City Council Minutes June 4, 2007

At 7:30 p.m., Mayor Pro-tem Nick Petrish, called the regularly scheduled meeting of June 4, 2007 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

Mayor Pro-tem Petrish asked that the following be added to the minutes of May 7, 2007: *(NOTE: The Church site was originally owned by Amos and Anna Curtis; they sold the property in 1891 to the Presbyterian Church for $1.00.)* Mr. Geer pointed out a typographical error. With those corrections, Mrs. Richardson moved, seconded by Mr. Geer, to approve the minutes of May 7, 2007. Vote: Ayes – Pickett, Petrish, 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

Mrs. Richardson and Council members wished Mayor Maxwell a happy birthday.

Mr. Adams asked Police Captain Bonnie Bowers to comment on the recent incidences of theft. Captain Bowers responded that citizens can come to the Police Department to get free locks to help keep property more secured; bikes and outdoor equipment should be kept in a fenced area or a secured garage at night. Additionally, Officer Del Ferrell, Crime Prevention, is available to speak to neighborhood groups; auxiliary patrol members can also offer community support.

Mr. Geer thanked Police Captain Bowers for her participation in the recent Torch Run for the upcoming Special Olympics event; he also thanked Officer Janet Wilson for so successfully coordinating the Skagit link of the Run.

Council Questions on T-Mobile for Planning Commission – Conditional Use – Cell Tower

Mr. Ian Munce, Planning Director, reviewed the T-Mobile Conditional Use hearing schedule. At a previous meeting Council asked the Planning Commission to hold a limited remand hearing on specific questions raised by the Mayor and Council. Written comments from Mayor Maxwell and Mr. Hoboy will be forwarded to T-Mobile for response prior to the remand hearing. Mrs. Richardson asked for clarification on separation distances and on justification for setback exceptions. She also suggested adding a permit condition requiring T-Mobile to share the cell tower with other providers. Mr. Hoboy reviewed his remand questions; he also wanted to know where T-Mobile might locate a future network of towers.

Regional Water Supply Update

Mr. Ian Munce, City Attorney, presented a document, "May 2007 Status Report/Water Supply in Skagit County" to Council for review. Mr. Munce said that this compilation will help explain historically how the current water rights issues evolved; it will clarify the serious consequences at hand for both the City and County should changes be made to the profound and far-reaching water agreements now in place. Of equal concern is the action taken by the County to suppress references to these historical documents as part of the current County water planning discourse. Mr. Munce then presented an in depth review of each section of the report as follows:

Current Situation: TAB A: Anacortes-Fidalgo Island Coordinated Water System Plan, list of Water Utility Coordinating Committee members who contributed to the Plan; Plan narrative regarding water rights; 1984 letter from the Department of Ecology regarding a surface water certificate (Ranney well); Resolution No. 10324 adopting the Anacortes-Fidalgo Island Coordinated Water System Plan by the Board of Commissioners; 1982 County Resolution designating Fidalgo Island as a critical Water Supply /Service Area; a 1982 County Resolution creating a water utility coordinating committee. TAB B: Skagit

County Coordinated Water System Plan/Regional Supplement/July, 1993 (CWSP). (Skagit County, City of Anacortes and PUD # 1 shared in the cost of preparing this CWSP; Skagit County Resolution # 12437 designating Skagit County as a Critical Water Supply Service Area. TAB C: City of Anacortes and Public Utility District No. 1 of Skagit County Agreement Regarding Skagit Regional Water Supply System, April 1993. TAB D: Memorandum of Agreement Regarding Utilization of Skagit River Basin Water Resources for In Stream and Out of Stream Purposes/1996. TAB E: Skagit County Coordinated Water System Plan Regional Supplement/July 2000. TAB F: Skagit County Comprehensive Plan, 2003 (Chapter 10, Utilities Element). TAB G: Skagit County Development Regulations: Closed/Low-Flow Stream Mitigation (Skagit County Code § 14.24.350(5)). TAB H: City of Anacortes Capital Facilities Plan 2008-2013, CFP Projects completed/dropped/changed (water) ($20 million). TAB I: Completion of Second 36" Waterline ($10 million). TAB J: City of Anacortes Capital Facilities Plan 2007-2012 (Water) ($58 million). TAB K: Water Treatment Plant Expansion: Master Plan and Engineering Report. County Proposed Changes TAB L: County/DOE Interlocal Agreement. TAB M: County Comprehensive Plan Amendment. TAB N: County Critical Areas Amendment. TAB O: Flow Reservation Accounting. City Damage Control TAB P: Court of Appeals, Div I (Case #57813-8-I) (1996 MOA not void as against public policy). TAB Q: County Admissions in GMA Case No. 07-2-0003. TAB R: County SEPA Actions: clarification. TAB S: County Clarifications in Health Department Rule Amendments. TAB T: Organization Meeting of the Skagit River Flow Management Committee. Appendix A: extract from County Best Available Science [in support of changes to Section 14.24.350(s)]

As part of the City Damage Control discussion, Mr. Munce emphasized the following City objectives: maintain long term government to government relationships; insist that contracts be honored; plans, policies, and procedures are adhered to; financing mechanisms be safeguarded; Federal adjudication avoided. A wide-ranging discussion followed regarding: wells; joint long term resource planning; changes to agreements without proper process; contractual decisions affecting future Boards and Commissions; and Court decisions regarding the 1996 MOA. On a positive note, several of the 1996 MOA participants will meet on June 15th to develop a work program, by-laws, and rules. Councilmembers thanked Mr. Munce for this comprehensive report and document.

Consent Agenda

Mr. Adams moved, seconded by Mrs. Pickett to approve the following Consent Agenda items. Vote: Ayes – Petrish, Adams, Turner, Richardson, Geer, Hoboy, and Pickett. 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 May 24, 2007 and May 31, 2007 are approved for payment as of this date June 4, 2007.

Claims Warrants	
May, 2007:	Warrant Numbers 41399 through 41587 in the total amount of $693,539.92
EFT	
May, 2007:	EFT Numbers 41396 through 41398 in the total amount of $594.80
Prewritten Claims	
May, 2007:	Warrant Numbers 41394 through 41395 in the total amount of $11,719.03
Warrant Cancellation	
	Warrant Number 39515 in the total amount of $69.00

In the same motion Council:

Approved the Special Event Application for the use of Causland Park for the youth ministries activity, Bumberpallooza Fest, on June 20, 2007.

Special Event Request: Causland Park 4th of July

Mayor Pro-tem Petrish asked that this item be removed from the Consent Agenda. Mr. Petrish inquired about insurance coverage for the event. Council directed staff to investigate City sponsorship of this activity and to clarify insurance responsibility. Mrs. Pickett endorsed the hard work and commitment of the Women of Today for sponsoring the City's Independence Day festivities and moved, seconded by Mr. Hoboy, to approve the 4th of July Special Events application for use of Causland Park on the 4th of July. Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Pickett, and Petrish. Motion carried.

2007 Waterline Project: Contract Award: Waterline Inter-tie at Longview Avenue

Mr. Fred Buckenmeyer, Public Works Director, presented a request for Council to review bids for the waterline inter-tie at Longview Avenue. This project would provide for a flow increase resulting in less pump time required to fill the high zone storage tanks. Mr. Gordon Bruchner, Project Engineer, provided a more detailed description of the work to be done. After discussion, Mr. Turner moved, seconded by Mr. Geer, to award the Longview Avenue waterline inter-tie construction project to C. Johnson Construction, Incorporated in the amount of $32,247.80. Vote: Ayes – Turner, Richardson, Geer, Hoboy, Pickett, Petrish, and Adams. Motion carried.

At approximately 8: 45 p.m., the Mayor Pro-Tem announced that this matter will be continued to Monday, June 11th at 5:00 p.m. in order to conduct a site visit in conjunction with the Leeward project. Council will meet at Edwards Way and the waterfront. The Closed Record Meeting will resume on the evening of June 11, 2007 at 7:30 p.m. in the Council Chambers.