



City Council Minutes – May 5, 2008

At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of Monday, May 5, 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 Meeting

The minutes of April 7, 2008 will be available for review and adoption on May 19, 2008.

Citizen Hearings

Mr. Bill Mitchell, 807 27th Street, reviewed: status of the tugboat Union (plans are to clean up the Union, put murals on it, and find a place to display it); status of the tugboat Enchantress (plans are to develop community support for encouraging the Department of Ecology to leave the Enchantress in the water); and status of Mr. Mitchell's 24-year mural project (a multiple mural unveiling was held commemorating this milestone). Mr. Mitchell would like to conclude the mural project in the next year and a half. On behalf of the Council and community, Mayor Maxwell thanked Mr. Mitchell for his continuing efforts to preserve the history of Anacortes.

Mayor/Council Communication

Mayor Maxwell recognized Councilmember Nick Petrish, a recent recipient of the Liberty Bell Award. This prestigious award acknowledges individuals who have contributed a lifetime of community service. The Mayor and Council also acknowledged former Liberty Bell recipient, Mr. Wally Funk.

Appointment of Bonnie Bowers as Chief of Police and Oath of Office

Mayor Maxwell described the selection and hiring process for the new Chief of Police. Twenty applications were received; two from the Anacortes department. The City's hiring panel interviewed five of the applicants; as a result the Mayor recommended the appointment of Bonnie Bowers as the Anacortes Police Chief. Mrs. Richardson, a member of the interview committee, supported the Mayor's recommendation and moved to confirm the nomination of Bonnie Bowers as the City of Anacortes Chief of Police; Mr. Petrish seconded the motion. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and McKeown. Motion carried. The Mayor thanked the members of the Police Department in the audience for their support.

Mayor Maxwell then administered the Oath of Office. Chief Bowers thanked the Mayor, Council, and Department Heads, and shared her commitment to keep Anacortes a safe place for our citizens to live. She also expressed appreciation for her career mentors, family, and friends for their continuing encouragement and support.

Proclamation:

Mayor Maxwell read a Proclamation declaring May 2008 as National Historic Preservation Month in the City of Anacortes and called upon the people of the City to recognize and participate in this special observance. The Proclamation stated, in part, "Whereas, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people." The Mayor then introduced Mr. Steve Oakley, Museum Director.

Mr. Oakley explained that the Anacortes Historic Preservation Board is celebrating National Historic Preservation Month by honoring significant individuals and projects that have contributed to the preservation of history in the City of Anacortes. Mr. Oakley introduced Ms. Margaret DeLourme, Board Member. Ms. DeLourme explained that this is the fourth year of the awards program; she then announced the following recipients: Mr. Wally Funk, Visionary Award. Mr. Funk is well known for his

efforts to preserve Anacortes history through, in part, securing historical photographs and negatives that would have been destroyed and lost. Mr. Funk has generously reproduced and shared his extensive photographic collection, providing an invaluable resource reflecting this city's architectural heritage and its social and economic culture. Also, through the efforts of Mr. Funk and others, the Anacortes Museum of History Board was created in 1958. The second 2008 Visionary Award recipient is Mr. Nick Petrish. Mr. Petrish, City Council Ward 1 representative, has championed the preservation of the Old Town neighborhood and has spearheaded the movement seeking resident input to define the future environment of Old Town. The third acknowledgement is a Project Excellence Award. The City of Anacortes Parks and Recreation Department is being recognized for the highly creative historic salmon can label project. This project is an example of blending local history with meaningful environmental utility. A brochure representing this project in detail is available. The presentations were followed by a standing ovation and a photo op. Mr. Oakley introduced the History Board members.

Reappointments: ACFAB and APRAB

The Mayor recommended the following reappointments: Marcia Hunt to the Anacortes Parks and Recreation Advisory Board with a term ending October 2012; Michelle McPhee to the Anacortes Community Forestlands Advisory Board with a term ending November 2011; Brian Wetcher to the Anacortes Community Forestlands Advisory Board with a term ending November 2009. With that, Mr. Petrish moved, seconded by Mr. Geer, to confirm the reappointments as presented. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, McKeown, and Petrish. Motion carried.

Fidalgo Villas: Proposed Conditions

Mr. Ian Munce, Planning Director, explained that the Fidalgo Villas plat and conditional use applications, appeals, and recommended conditions have been reviewed by the City Council. Mr. Munce then reviewed the 28 conditions proposed and highlighted three key issues. (1) Condition # 6 relates to the public access pathway and includes language regarding a paved ADA compliant access to the top of the bank. (2) Condition # 8 now includes language clarifying that public access will be dedicated at final plat approval. (3) Condition # 25 establishes the setback from the OHWM. Mr. Munce clarified that together with a 25' setback and 50% lot coverage, the beach will be cleaned up, the City gets public access, soft shore armoring, public access, and language regarding low impact commercial activity. Additionally, with regard to view protection, the Skyline Beach Club negotiated lower height limits on a number of these lots.

Discussion followed about low impact commercial use language; setbacks; view corridors; permeable paving; future bank erosion; 25' versus 35' setback from the OHWM; securing the beach for the public; development of Flounder Bay, beach restoration; and pocket parks. After discussion, Mr. Turner moved, seconded by Mr. Petrish to approve the Fidalgo Villas Conditional Use application for the development of 19 residential sites subject to 28 conditions as modified: Condition # 25: The building setback shall be 30 feet back from the Ordinary High Water Mark, maximum lot coverage shall be 50%, and R 3 setbacks shall apply.”; Condition # 6: “The shoreline public access easement trail adjacent to Lot 19, from the Cabana Lane cul-de-sac, shall be delineated by use of a split rail fence and signage indicating shoreline public access at the applicant's expense. The fence design and sign design shall be submitted to the Parks Department and Planning Department for review and approval prior to installation. The public access pathway and beach shall be open to low-impact, water dependent recreational uses, such as kayak rentals, as approved by the City Parks Director. One handicapped and three general public parking spaces shall be provided adjacent to the public access trail. Other than a permeable paved/ADA compliant access to the top of the bank approved by the Planning Commission prior to construction activity commencing on the site, the shoreline access shall remain in a natural state with no developed pathway to the beach.”; Condition # 8: “Public access easements shall be provided at Final Plat approval on all of the tidelands of Lot 1 through Lot 19 and remain unobstructed by fences or structures.”; and Condition # 27: “South facing windows shall be outfitted with storm shutters or windows constructed of steel or equivalent material(s).” Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, and Petrish. No – McKeown. Motion carried.

Consent Agenda

Mr. Geer moved, seconded by Mr. Adams to approve the following Consent Agenda items. Vote: Ayes – Adams, Turner, Richardson, Geer, McKeown, Petrish, 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 April 24, 2008 and May 1, 2008 are approved for payment as of this date May 5, 2008.

Claims Warrants

May 2008: Warrant Numbers 45877 through 46055 in the total amount of \$407,354.29
EFT

May 2008: Warrant Number 45876 in the total amount of \$84.00

Payroll May 5, 2008 in the total amount of \$702,220.22

Warrant Numbers 32225 through 32285 in the total amount of \$253,237.49

Direct Deposit Nos. 26293 through 26482 in the total amount of \$280,566.12

EFT Numbers 849 through 853 in the total amount of \$168,416.61

Warrant Number 37087 in the total amount of \$501.43

In the same motion Council:

Approved the Street Fair Application for Shipwreck Days, downtown Anacortes, July 19, 2008 from 8:00 a.m. to 6:00 p.m.; applicant and staff agree as to conditions and services;

Approved the Street Fair Application for the Anacortes Waterfront Festival, Cap Sante Boat Haven, May 17, 2008 and May 18, 2008; applicant and staff agree as to conditions and services.

Skagit Flow Management Committee: Proposed Rules of Procedure

Mr. Ian Munce, Planning Director, explained that the 1996 memorandum of Agreement establishes the City's water rights; the Agreement specifies, after identifying minimum in-stream flows for fish in the Skagit River, there will be an ongoing adaptive management monitoring approach together with a flow management committee comprised of eight signators to the MOA. The Committee will meet quarterly; the draft bylaws now before Council have been reviewed by the Committee. Of note, if a change in any of the bylaws will have to come back to the authorizing bodies. With that, Mr. Turner moved, seconded by Mr. McKeown, to accept the Proposed Rules of Procedure. Vote: Ayes – Turner, Richardson, Geer, McKeown, Petrish, Pickett, and Adams.

Public Hearing: Latecomer Application – Anstensen Waterline

Mayor Maxwell opened the Public Hearing to take comments on a Latecomers Agreement submitted by Mr. Ted Anstensen relative to a 12-inch waterline approximately 2,500 feet long located along Marine Drive extending to the intersection of Havekost Rock. Forty parcels benefit from this improvement. Mr. Ian Munce, Planning Director, explained that in the past, the City has worked with other water districts and water purveyors and agencies to identify service areas. With regard to waterline installations, developers can recover costs through the Latecomer Agreement process. Mr. Ted Anstensen has located a waterline in our service area; he has come to the City to apply for a Latecomer's Agreement. However, the line goes through the Del Mar water service area; anyone in that service area wishing to hook up to City water must follow an elaborate process outlined in Chapter Five of the Coordinated Water System Supply Plan. Mr. Fred Buckenmeyer, Public Works Director, briefed the Council and audience on the Latecomer Agreement process relative to Anacortes Municipal Code. In that regard, if a developer builds a waterline, street, or storm line and parties benefit but don't participate, the developer has a right under the City Code to recapture that cost. To recover any costs, an application must be made to hook up to the utility.

Mr. Buckenmeyer explained that the proposed assessment is \$8,944.67 per parcel; these costs have been reviewed by the Engineering Division and consulting engineer. City Ordinance also allows for a waiver of the service connection fee if applicants connect within two years. Further, the Agreement stipulates a 10-year recovery period. The Mayor pointed out an anomaly in the Ordinance language

referencing the connection fee waiver. The parcels in question are existing lots of record. Discussion followed regarding the Del Mar water and density issues.

Mr. David Windecker, 11991 Marine Drive, member of the Del Mar Community, discussed items 9 and 10 of the Agreement relative to the purchase of water. There were no further comments and the Mayor declared the Public Hearing closed. Mr. Munce recommended that language should be added to items 9 and 10 to clarify intent. The Mayor stated that action/adoption will be deferred until an Agreement reflecting the clarifications highlighted in discussion is brought back to Council

Memorandum of Understanding: Rock Ridge Community Association

Mr. Ian Munce, Planning Director, explained that the Rock Ridge Community Association has requested a Memorandum of Understanding (MOU) with the City that tracks in every respect the Memorandum of Understanding the City currently has with the Skyline Beach Club. The MOU identifies an Architectural Committee process and oversight and outlines a notification process. Mrs. Richardson, consultant to the Rock Ridge Architectural Control Committee, suggested adding language to clarify that the City has neither the right nor the responsibility to delay the process if the applicant wants to move forward with an application without Association approval. Mr. Munce pointed out that Item 2 of the MOU authorizes a 30-day review period for Architectural Committee review; he offered that the 30-day delay would not result in damages to the City. After discussion, Mr. Turner moved, seconded by Mr. Geer, to authorize the Mayor to enter into a Memorandum of Understanding with Rock Ridge Community Association. Vote: Ayes – Turner, Geer, McKeown, Petrish, Pickett, and Adams. No – Richardson. Motion carried.

Puget Sound Partnership: Draft Letter

Mr. Ian Munce, Planning Director, explained that the mission of the Puget Sound Partnership is to identify the issues in long-term sustainability of Puget Sound; an action plan to restore and protect the values that are important in Puget Sound has been developed. Additionally, the Partnership has recommended the development of a regulatory agency that would develop standard regulations across the whole region. The Council is considering a draft letter to comment on the Initial Discussion Draft – Habitat and Land Use document. The letter clarifies that a one size fits all set of regulations is not a good or workable solution; the letter also emphasizes the need for some local planning and local support. After discussion, Mr. Geer moved, seconded by Mr. Turner, to support the comment letter. Mrs. Richardson suggested emphasizing the one size does not fit all language in paragraph one. Ayes – Richardson, Geer, McKeown, Petrish, Pickett, Adams, and Turner. Motion carried.

At approximately 9:30 p.m. the Mayor announced that the meeting is continued to Monday, May 12, 2008 at 7:30 p.m. for the purpose of approving the 2008 Community Development Block grant Action Plan.