



City Council Minutes – December 3, 2007

At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of December 3, 2007 to order. Roll call found present: Kevin McKeown, Nick Petrish, Erica Pickett, Brad Adams, Bill Turner, and Cynthia Richardson. Absent: Brian Geer. Roll call was followed by the Pledge of Allegiance.

Mayor Maxwell announced that the Fidalgo Villas Preliminary Plat and Conditional Use Closed Record meeting and associated site visit have been cancelled.

Minutes of October 1, 2007

Mr. Petrish moved, seconded by Mr. Adams, to approve the minutes of October 1, 2007 as if read. Mrs. Richardson pointed out a typographical error. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, and McKeown. Motion carried.

Citizen Hearings

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

Mayor/Council Communication

The Mayor explained that there have been three significant legal issues pursued by the City of Anacortes over the course of the last dozen years; buffers around the Anacortes Airport; the 1996 Memorandum of Agreement regarding water rights providing water surety and certainty for the next 50 years for our constituents and those who buy water from us; and the Shoreline Master Program (SMP) regulations. With regard to the SMP, on November 29, 2007 the City argued in front of the State Supreme Court that the Critical Areas Ordinance, part of the Growth Management Act, does not apply to the City's shoreline. The Mayor said that the November 29th hearing can be reviewed at TVW.com State Supreme Court (streaming video), on Channel 23, and will be available on the City's Government Access Channel. The Mayor underscored that the City intends to preserve our working waterfront.

With regard to water rights issues, Mr. Ian Munce, City Attorney, reported to Council that in the midst of mediation with the County over different water issues, the Mayor received a request from Skagit County to intervene on the County's behalf on water issues. He reported that Friends of Skagit County challenged the agreed to approach to provide piped water to allow development next to low flow streams. Friends interprets this approach as encouraging growth. Several years ago the Washington Growth Management Hearings Board determined that the best method to protect streams is to provide piped water for residential development. Friends has elected to re-litigate this issue as part of the 2007 Skagit County Comprehensive Plan challenge. Mr. Munce referenced recent litigation regarding the Town of Roslyn in Kittitas County highlighting the critical issue of junior and senior water rights; a number of exempt wells (no monitoring required) were allowed adjacent to Roslyn; while Roslyn is curtailing its water use, rural water users are drawing water for uses outside the City limits. Mr. Turner commented on the significance of the 1996 MOA as a planning tool for the entire County.

Mayor announced that Mr. Nick Petrish, Ward 1, and Mr. Brad Adams, Ward 2, will be sworn in as Council members during the first meeting in January; Mr. Kevin McKeown, Ward 3, was appointed to fill the vacant Ward 3 seat and was issued the oath of office in November; the Mayor formally welcomed Mr. McKeown to the City Council.

Police Department Accreditation Award Presentation

Mayor Maxwell introduced Mr. Gary Anderson, Washington Association of Sheriffs and Police Chiefs (WASPC). Mr. Anderson recognized the efforts of the Anacortes Police Department during the Department's recent accreditation process. Mr. Anderson pointed out that WASPC is the only state law enforcement association in the nation that includes members from federal, state, local regional, county,

sheriffs office, municipal and tribal police departments. The WASPC member services includes a law enforcement accreditation program that agencies can voluntarily participate in to meet strict standards and to improve service delivery to the community. In that regard, the program has been available since 1978 and has had a long and successful history in the development of law enforcement agencies. The City of Anacortes had an outstanding result and met or exceeded all, save one, of the required standards. In fact, WASPC is recommending that the model instituted by the City of Anacortes be used in the overall WASPC accreditation process. In conclusion, the City of Anacortes Police Department not only practices the highest standards, but all policies and procedures are in place; WASPC is proud of this Department. With that, Mr. Anderson asked Police Chief Mike King, and Captain Bonnie Bowers, to accept the WASPC Accreditation Award to a standing ovation. The Mayor thanked Police Chief King, Captain Bowers, Captain Ken Clark, and all the members of the Police Department and staff for their achievements and commitment to the City of Anacortes.

Mr. Adams asked to talk about the outstanding sidewalk projects recently completed in the City of Anacortes; they include Fidalgo Avenue, Sunset Avenue, and along "J" Avenue near Island View Elementary School. These sidewalks were funded from different revenue sources and all provide safe pedestrian paths and links throughout the City. Mrs. Richardson also pointed out the partnering program provided by the City for sidewalk replacement.

Deliberation: Fidalgo Villas Preliminary Plat and Conditional Use Applications.

The Mayor announced that deliberation on the Fidalgo Villas Preliminary Plat and Conditions Use Applications has been cancelled.

Consent Agenda

Mrs. Richardson moved, seconded by Mr. Petrish, to approve the following Consent Agenda items. Vote: Ayes – Pickett, Adams, Turner, Richardson, McKeown, 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 November 29, 2007 are approved for payment as of this date December 3, 2007.

Claims Warrants

Nov, 2007: Warrant Numbers 43918 through 44054 in the total amount of \$458,731.84

EFT

Nov, 2007: Warrant Numbers 43928 and 43938 in the total amount of \$162.00

Payroll # 1 for November 20, 2007 in the total amount of \$498, 079,79

Warrant Numbers 31628 through 31677 in the total amount of \$51,474.20

Direct Deposit Numbers 24380 through 24542 in the total amount of \$277,199.71

EFT Numbers 782 through 787 in the total amount of \$169,405.88

In the same motion Council:

Approved the Street Fair application for the Kiwanis Shop dedication on December 15, 2007, closing "O" Avenue between 4th and 5th Streets; the building will be renamed in honor of Mr. Leroy Hirni; and

Approved the Lions Club Christmas Parade Street Fair application for December 8, 2007, Commercial Avenue closures from 10:00 a.m. to 12:00 p.m.

Authorizing Resolution: Youth Athletic Facilities Grant

Mr. Jonn Lunsford, presented a request to Council for authorization to apply to the State Recreation and Conservation Office for a 2008 grant to help build a little league baseball field at Ace of Hearts/Rotary Park; the application will be handled through the Youth Athletic Facilities Program. The funding request is for \$55,000; the City will supply matching funds in the form of labor, equipment and materials already donated, with approximately \$40,000 in impact fees designated for the project. With that, Mrs. Pickett moved, seconded by Mrs. Richardson to adopt **Resolution No. 1750** entitled "FY2008 Ace of

Hearts/Rotary Park – A Resolution Authorizing Application(s) for Funding Assistance for a Youth Athletic Facilities Program (YAF) Project to the Recreation and Conservation Funding Board as approved for in Chapter 79A.25 RCW.” Vote: Ayes – Adams, Turner, Richardson, McKeown, Petrish, and Pickett. Motion carried.

Ordinance: Stormwater Utility Fee Increase and Stormwater General Facilities Charge Increase

Mr. Fred Buckenmeyer, Public Works Director, presented an Ordinance to Council for review and adoption. The Ordinance would follow up on the recommendation of the recently adopted Stormwater Comprehensive Plan to implement a rate increase to the monthly stormwater utility fee and an increase in the General Facilities Charge. The Plan and proposed rate increases were extensively reviewed with Council in November. Mr. Buckenmeyer explained that the monthly rate increases are driven by the Capital Facilities Plan and by the Department of Ecology NPDES Phase II permit requirements; he also gave a detailed description of the tasks/costs required by the NPDES requirements. After discussion, Mrs. Richardson moved seconded by Mr. Turner, to adopt **Ordinance No. 2773** entitled “An Ordinance Amending Chapter 13.10 of the Anacortes Municipal Code to Increase General Facilities Charges and Monthly User Fees for the City Stormwater Utility.” Vote: Ayes – Adams, Turner, Richardson, McKeown, Petrish, and Pickett. Motion carried.

There being no further business, at approximately 8: 17 p.m. Mayor Maxwell adjourned the regularly scheduled meet of December 3, 2007.