

Agenda Item No.: m.1.

Date: March 13, 2024

From: Charlie Bush, City Administrator

Subject: Community Development Grant - Chamber of Commerce of Sedro-Woolley

RECOMMENDED ACTION:

Motion to approve a community development grant for the Chamber of Commerce of Sedro-Woolley for \$5,000.

ISSUE:

Should the City Council approve a community development grant for the Chamber of Commerce of Sedro-Woolley?

BACKGROUND/SUMMARY INFORMATION:

City staff received an application for a community development grant from the Chamber of Commerce of Sedro-Woolley on February 26, 2024. The Chamber's application is the 13th application received for the program.

The Chamber proposes \$5,000 of exterior improvements to include the painting of window frames and window sills, new light fixtures and cameras, plants and a planter box, an outdoor umbrella, and committing \$2,500 for downtown flower baskets. The planter box, many of the plants, and the umbrella will benefit Pola's Promenade, which is located adjacent to the Chamber.

FISCAL IMPACT, IF APPROPRIATE:

If this grant is approved, and all funds previously approved by the Council are spent, there will be \$27,269 remaining in the program.

ATTACHMENTS:

1. Grant Request SW Chamber
2. SWCDGP Review Sheet SW Chamber

Sedro-Woolley Community Development Grant Program Application

Date of Application: 2/26/2024
Full Legal Name (Organization): Chamber of Commerce of Sedro-Woolley
Applicant Mailing Address: 810 Metcalf St. Sedro-Woolley, WA 98284
Project Physical Address: above
Pol's promenade + downtown Sedro-Woolley
Phone Number: 360-855-1841
Primary Contact: Monique Brigham
Website (if applicable): Sedro-Woolley.com
Email Address: Director@Sedro-Woolley.com
Grant Amount Requested (maximum of \$5,000 per nonprofit and \$10,000 per business):
\$5,000

Optional Matching Funds: 750 - in kind

Grant Eligibility Requirements:

- Businesses and non-profit organizations are eligible to apply for funds
- Businesses must possess and active City of Sedro-Woolley business license, if required by law
- Applications must be approved prior to the project start date
- Maximum funding limit is \$5,000 per nonprofit, or \$10,000 per business
- National franchises are not eligible
- Improvements must be made to a public-facing area.
- Projects will be vetted for completeness by City staff and may go to the Arts Commission for recommendation to the City Council. The City Council will make the final decision on whether to fund a project.
- Once funded, grants will be reimbursement grants. One exception is for projects greater than \$20,000 in total. Those projects can have their city-eligible funds reimbursed when they are more than 50% complete.

Proposal - provide an explanation of the project including who/what/where/when/why, attach at least three photos of the area/areas needing improvement (500 words or less)

attached

Budget – provide a line-item budget, including information and amounts of any outside funding sources

Impact – discuss how your project will directly or indirectly increase tax revenues in Sedro-Woolley (250 words or less)

attached

Background – provide any additional background information you feel is relevant, including an artist rendering of your project (250 words or less, an art attachment is strongly encouraged)

we will be using local resources for most of the grants, local painter, planter boxes etc.

Authorization

I, (print name) Monique Bringham (print title, if applicable) Executive Director of (print organization name, if applicable) SW Chamber of Commerce have approved the submission of this proposal.

If I/we receive a grant, I/we agree to enter into a contract with the City of Sedro-Woolley promising to:

- 1) Execute the project, as planned;
- 2) If a religious organization, not proselytize as any part of the project to be completed;
- 3) Provide all documentation necessary (included in the contract) to verify receive reimbursement for the project.

Name and Title of Authorizing Member Monique Bringham

Signature Monique Br

Date 2/26/2024

Proposals can be mailed to: Charlie Bush, City Administrator
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

OR submitted via email to: cbush@sedro-woolley.gov

Please include a completed and signed application and proposal with "Sedro-Woolley Community Development Grant Program" on the subject line.

Monique Brigham
Executive Director
810 Metcalf Street
Sedro-Woolley, WA 98284

February 26, 2024

Thank you for your consideration,

We have multiple small projects we would like to use the Community Development Grant for, we would use the money to hire a local painter to paint our window frames and sills at the Chamber, we will change the light fixtures upfront as well as cameras for both doorways and each end of the alley to deter vandals.

We will be purchasing plants at a local nursery for Pola's Promenade as well as the planter boxes in front of the Chamber, we will add one more planter box for the Promenade, and we will add a beautiful umbrella canopy over the promenade for the summer to make it an inviting place to stop and take photos.

We would like to install cameras in the doorways as well as the promenade to deter vandalism, and we have agreed to pay \$2500 for the downtown flower baskets.

We plan to allocate the funds as follows:

- Hiring a local painter to refresh the window frames and sills at the Chamber, along with upgrading the front light fixtures and installing cameras at both doorways and each end of the alley to prevent vandalism.
- Procuring plants from a nearby nursery for Pola's Promenade and the planter boxes in front of the Chamber. A new planter box is also planned for the Promenade, and a lovely umbrella canopy will be added for the summer, creating a picturesque spot for photos.
- Installing cameras at the doorways and the promenade to deter vandalism, and committing \$2500 towards downtown flower baskets.

Impact

Donating funds towards the hanging baskets can save the city \$2500. Installing cameras at Pola's Promenade, a city park, can deter vandalism. Enhancing the promenade can capture the interest of online influencers and community members, prompting more individuals to explore downtown. The rise in visitors results in increased expenditure at local restaurants and shops.

Sedro-Woolley Community Development Grant Program

Review Sheet

Basic Information

Application Number: __13__

Applicant: __Chamber of Commerce of Sedro-Woolley__

Application Complete (yes/no): ____yes__

Check One

Local Business (non-franchise, yes-no): ____no__

City Woolley Business License (yes/no): ____N/A__

Address verification (yes/no): ____yes, rented space__

Nonprofit Organization (yes/no): ____yes__

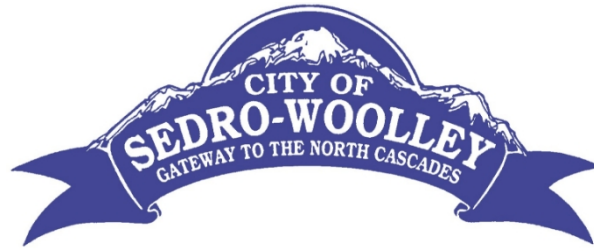
Project Information

Is the Project Public Facing (yes/no): ____yes__

Grant Request Amount at \$10,000 maximum for a business or \$5,000 maximum for a nonprofit, or under that amount (yes/no): ____\$5,000__

Other Review

Arts Commission (yes/no): ____no__



City Council Agenda Item

Agenda Item No.: n.1.

Date: March 13, 2024

From: Kelly Kohnken, Finance Director / City Clerk, Woody Tovar Cano, IT Director

Subject: Finance and Information Technology Committee Meeting Minutes - February 28, 2024

RECOMMENDED ACTION:

Information only, no recommended action.

ISSUE:

BACKGROUND/SUMMARY INFORMATION:

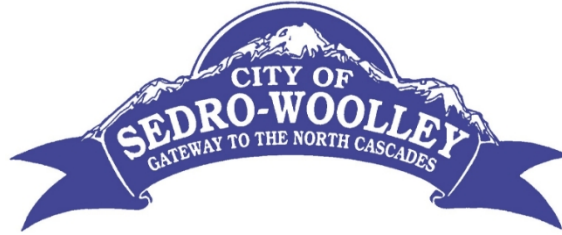
Meeting minutes from the Finance and Information Technology Committee Meeting held on February 28, 2024.

FISCAL IMPACT, IF APPROPRIATE:

None.

ATTACHMENTS:

1. Finance and IT Committee Minutes_2-28-2024



Finance and Information Technology Committee
February 28, 2024 - 5:00 PM

a. Call to Order

Committee Chair Paul Cocke called the meeting to order at 5:01PM.

b. Roll Call

Present: Mayor Julia Johnson, Committee Chair Paul Cocke, Committee members JoEllen Kesti and Nick Lavacca. Also present was City Administrator Charlie Bush, Finance Director Kelly Kohnken, and Information Technology Director Woody Tovar.

c. Unfinished Business

d. New Business

1. Information Technology Update

Information Technology Director Woody Tovar provided an IT update. In addition to the items included in the packet, committee members and staff discussed cameras near the Senior Center, a request for the IT Director to prepare an IT security report for the City Council, and inclusion of additional park photos on the City website.

2. 2024 Municipal Budgeting Check-Up

Finance Director Kelly Kohnken solicited questions from committee members on the Municipal Budgeting Introduction information session held on January 3, 2024.

3. 2023 Financial Update

Due to time limitations, the committee was unable to discuss the 2023 financial summary directly. Detailed information was included in the committee packet.

4. Financial Policies and Preliminary 2024 Budget Schedule

Finance Director Kelly Kohnken provided a summary the City's current financial statement policies and goals for further development of those policies in the next two years. Kelly also presented the preliminary budget schedule for the year, including 2024 budget amendments and the adoption of the 2025-2026 biennial budget. Committee members commented that the funding of and future expenditures from the City Council Strategic Reserve Fund would be a good topic for the Council Retreat scheduled for March 15, 2024.

e. Adjournment

Committee Chair Paul Cocke adjourned the meeting at 5:48PM.

ATTEST:

DocuSigned by:

Kelly Kohnken

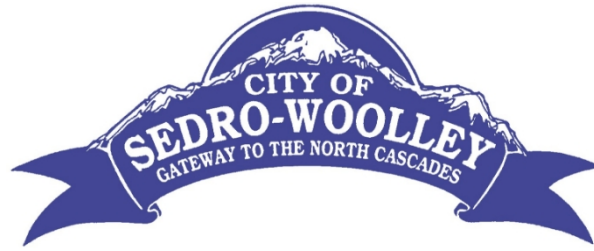
Staff Liaison Kelly Kohnken

APPROVED:

DocuSigned by:

Paul Cocke

Chair Paul Cocke



City Council Agenda Item

Agenda Item No.: o.1.

Date: March 13, 2024

From: Nikki Thompson, City Attorney

Subject: Discussion with Legal Counsel Regarding the Legal Risks of a Proposed Action or Current Practice (RCW 42.30.110(1)(i)(iii)).

RECOMMENDED ACTION:

Executive session, no recommended action.

ISSUE:

BACKGROUND/SUMMARY INFORMATION:

RCW 42.30.110(1)(i)(iii): Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

FISCAL IMPACT, IF APPROPRIATE:

ATTACHMENTS:

None