

**City Council Minutes – January 22, 2008**  
**Continued from January 7, 2008**

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The continued meeting of January 7, 2008 was reconvened at 3:00 p.m. on Tuesday, January 22, 2008 in order to conduct a site visit relative to the Chandler Encroachment Appeal. Participants met at 3004 West 3<sup>rd</sup> Place; no testimony was taken. At the conclusion of the site visit the continued meeting of January 7, 2008 was adjourned. Deliberation on this matter will resume at the regularly scheduled evening meeting of January 22<sup>nd</sup>.



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At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of January 22, 2008 to order. Roll call found present: Kevin McKeown, 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 Meetings**

Mr. Geer moved, seconded by Mr. Adams, that the minutes of December 17, 2007 be approved as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and McKeown. Motion carried.

**Citizen Hearings**

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

**Mayor/Council Communication**

**Annual Excellence in Infrastructure Awards**

Mr. Fred Buckenmeyer, Public Works Director, explained that the City recognizes one public and one private development project each year with an Excellence in Infrastructure Award. (The recipients of this year's private project will be recognized at the next City Council meeting). As part of the selection process, the City's Development Review Group nominates a series of projects; this year's nominee for a public project is the Sunset Avenue Improvements. For a number of years, Sunset Avenue has been a popular route to Washington Park for joggers, bikers, and campers. During construction, a geotechnical investigation showed that the north side of the road was not solid rock and all utilities had to be moved. Additionally, a new 4" gas line was installed; redi-rock was used for the wall construction; the storm sewer was replaced; the City partnered with private developers to design the project; and the entrance to the fire station was revamped. After showing before and after slides of the finished project, Mr. Buckenmeyer recognized Ms. Tani Stafford and CEO Tom Zerker of Gray and Osborne; Mr. Hugh Davis, Colacurcio Brothers Construction; and Mr. Lyle Davis, the City's Project Manager. They were all presented with commemorative plaques together with a standing ovation for their contributions to this outstanding project. Mayor Maxwell said these upgrades have vastly improved pedestrian and vehicles safety; he also thanked all the neighbors in the Sunset Avenue vicinity for their tolerance and cooperation during the project development.

**Council Committees 2008-2009**

Mayor pro tem Richardson appointed the following Council Committees: Public Safety Committee - Nick Petrish, Brian Geer, Bill Turner; Public Works Committee - Brad Adams, Bill Turner, Brian Geer; Personnel Committee – Brian Geer, Brad Adams, Nick Petrish; Parks and Recreation Committee – Kevin McKeown, Nick Petrish, Brad Adams; Port/City Liaison Committee – Cynthia Richardson, Bill Turner, Erica Pickett; Finance Committee – Erica Pickett, Kevin McKeown, Brad Adams; and Planning Committee – Bill Turner, Erica Pickett, Cynthia Richardson. In addition to these responsibilities, Council members serve on the following committees and groups: Solid Waste Municipal Committee – Bill Turner; Tourism

Promotion Grant Program – Nick Petrish, Cynthia Richardson, Brian Geer; Traffic Safety Committee – Kevin McKeown, Brian Geer, Erica Pickett; Historic Districts Planning Groups – Cynthia Richardson, Nick Petrish; Depot Site Development Committee – Cynthia Richardson; Street Tree Advisory Board – Erica Pickett; Marine Resources Committee – Erica Pickett; Community Land Trust – Erica Pickett.

**Ordinance: Vacating Alley in Block 3, Stewart's First Addition – San Juan Care**

Mr. Ian Munce, Planning Director, presented an Ordinance to Council for review and adoption. The vacation of this right-of-way was approved by Council in November 2003 with the proviso that two areas of concern be resolved prior to final adoption: (1) sanitary sewer main; and (2) sanitation pick-up. The applicant, San Juan Care Center, requested the alley vacation to accommodate a much needed facility expansion. Pursuant to Ordinance No. 1734, compensation for the right-of-way was set at \$42,264 and will be due and payable prior to finalization. Following the Council's decision for tentative approval, San Juan Care worked on the facility design and financing. In a January 2, 2008 memorandum, Mr. Steven Lange of the Public Works Department indicates that the two areas of concern have been resolved. Ms. Pickett pointed out that she would like to focus on a future park or green area for the western end of this alley. With that, Mr. Geer moved, seconded by Mr. Petrish, to adopt **Ordinance No. 2777** entitled "An Ordinance Vacating a right-of-way of Certain Portion of the Alley of Block 3, Stewart's First Addition together with Portion of the Alley of Nelsons First Addition to the City of Anacortes, Skagit County, Washington." Vote: Ayes - Pickett, Adams, Turner, Richardson, Geer, McKeown, and Petrish. Motion carried.

**Solid Waste Interlocal Agreement Amendment**

Mr. Fred Buckenmeyer, Public Works Director, reported that the proposed Solid Waste Interlocal Agreement Amendment was previously reviewed by the Public Works Committee and by Council in Study Session. Mr. Buckenmeyer explained that at the urging of the Municipalities Committee, Skagit County Commissioners proposed a revision to the current method of decision making related to Solid Waste Management within Skagit County. Members of City and County staff have jointly drafted this proposed Interlocal Agreement. A new body called the Solid Waste System Governance Board would be created to oversee significant aspects of the County's solid waste system. Mr. Buckenmeyer then outlined the duties and authority of the new Board. The County veto right was also discussed. With that, Mr. Turner moved, seconded by Mr. Petrish, to authorize the Mayor to enter into the Solid Waste Interlocal Agreement Amendment substantially as presented. Vote: Ayes – Adams, Turner, Richardson, Geer, McKeown, Petrish, and Pickett. Motion carried.

**Appeal: Chandler Encroachment Agreement**

Mr. Ian Munce, Planning Director, presented an appeal to his decision to deny an Encroachment Agreement for Mark and Sharon Chandler at 3004 West 3<sup>rd</sup> Place. A site visit relative to this matter was held earlier in the day. The Chandlers planted four fir trees plus a small line of evergreens in the undeveloped West 3<sup>rd</sup> right-of-way adjacent to their property. Some of the trees planted by the Chandlers could grow to over 12' tall thereby raising maintenance issues. Mr. Munce proposed that a recorded easement from the Chandlers to the City for the right to remove trees over 7' tall would resolve the maintenance issue. Neighbors have expressed concerns over height and access and are available to testify this evening.

Mr. Mark Chandler, 3004 West 3<sup>rd</sup> Place, said that their original intent was to improve the neighborhood; he referred to photographs taken before the plantings. He has cleared brush for years and planted trees to improve the neighborhood. With regard to view loss, he explained that if the trees were to exceed 7' his own water view would be blocked. Most of the neighbors thought the plantings were an enhancement; he agreed to the 7' height limitation and appreciated Council's considering his comments.

Ms. Kim Saterlee, 3008 W. 3<sup>rd</sup> Place, said the enhancements do make the property look better and that the height issue would be addressed with a recorded easement to the City. She also expressed concern should the trees grow over the road beds; she asked that the roads be kept open and clear for safety vehicles.

Mr. John Keeler, 1310 Erie Avenue, said the pine trees were planted in a bottleneck so that he can't access the back of his property; also, a utility drop is located at the corner of his property and access to that has been limited. His access is blocked and he asked that the subject trees be removed.

In answer to questions from Council, Mr. Chandler said that the trees were planted in the right of way with the permission and at the request of the adjacent property owners. After discussion, Mr. Geer moved, seconded by Mrs. Pickett to approve the encroachment agreement subject to: (1) a recorded easement granting the City the right to remove trees over 7' tall; and (2) the two trees blocking the Keeler access shall be moved to a location that allows access to Mr. Keeler. Mrs. Richardson suggested that this is a reasonable compromise to the situation; Mr. Geer commended the neighbors for their cooperative approach. Vote: Ayes - Turner, Richardson, Geer, McKeown, Pickett, and Adams. No – Petrish. Motion carried.

### **Consent Agenda**

Mrs. Richardson moved, seconded by Mr. Adams, to approve the following Consent Agenda items. Vote: Ayes – Richardson, Geer, McKeown, Petrish, Pickett, Adams, and Turner. 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 January 10, 2008 and January 17, 2008 are approved for payment as of this date January 22, 2008.

### **Claims Warrants**

Jan 2008: Warrant Numbers 44472 through 44688 in the total amount of \$1,641,212.64

### **EFT**

Jan 2008: EFT Numbers 44470 through 44471 in the total amount of \$420.00

### **Prewritten Claims**

Warrant Number 44469 in the total amount of \$13,410.36

### **Payroll January 18, 2008 in the total amount of \$504,874.69**

Warrant Numbers 31852 through 31903 in the total amount of \$51,594.72

Direct Deposit Numbers 25069 through 25231 in the total amount of \$281,036.99

EFT Numbers 806 through 813 in the total amount of \$172,242.98

In the same motion Council:

Authorized the Mayor to approve the Sunset Avenue Improvements (04-016-TRN-003) contract quantities shown in the final Contract modification 05 dated January 16, 2008.

Adopted **Resolution No. 1753** setting February 19, 2008 as the Public Hearing date on a Petition to vacate a portion of 25<sup>th</sup> Street; and adopted **Resolution No. 1754** setting February 19, 2008 as the Public Hearing date on a Petition to vacate a portion of the alley in Block 3, Hensler's First Addition.

### **Resolution: Special Market Condition Purchase of Bucket Truck**

Mr. Steve Hogle, Finance Director, presented a Resolution to Council for review and adoption. If adopted, the Resolution would waive the bidding requirement for the purchase of a bucket truck for City operations. An opportunity now exists for the City to purchase a used truck for \$19,500, a great discount below the price charged for new models. Under these circumstances, the Council can invoke "A Special Market Condition" and a "Sole Source" supplier, and waive the bidding requirement via Resolution. With that, Mr. Turner moved, seconded by Mr. McKeown, to adopt **Resolution No. 1755** declaring the purchase of a bucket truck. Vote: Ayes – Geer, McKeown, Petrish, Pickett, Adams, Turner, and Richardson. Motion carried.

### **The Highlands Final Plat**

Mr. Ian Munce, Planning Director, presented a request to Council for approval of the Highlands Final Plat. Preliminary Plat approval was granted subject to a number of conditions being met. The applicant then

installed the infrastructure and public improvements; lots cannot be sold without Council final approval of the project. The Planning Commission reviewed the application and recommended approval subject to a performance bond in the amount of \$283,132.50. Mr. Munce drew attention to one of the project conditions: The applicant and City were to share the costs of off-site improvements to 17<sup>th</sup> street from "D" to "A" Avenue; subsequently the City negotiated a fair price for the developer to install all the improvements. The State Auditor's office has raised a question as to whether or not the City should have bid the public portion of the project; the City responded that proper practices and State Law were followed. With that, Mrs. Richardson moved, seconded by Mr. Turner, to approve the Highlands Final Plat subject to a Performance Bond in the amount of \$283,132.50 as defined in a January 2, 2008 memorandum from Steven Lange, Public Works Department. Vote: Ayes – McKeown, Petrish, Pickett, Adams, Turner, Richardson, and Geer.

#### **Closed Record Meeting: Click Conditional Use – Private Street as Access**

Mayor Maxwell initiated the Closed Record Meeting on a Conditional Use application submitted by Mr. Randy Click to use a private drive as access for a single family residential building site at Lot E, Block 1512, Northern Pacific Addition, generally at West 6<sup>th</sup> Street and Anacopper Road. Mr. Ian Munce, Planning Director, reviewed the criteria for the use of a private street as access. The Planning Commission held a Public Hearing on this matter and recommended approval; staff concurs. All exhibits, transcripts, and Findings of Fact were forwarded to Council prior to this meeting. After discussion, Mr. Adams moved, seconded by Mr. Petrish, to approve the Findings of Fact and Conclusions of Law for the Click Conditional Use Permit to use a private street as access. Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and McKeown. Motion carried.

#### **Closed Record Meeting City Conditional Use - Pennsylvania Park**

Mayor Maxwell announced that the City has been asked to reschedule the Closed Record Meeting (and appeals) for the City of Anacortes Pennsylvania Park Conditional Use application to Tuesday, February 19, 2008.

#### **Ordinance: Water Rate CPI Adjustment**

Mr. Fred Buckenmeyer, Public Works Director, explained that prudent fiscal planning and sound utility management have resulted in the City's ability to keep the same water rates for almost 10 years. However, our current and projected capital improvement plan necessitates a small increase in our rates in order to help pay for scheduled plant expansion. The plant upgrade will cost in the range of \$35 million. Staff recommends incorporating the U.S. All City Average Consumer Price Index (CPI) adjustment to our current water rates on an annual basis. This would increase the average residential water bill approximately \$0.30 per month. On an average, commercial customers will experience a \$2.00 monthly increase. Mr. Turner commented on the great taste and quality of our water; he commended the Mayor, administration, and staff, on the City's efficiently run water systems. With that, Mr. Turner moved, seconded by Mr. Geer, to adopt **Ordinance No. 2778** entitled "An Ordinance Amending Chapter 13.32 of the Anacortes Municipal Code to Increase Rates Charged for Furnishing and Sale of Water by the City of Anacortes". Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, McKeown, and Petrish. Motion carried.

#### **Bid Award: Kansas/Oakes Intersection Improvements**

Mr. Fred Buckenmeyer, Public Works Director, reported that 13 bids offers were received for the Kansas and Oakes Intersection Improvement project. The low bid was received from GG Excavation in the amount of \$155,308.95. The engineering estimate for this project is \$195,386.00; work on the project is slated to begin in the spring. Of note to the residents of the west end, the contractor will be working as much as possible, from the upper end rather than from Oakes Avenue. After discussion, Mr. Turner moved, seconded by Mr. McKeown to award the Kansas/Oakes Intersection Improvement project to GG Excavation in the amount of \$155,308.95. Vote: Ayes – Adams, Turner, Richardson, Geer, McKeown, Petrish, and Pickett. Motion carried.

#### **13<sup>th</sup> Street Outfall – Port of Anacortes Agreement**

Mr. Fred Buckenmeyer, Public Works Director, explained that at high tide sea water can back up into the 13<sup>th</sup> Street stormwater system; also, during heavy rainfall events this system has experienced surcharges

resulting in surface contamination. After more investigation, significant amounts of petroleum contaminate soil were discovered. In seeking a solution to these circumstances, the City and Port partnered together to take advantage of a Department of Ecology matching fund program. A further benefit was the utilization of the Port's existing contractor who was performing adjacent related work. Under the matching fund program, DOE would pay 50%, the Port 25%, and the City 25%. The City's obligation under this program is \$55,000; in addition, an opportunity exists to install a much needed water quality device estimated to cost \$45,000. Mr. Buckenmeyer then gave a detailed report on the work to be done. After discussion, Mr. Geer moved, seconded by Ms. Pickett, to authorize the Mayor to reimburse the Port of Anacortes for the 13<sup>th</sup> Street outfall program, through our Interlocal Agreement, in an amount not to exceed \$100,000. Vote: Ayes – Turner, Richardson, Geer, McKeown, Petrish, Pickett, and Adams. Motion carried.

At approximately 9:10 p.m. Mayor Maxwell continued the meeting to January 28, 2008 at 7:00 p.m. in order to conduct a roundtable meeting with the recently formed South Fidalgo Community Council. At 7:30 p.m. Council will hold a Public Hearing on the Old Town Interim Standards.