



City Council Minutes – September 18, 2006

At 7:30 p.m., Mayor Pro-Tem Nick Petrish called the regularly scheduled meeting of Monday, September 18, 2006 to order. Roll call found present Erica Pickett, Loren Hoboy, Nick Petrish, Brad Adams, Cynthia Richardson, and Brian Geer. Absent: Mayor Maxwell and Bill Turner. Roll call was followed by the Pledge of Allegiance.

Minutes of Previous Meeting

Mrs. Richardson moved, seconded by Mr. Adams to approve the minutes of September 5, 2006 as if read. Vote: Ayes – Petrish, Adams, Richardson, Geer and Hoboy. Ms. Pickett abstained. Motion carried.

Citizen Hearings

Bob Hyde, Executive Director of the Port of Anacortes, announced that he had signed the closing documents on the Ship Harbor land transaction which deeds 26 acres over to the City to incorporate it into the park system. Mr. Hyde also expressed a special thank you to Ian Munce for his work on this complex transaction.

Mayor/Council Communication

Tulip Festival Presentation:

Kathy Larson, a former president and current representative of the Skagit Valley Tulip Festival, discussed the upcoming trip to Australia to attend the Tulip Festival World Summit. Ms. Larson and two others from Skagit County will be part of a group of representatives from the United States attending the World Summit. She explained the reasons for attending this festival in Australia are to promote agritourism possibilities in Skagit County as well as to observe and prepare for the 2010 World Summit which will be held here in Skagit County during the local tulip festival.

Proclamation: Constitution Week:

Mayor Pro-Tem Petrish read the Constitution Week Proclamation designating September 17 through September 23 as Constitution Week.

Unfinished Business

Oakes Avenue Vacation Compensation:

Mr. Munce provided a brief explanation of the request to address right-of-way vacation compensation. The vacation itself has already been approved. The property in question is City right-of-way that at one time lined up with Oakes Avenue right-of-way. This is part of an old plat that does not need to be built. Mr. Munce pointed to the new road that will be extended together with a cul-de-sac, full city street standards, curbs, gutters, sidewalks, and drainage improvements. It is not an exact square foot for square foot issue, but Mr. Woolworth will release any claim to the shoreline strip where the City wants to put the Guemes Island trail, plus an additional 20 feet south from that strip. In searching the title, Mr. Woolworth does not appear to have a claim on that railroad right-of-way; however, we would like to get a release of interest just in case. We are not completely sure we need it because the design work has not been completed yet, but it would give the City greater flexibility. Mr. Munce recommends that the City Council authorize vacation of Oakes Avenue in exchange for the dedication of the new right-of-way, an easement along Oakes Avenue for utilities, the release of interest along Guemes Channel, and the additional 20 foot easement.

Mr. Hoboy asked if the strip going to Oakes would be a secondary access. Mr. Munce stated it would be an emergency access for the fire department and most likely would be gated. Mr. Hoboy asked for clarification of initial access through the adjacent parcel. Access will be from Edwards Way through Gilbane to Mr. Woolworth's and Mr. Prutzman's projects. Mr. Hoboy suggested that the City work to direct the construction traffic through the permanent entrance.

Mrs. Richardson stated that it would be foolish for the City to pass up this opportunity because even if the trail could be built without the extra 20 feet, it would be very nice if periodically along the trail there was a wider spot for picnic tables and seating areas.

Mr. Adams secured a clarification on the subdivision process and the Port ownership of the shoreline right-of-way. The Port has indicated as part of the whole Gilbane discussion that they will give the City an easement along the entire frontage that they own. Mr. Adams stated his belief that this is a fair trade. Mayor Pro Tem asked is there was any further discussion. Mr. Hoboy called the question. Mr. Adams requested a call for the vote. Mr. Munce called for a vote. Vote: Ayes - Adams, Richardson, Geer, Hoboy, Pickett and Petrish. Motion carried

Fidalgo Bay Mitigation Site: Interlocal with Port of Anacortes:

Mr. Munce provided background information. This project has been 10 years in the making. The whole issue on the Fidalgo Bay waterfront is having industrial activity (marinas, boat repair, ship building, and boat launching) adjacent to significant habitat areas. The issue in the early 90's was that we were locked in and no permits were being issued because it was essentially impractical to develop the site and do the mitigation for the development on the same property. The leadership back then (the Port, the City, the Chamber, private property owners) approached the State and asked how to get out of this box. The question was how to have an economy and activity on the waterfront while being sensitive to the environment, work on restoration projects, and perform mitigation. The answer was to work with all the state agencies, tribes, and federal agencies to come up with a baywide approach. The document that came out of this is the Fidalgo Bay Subarea Plan. It was adopted into our City Comprehensive Plan. There is significant science looking at where the marine critical areas are. What happened in the plan is that the public and private sectors and environmental community looked at how to do some development and still be protective of marine resources, particularly water dependent uses. The Guemes Channel is part of the study area and it does have eelgrass but no herring spawn. The sensitive, more critical areas are in Fidalgo Bay. The outcome of the research proved why it was reasonable to allow for some development and mitigation and why it was important to secure more protection and restoration.

Mr. Munce described the Fidalgo Bay Mitigation Project. The City will lease from the State Dept. of Natural Resources and then sublease to the Port of Anacortes. The Port wants to capitalize the lease and provide full cash contribution up front. The City would be able to invest these funds against the possibility that the State may have some modest increases over the 30 year period.

Mr. Munce then discussed in detail the work that would be done regarding dredging, filling, and planting of eelgrass. Permits are in place from all the state and federal agencies. Mr. Munce asked the City Council to authorize the lease with DNR and then address the specific terms of the sublease with the Port at a later stage.

Mr. Bob Elsner, Director of Planning, Projects & Environmental Affairs, Port of Anacortes, presented the history of the Port working on this project since the mid-1990s. The Port's work will impact 1 acre of eelgrass at the Dakota Creek Shipyard and they will plant 6 acres in Fidalgo Bay. The Port is doing compensatory mitigation as well as some advanced mitigation in preparation for future work that might occur either at the ship yard or Cap Sante. The work is scheduled to begin in October and the contractor has already been selected to begin the dredging in Swinomish Slough. Mr. Hoboy asked Mr. Elsner about the whether the log pocket is being used for eelgrass mitigation. Mr. Elsner pointed out that is it not being used for eelgrass but for intertidal mitigation.

Mr. Hoboy asked what the lease payment would be with DNR. Mr. Elsner responded that it would be approximately \$2,300 per year and they are working on the capitalization numbers and will provide those numbers soon. Mr. Hoboy then asked how long the lease term is and was informed the lease is for 30 years. Mr. Elsner added that at the end of the term, the property reverts back to the State of Washington. The Port has a duty to perform and cannot default on the lease.

Ms. Pickett discussed the history of the Fidalgo Bay Plan and councilmember Jeanne Robinette's work to get all the agencies together using a set of rules of engagement that helped them work together.

Mr. Munce said that they were really breaking this into two pieces. One is authorization to sign a lease with DNR and then the second would be to come back and sign an interlocal with the Port of Anacortes.

Mrs. Richardson moves to authorize the Mayor to sign the lease with DNR and then direct the City staff to finish the fine points to the agreement with the Port and then back to City Council. Motion seconded by Brian Geer. Vote: Ayes – Petrish, Pickett, Adams, Richardson, Hoboy and Geer. Motion carried.

Consent Agenda

Mr. Adams moved, seconded by Mr. Hoboy, to approve the following Consent Agenda items. Vote: Ayes – Adams, Richardson, Geer, Hoboy, Pickett and Petrish. 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 September 6, 2006 and September 13, 2006 are approved for payment as of this date September 18, 2006.

Claims Warrants

September, 2006: Warrant Numbers 37996 through 38212 in the total amount of \$606,600.93

EFT

September, 2006: EFT Numbers 37990 through 37995 in the total amount of \$1,057.00

Prewritten Warrants:

Sept, 2006: Warrant Number 37988-37989 in the total amount of \$21,674.81

Payroll # 1 for September 15, 2006 in the total amount of \$466,434.87

Warrant Numbers 29736 through 29803 in the total amount of \$62,597.57

Direct Deposit Numbers 19709 through 19863 in the total amount of \$251,155.19

EFT Numbers 600 through 605 in the total amount of \$152,682.11

Cancelled Warrants

Warrant Number 37546 in the total amount of \$1,547.00

Warrant Number 33878 in the total amount of \$138.24

In the same motion Council:

WSDOT Variance to Noise Ordinance – LM 1 Zone – 2007 Project:

Mr. Munce introduced the WSDOT variance request to the City Noise Ordinance. The WSDOT asks for 14 nights to perform construction from Sharpes Corner to Reservation Road instead of twice that many days to complete the work. The noise levels will be exceeded and so the WSDOT needs Council approval to perform this work.

Ms. Pickett pointed out that the work would be pretty much the same as the stripping work done on Commercial Avenue a few years ago. Ms. Pickett moved to approve the variance to the Noise Ordinance. Seconded by Mrs. Richardson.

Mr. Hoboy added that we gain more than we lose because we minimize the traffic problems that forcing them to work in the daytime which would be a far worse situation by the citizens. He stated that we did not receive any complaints from any of the neighbors.

Vote on Motion: Ayes – Pickett, Geer, Petrish, Richardson, Hoboy and Adams. Motion carried.

ORDINANCE: Formalizing the Governance of the Firemen's Pension Board:

Ms. Emily Schuh introduced the Firemen's Pension Board issue. This has been in place for many years but never formalized and put in City code. The proposed Ordinance formalizes the rules and responsibilities of the pension board.

Mr. Petrish asked for clarification as to who this pertains to – working or retired firefighters. Ms. Schuh stated that this pertains to two retired firefighters and explained the history of this pension board. This Board predates Plan I and is only for employees hired prior to 1971.

Mr. Adams reiterated that this Ordinance is just a housekeeping issue for two retired firefighters. Mr. Adams moved to adopt and assign a number to this Ordinance. Mr. Hoboy seconded. Vote on the Ordinance: Ayes: Pickett, Petrish, Richardson, Hoboy, Geer and Adams. Motion carried.

Citizens Advisory Committee:

Mr. Munce introduced, with Council approval, a call for nominations for a citizen advisory committee to work on the affordable housing issue. Mr. Munce pointed out that this issue is actually part of a much broader goal of increasing housing opportunities as set forth in the Comprehensive Plan. The City Council will make the appointments and outline the process for submitting nominations. Mr. Munce discussed some of the many options as to what the committee could consider. Mr. Petrish believes that someone from the Housing Authority should be included in the committee. Mrs. Richardson moved that the Mayor formally appoint, with Council approval, a committee to consider housing opportunities in Anacortes and encouraged anyone interested in serving on this committee to send their resume and a brief statement of interest to the City. Vote: Ayes: Petrish, Richardson, Adams, Geer, Pickett, and Hoboy. Motion carried.

There being no further business, at approximately 10:00 p.m. Mayor Pro-Tem Petrish adjourned the meeting of September 18, 2006.