



City Council Minutes – December 21, 2009

At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of December 21, 2009 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

Mr. McKeown moved, seconded by Mr. Geer, that the minutes of December 7, 2009 be approved as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer and McKeown. Motion carried.

Citizen Hearings

Greg Springs, 204 V Avenue, expressed concern about hauling prilled sulfur through Anacortes. He recalled problems with dust control during initial coke hauling operations at Pier 2. Mr. Springs stated that prilled sulfur is a hazardous chemical under OSHA regulations that should not be breathed, ingested or brought into contact with eyes. He does not want this material in the City and is concerned about the potential for spills, odor, fire and evacuations. He called prilled sulfur a serious safety issue that should not be allowed in our neighborhoods and downtown.

Carol Springs, 204 V Avenue, thanked Mayor Maxwell for help addressing the fugitive dust issue when the coke hauling operation began. Ms. Springs is concerned that once the Port of Anacortes starts shipping prilled sulfur it will be hard to stop and she would like the operation not to start at all. She expressed concern that the quantities that will be hauled will be much larger than initially estimated and stated she would not like any more waste products being hauled through our town.

Mayor Maxwell reminded the public that the Port of Anacortes is the lead agency for the prilled sulfur project under SEPA so interested parties should submit comments and questions to the Port. The City will be doing that as well, via Fire Chief Richard Curtis. Mrs. Richardson said the public comment period ends January 8, 2010.

Consent Agenda

Mrs. Richardson moved, seconded by Mr. Petrish, to approve the following Consent Agenda items. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, 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 December 10, 2009 and December 17, 2009 are approved for payment as of this date December 21, 2009.

Claims Warrants

December 2009: Warrant Numbers 53685 through 53853 in the total amount of \$463,266.35

EFT Claims

December 2009: EFT Numbers 53678 through 53684 in the total amount of \$2,082.94

Prewritten Claims

December 2009: Warrant Numbers 53676 through 53677 in the total amount of \$197,910.72

Payroll for December 18, 2009 in the total amount of \$508,724.86

Warrant Numbers 34329 through 34369 in the total amount of \$40,030.66

Direct Deposit Numbers from 33435 through 33606 in the total amount of \$301,907.15

EFT Numbers from 1065 through 1070 in the total amount of \$166,787.05

Cancellation of Warrants

Claims Warrant – Number 53309 in the total amount of \$245.08

In the same motion Council:

Adopted **Ordinance 2810** vacating a right-of-way of that certain portion of Weaverling Road, Map of Anacortes, Records of Skagit County, Washington (4701 Fidalgo Bay Road – Samish Indian Nation).

Contract Modification: Commercial Avenue/SR 20 Spur Roundabout

Public Works Director Fred Buckenmeyer presented a revised Council Packet Memo requesting approval to increase the final contract price to SRV Construction for the roundabout at Commercial Avenue and SR 20 by \$370,776.93. The City had been negotiating with the contractor and just arrived at final pricing. The project schedule was ambitious to minimize disruption to local businesses and the traveling public. Mr. Buckenmeyer explained that the change orders include approximately \$72,000 of material overruns (additional quantities of sidewalk, pipe, etc.) and additional work for changes to the bid plans and specifications including unanticipated water line replacement at 34th Street, storm line replacement at 37th Street and additional concrete street removal. Mr. Buckenmeyer noted that most of the additional work was utility driven and will be utility funded. After confirming that there will be no additional change orders on the project Mrs. Pickett moved to approve the recommended contract price increase, seconded by Mr. Geer. Mr. Petrish asked how change order work had been authorized. Mr. Buckenmeyer explained that field inspectors brought items to his attention as they occurred and he and the Mayor authorized the work. Mrs. Richardson observed that this is normal during construction projects. She and Mr. Turner both thanked Construction Inspector Lyle Davis for keeping such good field records to assist in pricing negotiations. Mr. McKeown recalled that Council and the Public Works Committee were kept informed of changes as they occurred. Mr. Adams observed that the extra utility work would have had to happen eventually. Mayor Maxwell pointed out that the revised final cost is very close to the original Engineer's Estimate which did not include the additional utility work. Vote: Ayes – Adams, Turner, Richardson, Geer, McKeown, Petrish and Pickett. Motion carried.

Trial Court Improvement Fund

Skagit County District Court Judge David Svaren spoke on behalf of the Trial Court Coordination Council which is tasked with recommending projects to be funded by the Trial Court Improvement Fund. The total in the Skagit County fund is now approximately \$113,000 and \$7,461 of that is allocated to Anacortes. Funded projects are supposed to improve the administration of justice and are typically capital projects. The project the Coordination Council has identified is adding electronic reader boards to each of the court facilities (County, Burlington, Mount Vernon and Anacortes) to help direct the public to arrive at the right location in a timely manner. Skagit County as lead agency has entered into a contract with a software provider to write code that would live stream calendar information from the State computer system to the reader board at each facility. The agreement requires the contractor to demonstrate that the project will work and the County is spending approximately \$20,000 of its allocation to fund that first phase. If the demonstration is successful the cities will be invited to allocate monies from their own Trial Court Improvement trust funds to completing the project. Mr. McKeown asked if any other courts elsewhere have similar reader boards already. Judge Svaren said Snohomish County District Court has reader boards but they don't have the software to extract information from the State which would be new technology. Mayor Maxwell reported that Anacortes has prepared its own list of suggested court improvements to implement with these funds. Human Resources Director Emily Schuh stated that those include an intercom system to assist communication through the bulletproof glass with the Court Clerk, a buzzer to unlock the court facility door to the public, a computer projector permanently mounted in the courtroom, or panels to provide better signage directing clients to the courtroom. Mr. Adams asked if each City can direct its own share of the Trial Court Improvement funds. Ms. Schuh and Judge Svaren both said yes. Mr. Geer asked Judge Svaren if there's a way to measure any increased efficiency of the proposed reader boards. Judge Svaren said no. Mrs. Pickett asked if the money might be better spent on an automated phone system to call defendants and remind them of their court dates. Judge Svaren said the Coordination Council considered it but the pricing was outside the scope of the available funding.

2009 Year End Budget Amendment

Finance Department Accountant Philip Steffen presented **Ordinance 2811** to amend the 2009 budget in the Ambulance Service Fund (110) by \$53,000. Mayor Maxwell noted that receivables to cover the

increase are on the way. Mr. Turner moved to adopt the ordinance, seconded by Mr. Geer. Vote: Ayes – Turner, Richardson, Geer, McKeown, Petrish, Pickett and Adams. Motion carried.

Approval to Purchase Fire Engine/Interlocal Agreement with Mason County

Fire Chief Richard Curtis presented a proposal to move a scheduled 2010 purchase of a replacement fire engine forward into 2009. This will save the City \$15,000-25,000 because the new engine won't have to have the equipment to meet the new diesel emission standards that go into effect January 1, 2010. The City also has an opportunity to tag on to Mason County's bidding process for additional savings. The negotiated cost for the machine is approximately \$356,000 including tax if purchased by year end. Mr. Adams asked if the rig being replaced has any salvage value. Chief Curtis said \$5-10K. Mr. Adams asked if the 2009 emissions standards are acceptable. Chief Curtis said the 2010 standards are only marginally better than prior years. Mr. Geer noted that the new engine is going to be purchased next year anyway and moved to approve the interlocal agreement with Mason County and the purchase agreement with Pierce Manufacturing, seconded by Mr. McKeown. Mayor Maxwell noted the 2009 model is proven technology. Chief Curtis noted that new emissions equipment requires a larger engine so the overall emissions may not be much better in 2010. Mrs. Richardson noted that the engines don't run very many hours on the road so the effect will on local air quality will be negligible. Chief Curtis noted the 2009 models will all be sold to and operated by someone somewhere. Mayor Maxwell advised that the Equipment Rental fund has money for the purchase. Vote: Ayes – Richardson, Geer, McKeown, Petrish, Pickett, Adams and Turner. Motion carried.

Yard Waste Franchise Extension with Waste Management, Inc.

Mr. Buckenmeyer presented a proposal to extend the curbside yard waste hauling franchise with Waste Management, Inc. The current fifteen-year agreement expires December 31, 2009 and the proposed amendment will extend it through 2014. The amendment provides additional service that allows subscribers to add "food waste" to the yard waste bins; this service has been very popular in other counties in the state. Pickup will still be weekly March-November and monthly December-February. Rates will increase slightly with a total annual increase of \$16.17/year or \$1.35/month. Mr. Adams expressed enthusiastic support for expanding the service to include food waste. Mr. McKeown noted that yard waste bins have swinging lids and asked how food waste will be contained. Solid Waste Supervisor Marc Krueger said the yard waste bins are less problematic than trash cans that the dogs and wind turn over. Mr. Krueger suggested bagging food waste in paper bags or bio-bags before placing it in the yard waste bin. Mr. McKeown moved to extend the franchise agreement through 2014, seconded by Mr. Adams. Mrs. Richardson clarified that during the course of the contract there will be annual review of the rates and possibly adjustments based on the CPI and diesel fuel costs. Vote: Ayes – Geer, McKeown, Petrish, Pickett, Adams, Turner and Richardson. Motion carried.

There being no further business, at approximately 8:33 p.m. Mayor Maxwell adjourned the regularly scheduled meeting of December 21, 2009.