



Board of Adjustment
Regular Meeting
May 26, 2011
Minutes were approved on August 25, 2011

CALL TO ORDER: The meeting was called to order at 7:00 p.m.

ROLL CALL:
Present: Board Member Jeff Groff
Board Member Robert Guetter
Board Member Kris Henriksen
Board Member Travis Monteith
Board Member Shannon Turk

STAFF PRESENT: Joan Durgin, Finance Director
Kathy Marlowe, Planner

Introduction Board of Adjustment Member, Robert Guetter and Kris Henriksen:
Chair Monteith introduced and welcomed Robert Guetter and Kris Henriksen to the Board of Adjustment. Board Member Guetter will be serving a one-year term ending on December 31, 2011, and Board Member Henriksen will be serving a two-year term ending on December 31, 2012.

Election of Board of Adjustment Chair and Vice Chair:
It was moved and seconded to nominate Travis Monteith as Chair and Shannon Turk as Vice Chair of the Board of Adjustment. The motion carried.

Approval of minutes from the August 26, 2010, Board of Adjustment Meeting:
It was moved by Board Member Groff and seconded by Board Member Monteith to approve the minutes from the August 26, 2010, Board of Adjustment meeting as written. The motion carried.

Hearing on an appeal of the utility bill at 1605 and 1623 NW 6th Avenue:
Chair Monteith opened the public hearing at 7:05 p.m.

Joan Durgin, Finance Director, gave a brief overview of the utility billing history at 1605 and 1623 NW 6th Avenue, and briefly summarized the May 9, 2011, Memorandum written by Pamela O'Brien, Accounting Manager. Ms. Durgin explained the radio read water meter procedures and added that an under reported billing error was discovered on the account. Ms. Durgin referred to the Revised Code of Washington (RCW) 4.16.080(3) that states that governmental entities are required to correct errors in billing for a period of three years back from the date of discovery. Ms. Durgin stated that the City had to calculate adjustments for both the water and the sewer charges. Ms. Durgin relayed Staff's recommendation to leave the

charges on the account and allow the customer to make payments over time without accruing any late fees or penalties. Discussion ensued.

In response to Board Member Monteith's inquiry, Ms. Durgin stated that a suggested time frame for repayment would be twelve to eighteen months.

Ms. Durgin responded to questions from the Board.

The public testimony portion of the hearing opened and closed at 7:11 p.m., as there was no public in attendance. The applicants, Justin and Sandra McCallum, Pentam LLC were not present.

Board Member Turk acknowledged that she does know the McCallum family and added that she has not been involved in any discussion that pertains to the business located at 1605 and 1623 NW 6th Avenue. Board Member Turk affirmed that she could make an impartial decision.

The Board Members concurred that there does not appear to be any conflict of interest with respect to the matter before the Board.

Board Member Groff inquired and Ms. Durgin acknowledged that there did not appear to be any negligence on the part of the customer.

Discussion followed on finding an equitable solution for the water billing.

Board Member Monteith asked and Ms. Durgin confirmed that Board of Adjustment decisions are appealable in Superior Court.

In response to Board Member Turk's inquiry, Ms. Durgin stated that the City's utility billing rate structure has changed since 2009 and the calculations have been adjusted accordingly. Discussion ensued.

Decision:

It was moved by Board Member Turk and seconded by Board Member Guetter to leave the charges on the utility accounts at 1605 and 1623 NW 6th Avenue, and to allow the customer to make payments over a 36-month period without accruing penalties. The motion carried with Board Member Groff and Board Member Henriksen voting no.

ADJOURNMENT: Chair Monteith adjourned the Board of Adjustment meeting at 7:30 p.m.