



## **City Council Minutes – March 20, 2006**

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At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of Monday, March 20, 2006 to order. Roll call found present: Loren Hoboy, Nick Petrish, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson, and Brian Geer. Roll call was followed by the Pledge of Allegiance.

### **Minutes of Previous Meeting**

Mr. Hoboy asked that the following sentence be added to page 3, paragraph 2 of the March 6<sup>th</sup> minutes: "It was reiterated that those with standing can rebut an appeal without filing a formal appeal before Council." With that amendment, Mr. Adams moved, seconded by Mr. Turner, to approve the minutes of March 6, 2006 and March 13, 2006 as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

### **Citizen Hearings**

Mr. John Killingsworth, 2404 Highland Drive, representing the Anacortes Museum, gave the Mayor and Council a progress report on the John Sabella & Associates documentary on the fishing heritage of Anacortes. The film has been a 5-year collaborative effort and is nearing completion. When the film is in hand the Museum will organize a premiere showing both now and again in the fall. The film title, "Perfect Port" was coined by local muralist and historian, Bill Mitchell. Mr. Killingsworth then distributed a copy of the film jacket artwork to Council and concluded with expressing appreciation to the Mayor and Council for support of this activity.

### **Mayor/Council Communication**

Mayor Maxwell presented Mr. Rob Hoxie with the Mayor's Award of Merit. Mr. Hoxie was nominated by his co-workers and selected by the Mayor for this award because, in part, of his exceptional work in coordinating the geographical information systems and developing City comprehensive overlays and maps of the various City utilities. Of particular note are Mr. Hoxie's organizational skills, professional work ethic, and sense of humor. Because of Mr. Hoxie's expertise, the City is on the forefront in graphical information and data collection. In recognition of his outstanding efforts, the Mayor presented Mr. Hoxie with a gift certificate to a local restaurant.

Mr. Petrish remarked on the rapid response from the Parks and Public Works Departments in repairing recent storm damage to the Tommy Thompson Trail.

### **Ship Harbor Residential Community (Gilbane): Deliberation and Possible Action**

Mr. Turner stepped down from deliberation on this matter. Mr. Ian Munce, Planning Director, described the planning process leading to tonight's deliberation. In 2005 the Planning Commission held Open Record Public Hearings on Planned Unit Development and Conditional Use applications submitted by Gilbane Development Company to develop the Ship Harbor Residential Community in the CM Zone. After completing the Hearing process the Commission recommended that Council deny the project and reopen Comprehensive Plan Public Hearings to consider rezoning this property from CM to R 2. The Council reviewed the extensive Gilbane file including transcripts, exhibits, and Planning Commission recommendation. Rather than follow that recommendation, the Council voted to ask the Planning Commission to review and recommend proposed conditions should the Council elect to approve these permit applications. The limited remand Public Hearing was scheduled specifically for the purpose of considering this one question. However, the Planning Commission heard testimony on the merits of the project, did not address the conditions, and reasserted its previous position. Therefore Mr. Munce viewed this as an optional Public Hearing that did not generate the action required by Council. Although appeals were filed after the

remand hearing the Council subsequently dismissed them. The Council must now decide how to proceed, specifically, with regard to the new record and exhibits created at the remand hearing and who can appropriately respond to the new material. Also, if a site visit is scheduled, would the original appellants be able to comment on the information gathered at the site visit. Mr. Petrish then addressed a February 15, 2006 letter he received from Gene and Marilyn Derig and Barbara Wells. Mr. Petrish reviewed each key point of the Derig's letter and responded to each issue. Discussion followed regarding procedural issues. Mrs. Richardson spoke in favor of a site visit suggesting that Council first review the conditions and then see the property. The Mayor emphasized that the Council cannot receive e-mails or letters on land use issues once a Public Hearing is closed. After discussion the Council elected to conduct a site visit on Monday, March 27, 2006 at 5:00 p.m. No testimony will be taken; key features will be pointed out by applicant/appellants. Transcripts, exhibits and all material from the February 8, 2006 Planning Commission hearing will be forwarded to Council prior to the April 3, 2006 meeting. The deadline for written comments on the February 8<sup>th</sup> material from the applicants, original appellants and respondents is Thursday, March 30, 2006 at noon.

The Council then reviewed the 43 conditions proposed by City staff; included are modifications to the original conditions recommended by Mrs. Richardson and Mr. Hoboy. The Port of Anacortes and Gilbane have also reviewed the 43 modified conditions and have no objections. Mr. Munce reviewed the first 8 standard conditions and highlighted key features of the project. Condition # 8 should be amended to read "...both a ~~small~~ large parcel stormwater...". Condition # 9 states that all streets shall meet City standards: 50 foot right-of-way with 32 foot pavement. The exemption is to sidewalks: Edwards Way on both sides; all other sidewalk on one side offset by 1,670 lf of public access trail system through parks to waterfront. This trail system shall be open to the public. Regarding condition # 15, Mr. Hoboy inquired about appropriate review of the geo-tech work. Condition # 18, item (g) should read: "...if approved by the ~~Planning Commission~~ City Council as a part..." The Mayor highlighted Condition # 17 requiring the applicant to release any and all interests in the adjacent abandoned Burlington northern Railroad right-of-way to the City. Condition # 24 transfers approximately 22 acres of wetland and wetland buffer to the City. In Condition # 25 the Port shall transfer "Tract A" to the City. Park impact fees shall be \$1,000 per lot rather than the current figure of \$600. The Native Growth Protection Easement shall be 20 feet. Condition # 29 will give the *option* of excepting 5 lots from the 30 foot frontage requirement. Condition # 30 addresses lot size and density. It was also suggested that the issue of front porches and detached garages being allowed in the setback be clarified during the Final Development phase. View corridors and landscaping were addressed. Mrs. Richardson suggested adding to Condition # 31C: ".....sufficient plants to **substantially** obscure..." Mr. Hoboy raised the issue of stormwater drainage and asked that language be added to Condition # 35 regarding the Clearidge stormwater system. Condition # 36 should be amended by deleting "portions of". Condition # 43 should contain a reference to "preliminary plat". Mr. Petrish suggested some baseline reporting be prepared prior to development. Again, the site visit is scheduled for Monday, March 27, 2006 at 5:00 p.m. The proponents were asked to stake the property prior to the site visit

**Final Plat – the Isles Planned Unit Development**

Mr. Ian Munce, Planning Director, presented a Final Plat application for The Isles Planned Unit Development - a 17-lot development at Isle Way and Cottage Place off of Anacopper Road. As part of the review package the Council received minutes from the Planning Commission meeting, a memo from staff regarding punch list items, the applicant's response to the project conditions, and a final plat drawing. The Planning Commission recommended that the Final Plat be approved subject to bonding in the amount of \$42,750. Mr. Hoboy expressed concern over the steepness of the gravel path to Oakes Avenue, and potential drainage problems. Mr. Bob Hyde, Public Works Director, clarified that the bonding does cover vegetation and the berm. Also, the design for the straight gravel path has been approved and the applicant has complied with all requirements. The

City will look into stabilizing the grade. With that, Mr. Geer moved, seconded by Mrs. Richardson to approve The Isles Planned Unit Development final plat application subject to bonding in the amount of \$42,750. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried.

**Conservation Easement Program: Final Approval of 145 Acres**  
**Conservation Easement Program: Next 100 Acres**

Mr. Jonn Lunsford, Park and Forestlands Manager, presented (1) a request to permanently place a conservation easement on 145 acres (previously reviewed by Council) bringing the total number of acres conserved to 1,005; and (2) a request for approval of 100 acres to be made available for non-grove donations – this area is known as Sugarloaf Valley, north of Mt. Erie. With that, Mr. Turner moved, seconded by Mr. Geer to approve the Conservation Easement Program requests as outlined in March 13, 2006 memorandums from Jonn Lunsford, Park and Forestlands Manager. Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

**Ordinance: Final 2005 Budget Amendments**

Ms. Wanda Johnson, Finance Director, presented an Ordinance to Council representing the final 2005 Budget Amendment to reflect additional expenditures from the Sanitation (450) Fund. With that, Mr. Geer moved, seconded by Mrs. Pickett to adopt **Ordinance No. 2732** entitled An Ordinance Amending Ordinance No. 2679 Approved and Adopted on November 1, 2004 and entitled “An Ordinance Adopting the Budget and Salary Schedule for All Municipal Purposes and Uses for the Year 2005.” Vote: Ayes – Turner, Richardson, Geer, Hoboy, Petrish, Pickett, and Adams. Motion carried.

**Ordinance: Short-term Interfund Financing**

Ms. Wanda Johnson, Finance Director, presented an Ordinance to Council that, if adopted, would authorize a short-term loan from the General Fund 001 to be made to the Arterial Street Fund 105 for \$148,000, for the duration of 3 months, at a market rate of 5.5%. After discussion, Mr. Turner moved, seconded by Mr. Adams, to adopt **Ordinance No. 2733** entitled “An Ordinance Authorizing a Short Term Loan from the General Fund 001 to the Arterial Street Fund 105 for \$148,000”. Vote: Ayes – Richardson, Geer, Hoboy, Petrish, Pickett, Adams, and Turner. Motion carried.

**Consent Agenda**

Mrs. Richardson moved, seconded by Mr. Geer, to approve the following Consent Agenda items. Vote: Ayes – Geer, Hoboy, Petrish, Pickett, Adams, Turner, and Richardson. Motion carried.

**Approval of Vouchers/Cancellation of Warrants**

Council voted unanimously that the following vouchers/warrants audited and certified by the City’s Auditing Officer (Finance Director) and subsequently reviewed and approved by the Council Finance Committee on March 10, 2006 and March 17, 2006 are approved for payment as of this date March 20, 2006.

**Claims Warrants**

March 2006: Warrant Numbers 35441 through 35645 in the total amount of \$293,513.75

**Prewritten Claims**

March, 2006: Warrant Numbers 35439 and 35440 in the total amount of \$13,792.38

**Payroll # 1 for March, 2006 in the total amount of \$523,034.19**

Warrant Numbers 28818 through 28883 in the total amount of \$63,000.80

Direct Deposit Numbers 17793 through 17938 in the total amount of \$237,287.87

EFT Numbers 524 through 529 in the total amount of \$222,745.52

In the same motion Council:

Approved the Anacortes Antique Machinery Show Street Fair Application: the event will be held on September 9, 2006 on both sides of Market Street and 6<sup>th</sup> Street; staff recommended approval subject to applicant's submitted plan including street closures;

Approved the Anacortes Waterfront Festival Street Fair Application: the event will be held on Saturday May 20, 2006 and Sunday, May 21, 2006 at the Port of Anacortes Cap Sante Boat Haven; staff recommended approval subject to applicant's submitted plan including street closures; and

adopted **Resolution # 1720** entitled "A Resolution Naming Official City Newspaper for Year 2006" (Anacortes American).

**ESCI Presentation of Cooperative Effort and Strategic Plan Studies**

Fire Chief Richard Curtis reported to the Mayor and Council that last fall the City contracted for consultant services to view two aspects of the Fire Department operations: (1) development of a strategic plan (internal document) for the organization to operate from for the next 3-5 years, and (2) to investigate how the City, together with other agencies, could explore cost savings and expansion of level of service in a more efficient manner. Consultants Riley and Karen Caton of ESCI prepared the study. The Chief then recognized Mr. Mike Noyes, Fire Chief District # 11; Chief Noyes has worked with the City in support of this cooperative effort study. Mr. Caton then explained Phase I task: to investigate cooperative efforts and feasibility study for fire service resources on the island to work together to better serve the citizens. Mr. Caton reviewed the purpose, observations, findings, options, and recommendations associated with the Study. He emphasized that the trust level between the City of Anacortes and other fire districts is a critical issue. Also, methods of communication need to be identified and codified in an agreement; this action could potentially alleviate future obstacles. Rather than dwelling on past issues Mr. Caton suggested identifying ways to avoid repeating past actions as a way for everyone to move forward. Additionally, communication between firefighters themselves is a key factor; the City was encouraged to identify parallel labor and management goals.

All agencies are facing future financial shortfalls; options include increasing taxes, cutting services, and generating new revenue. Recommendation: Enhance mutual aid and standardize emergency operations procedures and guidelines between the agencies. Expand joint purchasing and encourage coordinated training (underway). He also suggested sharing training officers amongst the organizations and sharing facilities at March Point. Option 1 has the greatest success potential. Phase II is the strategic plan for the Fire Department to develop a new mission statement, a new vision statement, and a new set of value statements. Discussion followed regarding established performance measure and response time including the existing service delivery gap. Chief Curtis reported that in the March Point area part time service and joint mutual aid with Fire District # 13 are now in place. Mr. Geer pointed out that steps are well underway to improve communication and performance. The Mayor and Council thanked Mr. Caton for his presentation.

**Ordinance Declaring Public Use and Necessity for New York Avenue Drainage**

Mr. Ian Munce, City Attorney, presented an Ordinance to Council that if adopted, would condemn property generally located at 3904 Oakes Avenue for the improvement and extension of the City's storm water drainage system in that area. Mr. Bob Hyde, Director of Public Works, pointed out the key features of the very steep property on an overhead display; he emphasized that the property is necessary to prevent erosion and to affect better control of storm water. In that regard, the City has determined to establish rights in or acquire an easement to extend the New York Avenue storm water drainage line across private property to the Guemes Channel. A previous public/private arrangement to secure the right-of-way did not develop. The City will be required to

pay fair compensation for this property; if an amount cannot be agreed upon the Courts will establish the value. Mr. Hyde emphasized that this property is essential to the drainage system for that entire part of the City. After discussion, Mr. Hoboy moved, seconded by Mr. Geer to adopt **Ordinance No. 2731** relating to the City's Stormwater drainage system and providing for the condemnation of certain property located generally at 3904 Oakes Avenue. Vote: Ayes – Hoboy, Petrish, Pickett, Adams, Turner, Richardson, and Geer. Motion carried.

**Contract Award: Minnesota Storm Drainage**

Mr. Bob Hyde, Director of Public Works, introduced a contract award proposal for the Minnesota Avenue storm project. The existing system along Minnesota Avenue and West 6<sup>th</sup> and Minnesota storm pond to the outfall into Guemes Channel at New York Avenue has been a long-term maintenance problem. Also, the West 6<sup>th</sup> storm water pond has been viewed as a possible area to construct a City park. After discussion, Mr. Turner moved, seconded by Mrs. Richardson, to authorize the Mayor to enter into a contract with Gray and Osborne Engineers for the engineering design and plans needed for construction for the Minnesota Avenue storm water project in the amount of \$59,900.00. Vote: Ayes - Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

**Sanitation Trucks Purchase: Authorization**

Mr. Bob Hyde, Director of Public Works, reported to Council that the City is on a 7-year replacement cycle for the garbage trucks. The City's Capital Facilities Plan includes replacement of refuse Truck # 502 with the purchase of one 2006 frontload refuse truck through a bid extension with the City of Tacoma. In its present condition Truck # 502 has a trade-in value of \$26,000. An additional unit can be purchased at the same base price of \$225,747.81; with a \$30,000 deposit the second unit could be purchased in 2007 for this price. With that, Mr. Geer moved, seconded by Mr. Adams, to accept the Western Peterbilt, Inc. bid in the amount of \$225,747.81 for the Frontload Refuse Truck and to approve a \$30,000 deposit for an additional unit for delivery in 2007. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried.

**Contract Award: Commercial Business District Sidewalk Replacement**

Mr. Bob Hyde, Director of Public Works, reported to Council that two bids were received for the sidewalk replacement between 8<sup>th</sup> Street and 9<sup>th</sup> Street, including sewer work in alley behind the Wilson Hotel. This project also wraps around the Wilson Hotel and the sidewalks on the south side of 8<sup>th</sup> adjacent to the Hotel will be replaced. The low bid was received from Schwetz Construction in the amount of \$221,191.30. With that, Mr. Turner moved, seconded by Mr. Hoboy, to award the Commercial District Sidewalk Replacement project to Schwetz construction in the amount of \$221,191.30. Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

There being no further business, at approximately 10:30 p.m. the Mayor continued the meeting to Monday, March 27, 2006 to Edwards Way and Oakes Avenue to conduct a site visit for the Ship Harbor Residential Community. No testimony will be taken. The matter will then come before Council for deliberation and possible action on April 3, 2006.

**City Council Continued Meeting of March 20, 2006 - March 27, 2006**

Mayor Maxwell reconvened the continued meeting of March 20, 2006 in order at 5:00 p.m. in order to conduct a site visit in conjunction with the Ship Harbor Residential Community PUD and Conditional Use applications. No testimony was taken and at the conclusion of the site visit the continued meeting of March 20, 2006 was adjourned.