



City Council Study Session Minutes – June 27, 2011

At 7:30 p.m. Mayor Maxwell called the regularly scheduled Anacortes City Council study session of June 27, 2011 to order. Eric Johnson, Nick Petrish, Erica Pickett, Brad Adams, Bill Turner and Brian Geer were present. Cynthia Richardson was excused.

Finance Update

Finance Director Steve Hogle provided a finance update for the first five months (42%) of the year. Mr. Hogle reviewed year to date sales tax revenue which is currently 9.1% ahead of the same time the previous year largely due to several large construction projects. He said Real Estate Excise Tax (REET) revenue has been declining for several years and year to date is down 46% from the same point in 2010 which experienced a boost from the first time home buyer tax credit. Mr. Hogle said Impact Fees are down 23% year to date from last year.

Mr. Hogle then reviewed General Fund revenues and expenditures year to date compared to the budget. Revenue from taxes, licenses and permits, intergovernmental revenues and fines and forfeits are all slightly ahead of projections. Charges for goods and services are behind due to the timing of internal overhead charges from the utility funds. Miscellaneous revenue is down due to recent changes in the way the General Fund recoups the benefits cost for employees who are paid out of other funds. Mr. Hogle added that this will be addressed by an upcoming budget amendment. Turning to expenditures, Mr. Hogle said nothing exceptional stands out. He pointed out some expense items that are typically incurred early in the year rather than evenly spaced over the course of the year so some categories show expenditures at more than 42% year to date.

Mr. Hogle then briefly reviewed the revenues and expenditures in the other funds. He noted that the timing of property tax distributions skews those numbers slightly at this point in the year. He also pointed out the positive effect of the Depot grant on Parks Capital Fund 108. Mr. Hogle explained that Water Fund 401 shows expenditures over budget because the Water Treatment Plant Improvement Project cost is not in the budget and shows revenues over budget because the budget was based on 2010 water rates. He said the upcoming budget amendment will address both of those items.

Mr. Johnson inquired if the Miscellaneous Revenue is largely pass through payments. Mr. Hogle said yes and explained the double budgeting required by fund accounting. Mr. Johnson asked if both revenues and expenditures are projected flat line in the budget. Mr. Hogle said yes, there are no seasonal adjustments. The mayor thanked Mr. Hogle for the update.

Trail Easement Proposal (2404 Washington Court, Chebeir)

Mayor Maxwell advised that this agenda item was in the discovery phase and invited councilmembers and the audience to listen to the proposal. He said Council would take no action during this study session but would take public comment at the July 18, 2011 regular meeting. Mr. Turner said he had been asked by a neighboring homeowner to recuse himself from the matter and did so. Mr. Turner left the Council chambers.

Assistant Planning Director Don Measamer then presented information on a formal request by attorney Alan Souders on behalf of Mr. Sam Chebeir for relinquishment of a public trail easement across the westerly portion of 2404 Washington Court (Lot 12, Sunset Cove Estates). Mr. Measamer said Anacortes City Attorney Brad Furlong had determined that relinquishment of a public easement does not require a plat amendment but based on neighborhood concerns staff was recommending that Council take public comment on the proposal before taking any action. Staff also recommended a site visit to the area at 5:00 p.m. on July 18, 2011 at which the proponent would have the property corners identified and clearly visible. At the regular City Council meeting on July 18 public comment would be accepted.

By way of background Mr. Measamer explained that in 2000 the City Council and Planning Commission heard subdivision proposals for Washington Park Estates and Sunset Cove Estates. At that time public

access easements were established throughout both subdivisions. Mr. Measamer said the subject easement is unique among those because it provides public access to the shoreline and to City-owned tidelands. To explain the two options presented in the request Mr. Measamer displayed an overhead of the end of Puget Way including the Chebeir lot. He displayed a second overhead showing the final plat for Sunset Cove Estates including a City-owned parcel referenced in the Chebeir request. Mr. Measamer said request Alternate A would relinquish the entire easement across the rear of the Chebeir property in exchange for relocating the trail into the City-owned parcel and widening the pathway to 8' with gravel or other surfacing as determined by the Parks Director. Alternate B would relinquish a portion of the easement and widen the trail to 6' with gravel surfacing along the Chebeir property only. Relocating the trail would require building some retaining walls. Mr. Measamer said staff had asked the proponent to provide details about the height and appearance the retaining walls before the July 18 site visit and City Council meeting.

Mr. Measamer then displayed the recorded final plat for Sunset Cove Estates and read aloud Note 3 from that plat: "The public access easement over the westerly portions of Lots 11 and 12 as shown hereon is a pedestrian or other non-motorized access easement, and is hereby granted to the City of Anacortes and the public. The easement area may not be obstructed or used for any purpose other than pedestrian or other non-motorized access with the exception of landscaping that shall not obstruct, overhang or interfere with the intended use of the easement. No other obstruction to pedestrian or non-motorized use shall be permitted." Mr. Measamer observed that the proposed retaining wall and fill to level the lot would obstruct the easement and that is why the proponent was requesting relinquishment of the easement.

Mr. Measamer referenced several emails and letters received from neighbors objecting to the request. These had been provided to Council prior to the meeting. Mr. Measamer said that all comments received prior to the July 18 meeting would be copied and provided to Council. Mr. Petrish requested aerial photographs of the complete area that would include the trail in its current configuration and also some photographs from ground level to show the height and slope of the bank. The mayor suggested a topography map.

Mr. Measamer introduced Parks Director Gary Robinson who offered to answer questions from Council. Mr. Robinson said there is currently a limited single track trail that proceeds somewhat awkwardly through the easement including one narrow pinch point. Mr. Robinson said staff would like to retain the potential for that trail to eventually connect to the Guemes Channel trail and to address the issue of the pinch point. Mrs. Pickett asked the width of current Tommy Thompson Trail. Mr. Robinson said the design width for both the Tommy Thompson Trail and the Guemes Channel Trail is a 12' paved surface in most locations with 1' to 2' shoulders on either side.

Mr. Johnson inquired about the process for this request. Mayor Maxwell said that the courts treat this like a quasi-judicial proceeding and he reiterated Mr. Measamer's statement that public comments prior to July 18 should be copied to Planning Director Ryan Larsen so the record will be complete. Mr. Adams asked who owns the easement. Mayor Maxwell said the public. Mr. Adams asked which section of the municipal code controls this process or if it is a unique process. Mr. Measamer said this request is a unique process which is why staff consulted with Mr. Furlong on how to proceed. He said that a plat amendment would not be appropriate because unlike a utility easement, this easement is dedicated to the City of Anacortes and the public. Mr. Geer asked which evidence would be used for Council to make a decision. Mayor Maxwell clarified that Council should treat the request as quasi-judicial matter with no ex parte contact and that the City needs to make the record complete. Mr. Geer requested guidance from the City Attorney on how the decision making process works in this case. Mayor Maxwell said Council will make its decision based on the record and will take testimony from those who are interested. Mayor Maxwell asked if Mr. Souders was present to explain his client's proposal. Mr. Measamer said he had expected Mr. Souders to be in attendance but he was not. Mr. Johnson compared the request to a petition for street vacation. Mr. Measamer explained the difference between a street vacation and an easement relinquishment.

There being no further business, at approximately 8:07 p.m. the regularly scheduled Anacortes City Council study session of June 27, 2011 adjourned.