

Anacortes City Council Minutes - April 19, 2021

SPECIAL MEETING

At 5:00 p.m. Mayor Laurie Gere called to order the advertised special meeting of the Anacortes City Council for the purpose of conducting a site visit regarding proposed Ordinance 3087: Vacating right-of-way of a portion of 11th Street adjacent to blocks 242 and 243, "Map of the City of Anacortes" together with the West 10 feet of B Avenue adjacent to Lot 1 of block 243. Council convened out of doors on the west side of the intersection of 11th Street and B Avenue. Councilmembers Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller were present. No testimony was received and no action was taken. At approximately 5:30 p.m. the special meeting adjourned.

REGULAR MEETING

Call to Order

Mayor Laurie Gere called to order the Anacortes City Council meeting of April 19, 2021 at 6:00 p.m. Councilmembers Jeremy Carter, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller all participated in the meeting in absentia via video conference. Councilmember Ryan Walters was absent.

EXECUTIVE SESSION

Potential Litigation or Litigation per RCW 42.30.110(1)(i) (20 minutes)

Mayor Gere announced that City Council and the City Attorney would convene in Executive Session per RCW 42.30.110 (i) for approximately 20 minutes to discuss potential litigation or litigation. Councilmembers Jeremy Carter, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller attended the executive session.

At approximately 6:25 p.m. the regular session reconvened. No action was taken in the executive session.

Announcements and Committee Reports

COVID-19 Update: Mayor Gere shared current case statistics and vaccination progress for Anacortes, Skagit County, Washington State, and the nation.

2021 Skagit County Ferry Haul-Out: Forrest Jones from Skagit County Public Works reported on parking and service changes during the annual Guemes Island Ferry haul out scheduled for May 14 to June 12, 2021. Mr. Jones's slide presentation was added to the packet materials for the meeting.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Arbor Day Proclamation: Mayor Gere read a statement proclaiming Thursday, April 22, 2021 as the celebration of Arbor Day in Anacortes and encouraging citizens to plant trees to leave a legacy for present and future generations.

First Quarter Finance Update: Finance Director Steve Hoglund presented a brief update on the City's financial position at the end of the first quarter of 2021. Mr. Hoglund's charts had been included in the packet materials for the meeting.

Public Works Committee: The committee meeting scheduled for earlier in the evening had been cancelled due to the conflict with the City Council special meeting at 5:00 p.m.

Public Comment

No one present wished to address the Council on any topic not already on the agenda.

Consent Agenda

Mr. Miller moved, seconded by Ms. Cleland-McGrath, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of April 12, 2021
- b. Approval of claims in the amount of \$433,890.32
The following vouchers/checks were approved for payment:
EFT numbers: 99837 through 99880, total \$179,161.96
Check numbers: 99881 through 99900, total \$232,476.49
Wire transfer numbers: 282360 through 283200, total \$158,664.74
- c. Contract Modification: Skagit River Raw Water Pipeline and Clearwell Project – Coating Inspections #20-048-WTR-003
- d. Contract Award: Slurry 2021 #21-059-TRN-001

PUBLIC HEARINGS

Ordinance 3087: Vacating right-of-way of a portion of 11th Street adjacent to blocks 242 and 243, "Map of the City of Anacortes" together with the West 10 feet of B Avenue adjacent to Lot 1 of block 243

City Attorney Darcy Swetnam introduced Ordinance 3087. Ms. Swetnam summarized the background of the proposed vacation, referring to her slide presentation which was included in the packet materials for the meeting.

Mayor Gere invited members of the audience to comment on this agenda item.

Kathleen Lorence-Flanagan questioned the process for the vacation; she described ways in which the code process did not appear to be being followed. Ms. Lorence-Flanagan said the city seemed singularly focused on the Guemes Channel Trail regardless of the precedents, impacts, or cost. She said the proposal should not move forward.

John Nordeen asked why the city was doing this. He said it seemed to be totally in the name of the "trail" which he said was more of a road since it is paved with asphalt. Mr. Nordeen, who also lives along the proposed route of the GCT, asked if he would get \$200K if he agreed to a trail easement in front of his property. He requested a response.

Rebecca Ivie opposed the vacation. Ms. Ivie recounted how since she bought her house on 11th Street 26 years prior, construction on the Ortman property had blocked views. Ms. Ivie reported that the Ortman family had been granted a vacation that had previously been denied to the Demopoulos family. Ms. Ivie expressed concern that the Ortman family would expand their construction if the easement were granted, expressed frustration at insufficient public notice for the proposed vacation, and urged delaying action on the vacation until the trail was closer to being reality.

Mr. Young, Ms. Moulton, Mr. Miller and Ms. Cleland-McGrath explored several issues raised by the public, expressed support for the Guemes Channel Trail, and identified their concerns with the terms of the present

proposed easement. Mr. McDougall read a statement from the absent Mr. Walters who supported the vacation of 11th Street but not the vacation of B Avenue. The statement urged approving the vacation of 11th Street in exchange for a trail easement and denying the vacation of B Avenue.

Observing that some councilmembers were not yet ready to take action on this item as presented, Mayor Gere continued the public hearing to May 3, 2021.

Critical Area Regulations Draft 3

Planning Director Don Measamer introduced Senior Planner Tess Cooper to present the 3rd draft of the update to the Critical Area Regulations. Ms. Cooper's slide presentation was added to the packet materials for the meeting. Following Ms. Cooper's introduction, at approximately 8:08 p.m. Mayor Gere opened the public hearing.

Tom Glade read excerpts from comments by Ross Barnes. The comments urged protecting unique local environmental assets with exceptional regional and local significance. Mr. Glade concluded that the new draft CAO sterilized the existing CAO and removed all references to the city's natural wonders.

Andrea Doll expressed concern about the City's intentions for the CAO. Ms. Doll read from her prepared remarks that had been submitted earlier in the day and added to the packet materials for the meeting.

Marlene Finley, President of Evergreen Islands, referred councilmembers to the detailed comment letter submitted by EI's attorney, Kyle Loring, which offered specific language to improve the CAO. Ms. Finley shared an example of the suggested language submitted and the rationale for each suggestion. Ms. Finley also summarized the extensive training Evergreen Islands board members had obtained regarding critical areas in order to be able to provide meaningful input on the CAO.

Brian Wetcher said Draft 3 "yes maybe kind of sometimes" protects critical areas. Mr. Wetcher recounted the development of local critical area inventories in the 1990s and the language then written to protect them. He said the new draft had lost its way by trying to comply with new state language, turning the protection ordinance into a development code. Mr. Wetcher urged regulating critical areas with the same stringency applied to steep slopes. He asked Council to make use of the language suggested by Kyle Loring.

Molly Doran, Executive Director of Skagit Land Trust, addressed AMC 19.70.335 regarding heron nesting and foraging areas. Ms. Doran commended the city for incorporating DFW language into the CAO. She noted the national significance of local heronries. Ms. Doran asked that AMC 19.70.335.C.2.A clarify that the 1000 foot notification area should be measured *from the edge of the heronry*.

Asa Deane, Executive Director of Friends of the Forest, said FOF would be submitting written comments before the April 23 deadline, but expressed concern about development around the Anacortes Community Forest Lands and the impact on wildlife corridors. Mr. Deane emphasized the need to protect contiguous green space and said FOF would urge incentivizing that.

Kyle Loring, attorney for Evergreen Islands, highlighted several items from his extensive written comments that had been submitted on April 16 and had been included in the packet materials for the meeting. Mr. Loring urged Council and staff to address the language proposed in those comments.

No other speakers wished to address the Council on this topic.

Ms. Moulton suggested waiting until the close of the public comment period on April 23 to continue discussion

of the CAO. Mr. Measamer recommended continuing the public hearing to May 3 so all comments could be assimilated and staff recommendations prepared. Mayor Gere concurred.

OTHER BUSINESS

Contract Award: 2021 Asphalt Overlay #21-005-TRN-001

Public Works Director Fred Buckenmeyer requested City Council consent to award a contract in the amount of \$904,715.35 to Lakeside Industries, Inc. to perform the 2021 Asphalt Overlay Project. He summarized the locations included in the scope of work and noted that the low bid was below the Engineer's Estimate. He recommended approval.

BRUCE MCDOUGALL moved, seconded by ANTHONY YOUNG, to authorize the Mayor to sign contract 21-005-TRN-001 with Lakeside Industries, Inc. in the amount of \$904,715.35 to perform the 2021 Asphalt Overlay Project. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, MATT MILLER. Nays - None. Result: Passed

Adjournment

There being no further business, at approximately 8:42 p.m. the Anacortes City Council meeting of April 19, 2021 was adjourned.