



City Council Minutes – February 5, 2007

At 7:30 p.m., Mayor Maxwell called the regularly scheduled meeting of Monday, February 5, 2007 to order. Roll call found present Loren Hoboy, Nick Petrish, Erica Pickett, Brad Adams, Bill Turner, and Cynthia Richardson, and Brian Geer. Roll call was followed by the Pledge of Allegiance.

Minutes of Previous Meeting

Mr. Petrish moved, seconded by Mr. Turner, to approve the minutes of January 16, 2007 as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

Citizen Hearings

No citizens present wished to testify on matters not on the agenda.

Mayor/Council Communication

In appreciation, the Mayor presented 1-year Pride in Service Awards to Councilmembers Bill Turner, Erica Pickett, and Brian Geer; Councilmember Richardson received a 5-year Service award.

The Mayor then presented a "Spirit of Hope" award from the Beacon Development Group in appreciation for the City's support of the Wilson Hotel housing project.

The Mayor then turned to a letter from the Skagit County Commissioners on water rights. The Mayor explained that the City of Anacortes, 3 area Tribes, the Department of Ecology, the Department of Fisheries, Skagit County, and Public Utility District # 1 entered into a 1996 Memorandum of Agreement (MOA) to consolidate existing and future water rights. Prior to that time, there were no allocations available to Anacortes for future growth. Knowing that growth in the City's water service area was inevitable, the City partnered with PUD # 1 to provide for an in-stream flow analysis to determine how much water would be available. Once the analysis was available, and for the next 18 months, the participants developed the MOA; at the conclusion of the negotiations the outstanding issue was exempt wells on the low flow tributary streams in Skagit County. Subsequent to this Agreement, Skagit County entered into a separate agreement with the Department of Ecology (DOE); the MOA principals have asked to meet with Skagit County and DOE to discuss what this secondary agreement entails. The Mayor suggested that it was inappropriate for discussions regarding water rights and allocations to take place without including all 1996 participants. In that regard, there will be a meeting in Anacortes of all MOA principals on February 22, 2007; Councilmembers Petrish, Pickett, and Adams will attend. Mrs. Richardson appreciated the Mayor's representation and commitment regarding this very significant issue.

Appointment: Library Board Trustee/Jean Thomson

Mayor Maxwell introduced Ms. Jean Thomson as the candidate for the Library Board of Trustees. The Council previously reviewed copies of her resume. With that, Mrs. Richardson moved, seconded by Mr. Geer, to confirm the appointment of Ms. Jean Thomson to the Library Board of Trustees. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried. The Mayor and Council appreciated Ms. Thomson's willingness to serve the community.

Mr. Geer announced that the kick-off for this year's Relay for Life fund raiser will be held at Gere a Deli - Wednesday, February 7, at 7:00 p.m. The Mayor will be the City's Relay team captain; also, Island Hospital will be this year's event sponsor.

Consent Agenda

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

CITY COUNCIL MINUTES – FEBRUARY 5, 2007

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 January 18, 2007, January 25, 2007, and February 1, 2007 are approved for payment as of this date February 5, 2007.

Claims Warrants

January, 2007: Warrant Numbers 39741 through 39932 in the total amount of \$1,113,807.01

EFT

January 2007: EFT Numbers 39737 through 39740 in the total amount of \$644.00

Prewritten Claims

January, 2007: Warrant Number 39736 in the total amount of \$200.00

Payroll # 1 for January 19, 2007 in the total amount of \$489,481.54

Warrant Numbers 30252 through 30301 in the total amount of \$518,514.76

Direct Deposit Numbers 21014 through 21169 in the total amount of \$265,757.19

EFT Numbers 654 through 661 in the total amount of \$165,209.59

Payroll # 2 for February 2, 2007 in the total amount of \$654,421.72

Warrant Numbers 30302 through 30362 in the total amount of \$234,189.56

Direct Deposit Numbers 21170 through 21275 in the total amount of \$260,777.58

EFT Numbers 662 through 667 in the total amount of \$159,454.58

Cancellation of Warrant:

Warrant Number 30185 in the total amount of \$4.80

Resolution: Commissioned Police Bargaining Agreement 2007-2008-2009

Ms. Emily Schuh, Human Resources Director, presented a Resolution and Agreement to Council for review and adoption. Ms. Schuh then introduced Dave Floyd, the new Police Guild president; the Mayor and Council asked Mr. Floyd to thank the Guild members for both their work in the community and for their professionalism during the negotiation process. Ms. Schuh then briefed council on the Contract renewal process. Key items included wages, health and welfare, and language changes. With that, Mrs. Richardson moved, seconded by Mr. Hoboy, to adopt **Resolution No. 1738** entitled "A Resolution Authorizing Execution of Bargaining Agreement by and between the City of Anacortes and the Commissioned Police Services Guild." Vote: Ayes – Turner, Richardson, Geer, Hoboy, Petrish, Pickett, and Adams. Motion carried.

Bid Award: 2007 CBD Sidewalk Replacement Project

Mr. Fred Buckenmeyer, Deputy Public Works Director, presented a request to Council to consider bids for the Commercial Business District Sidewalk Replacement project. Mr. Buckenmeyer explained that this year's improvements will be placed between 9th and 10th Streets on Commercial Avenue. This effort is part of a multi-year sidewalk replacement program initiated in 2001. Mr. Buckenmeyer introduced the Project Manager, Mr. Steve Lange who has worked well with the CBD business owners and contractors during previous construction phases. The one bidder, Schwetz Construction, has worked on previous sidewalk projects and has provided the City with a quality finished product. With that, Mr. Turner moved, seconded by Mr. Geer, to award the 2007 CBD sidewalk replacement project to Schwetz Construction in the amount of \$148,018.20. Vote: Ayes – Richardson, Geer, Hoboy, Petrish, Pickett, Adams, and Turner. Motion carried.

PUD Final Development Plan (Preliminary Plat) for the "J" Avenue Cottages/appeal

Mr. Don Measamer, Assistant Planning Director, presented this item to Council for review and action. The "J" Avenue Cottages Planned Unit Development contains 8 single family residences on 1.03 acres; the building sites are 3,100 sq ft; off-site sidewalk improvements are required; and the R-3 zoned project faces "J" Avenue and provides for a public right-of-way. The applicant has requested changing the height restriction from 22 to 22.5 feet; there were no objections to this amendment from staff or Commission. The Planning Commission held a Public hearing on this matter and recommended approval of the Final Development Plan (preliminary plat) and height amendment for the "J" Avenue Cottages PUD. One appeal was filed.

The appellant, Mr. Greg Wilson, Wilmoor Development, asked for relief from portions of the required off-site sidewalk extensions. Mr. Wilson, reading from his appeal, suggested that the improvements were excessive for a project of this size. The sidewalk extension to the north would increase construction costs and provide for greater disruption in vegetation removal requiring additional restoration. In light of these added costs Mr. Wilson asked for relief from sidewalk extensions to the south.

Mr. Fred Buckenmeyer, Deputy Public Works Director, explained the condition to have a six foot separation of planter strip between the curb and the sidewalk is a standard requirement called for in the Municipal Code. Staff is willing to work with the applicant to accommodate minor changes in the alignment but supports the sidewalk requirements for safety and code compliance. Council and Council discussed the details of the sidewalk requirement and a potential Latecomers Agreement to recover costs. After discussion, Mr. Hoboy moved, seconded by Mrs. Pickett, to approve the Preliminary Plat for "J" Avenue Cottages PUD, to approve the 22.5' height request, and to deny the appeal. Mrs. Richardson offered that the project would not impact property to the south and that it would be unfair to impose the sidewalk improvements in that direction. She then moved to amend the motion to approve the Preliminary Plat, the 22.5' height request, and to uphold the appeal by requiring off-site sidewalk requirements to the north. Mr. Turner supported the fairness of this amendment and seconded the motion. Mr. Hoboy suggested that the sidewalks requirements were mitigation for project amenities. Mrs. Pickett supported the staff and Planning Commission recommendations. Vote on the amendment: Ayes – Geer, Turner, and Richardson. No – Hoboy, Petrish, Pickett, and Adams. The amendment failed. Mr. Adams and others then discussed further compromises to the sidewalk improvements. Vote on the main motion: Ayes – Hoboy, Petrish, Pickett, Adams, Turner, Richardson, and Geer. Motion carried.

There being no further business, at approximately 9:00 .m. the Mayor adjourned the meeting.