

Anacortes City Council Minutes - December 20, 2021

Call to Order

Mayor Laurie Gere called to order the Anacortes City Council meeting of December 20, 2021 at 6:00 p.m. Councilmembers Jeremy Carter, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller were present. Councilmember Anthony Young participated in the meeting remotely via Zoom.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Executive Session: Potential Real Estate Transaction per RCW 42.30.110(1) (30 minutes)

Mayor Gere announced that City Council and the City Attorney would convene in Executive Session per RCW 42.30.110 (1) until approximately 6:30 p.m. to discuss a potential real estate transaction. The mayor advised that the regular meeting would then reconvene. Councilmembers Jeremy Carter, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller attended the executive session.

At 6:30 p.m. the mayor reconvened the regular meeting. She announced that no action would be taken on the potential real estate transaction during the present meeting.

Announcements and Committee Reports

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

Skagit County Law and Justice Council: Mr. Miller reported from the LJC meeting held the previous week. The topics discussed included fentanyl trends in Skagit County, Delta8 THC product regulation, and diversion programs relating to State v. Blake.

Housing Affordability and Community Services Committee: Ms. Moulton reported from the Committee meeting held the previous week. The topics discussed included the upcoming presentation to Council of the committee's work during 2021 to identify social service gaps, and methods for avoiding exclusionary zoning

Mayor Award of Merit: Mayor Gere presented the Award of Merit to Library Public Service Manager Sydney Brady.

Public Comment

Mayor Gere invited the public to comment on any item not on the agenda.

Pat Barrett addressed the rumor that the city was considering selling the Heart of Anacortes. Mr. Barrett read from his letter to the mayor, stating that he and his family would like to be part of that decision-making process. He noted that publicly owned lands are nearly impossible to ever get back if they are sold. He supported that site remaining a publicly owned public venue.

Nicole Tesch thanked Mayor Gere on behalf of Public Works department staff for her excellent leadership.

Consent Agenda

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

- a. Minutes of December 13, 2021
- b. Approval of claims in the amount of \$1,591,698.04
 - The following vouchers/checks were approved for payment:
 - EFT numbers: 101950 through 102023, total \$1,284,788.77
 - Check numbers: 102024 through 102042, total \$164,195.39
 - Wire transfer numbers: 293723 through 295765, total \$141,354.59
- c. Ordinance 4006: An Ordinance Authorizing an Interfund Loan Between the Water Fund and the Storm Sewer Fund
- d. Ordinance 4007: An Ordinance Authorizing an Interfund Loan Between the Parks and Recreation Fund and the Parks Construction Fund
- e. Interlocal Agreement: NPDES Phase II Public Outreach and Education 2022 #22-025-STM-001
- f. Contract Modification: Fidalgo Avenue Emergency Repairs #21-138-STM-001

CONTINUED CLOSED RECORD DECISION HEARING

SDP-2021-0005: Anacortes Wastewater Treatment Plant Outfall Relocation (SSDP/SCUP)

Planning Manager Libby Grage briefly summarized Council's prior consideration of this permit application at its regular meeting on December 13, 2021. Ms. Grage presented the revised conditions of approval that had been prepared by staff per Council's request at the earlier meeting.

Mayor Gere invited parties of record to comment on this agenda item. No one present wished to address the Council. At approximately 6:50 p.m., Mayor Gere closed the Closed Record Decision Hearing.

RYAN WALTERS moved, seconded by JEREMY CARTER, to approve SDP-2021-0005, a shoreline substantial development permit and shoreline conditional use permit for the relocation of the Anacortes Wastewater Treatment Plant Outfall subject to conditions as presented in the City Council's Findings of Fact, Conclusions of Law & Decision. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, MATT MILLER. Nays - None. Result: Passed

OTHER BUSINESS

Access Anacortes Fiber Internet Update

Administrative Services Director Emily Schuh provided the regular monthly update on Access Anacortes Fiber Internet. Ms. Schuh's slides were added to the packet materials for the meeting. She reported on customers in service, pending orders, revenue received and cash flow, celebrating 966 customers in service. Ms. Schuh noted the take rate by district, which was exceeding expectations. Ms. Schuh also reported on the status of construction by zone; grant funding progress; and financial and network expansion projections for 2021 and 2022. Ms. Schuh responded to councilmember questions and expressions of support.

Resolution 3065: Approving Outfall DNR Easement and Indemnification Agreement

City Attorney Darcy Swetnam introduced draft Resolution 3065, which would allow City Council to approve both the DNR Easement and the Interlocal Indemnification Agreement with the Port of Anacortes, both of which need DNR review and approval before the City can proceed with the wastewater treatment plant outfall construction project. Ms. Swetnam's slide presentation was added to the packet materials for the meeting.

MATT MILLER moved, seconded by ANTHONY YOUNG, to adopt Resolution 3065, approving and directing the Mayor to execute the attached DNR Easement and Interlocal Indemnification Agreement once DNR approves them. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE

CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, MATT MILLER. Nays - None.
Result: Passed

Port Pier 2 GFC ILA Amendment

Ms. Swetnam introduced an amendment to the 2011 Interlocal Agreement between the City of Anacortes and the Port of Anacortes regarding Process Water from Pier 2. The amendment would require the Port to purchase 40 additional Equivalent Residential Units (ERUs) to compensate the City for the Port's discharge of stormwater into the City sanitary sewer system. Ms. Swetnam's slide presentation was added to the packet materials for the meeting.

BRUCE MCDOUGALL moved, seconded by JEREMY CARTER, to authorize the Mayor to execute the proposed Amendment to the Interlocal Agreement Regarding Process Water from Pier 2, with all revisions required to reflect that this is the second amendment to the agreement not the first (which was issued in 2015).
Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, MATT MILLER. Nays - None. Result: Passed

Second Street Use Agreement with the Port of Anacortes

Ms. Swetnam presented a draft agreement between the City and the Port, in which the City agrees to close the 2nd Street right-of-way between 'O' Avenue and the beach to the west, which the Port will then be able to use for a period of 30 years with possible extensions to further plans for economic development at Curtis Wharf. Ms. Swetnam's slide presentation was added to the packet materials for the meeting. In response to councilmember questions, Ms. Swetnam advised that a public hearing on the agreement would occur in the near future.

BRUCE MCDOUGALL moved, seconded by CHRISTINE CLELAND-MCGRATH, to authorize the Mayor to sign the "Right of Way Use Agreement for 2nd Street" between the City of Anacortes and the Port of Anacortes.
Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, BRUCE MCDOUGALL, MATT MILLER. Nays - CAROLYN MOULTON. Result: Passed

Adjournment

Mayor Gere advised Council would meet briefly and virtually on December 27, 2021.

Mayor Gere thanked the community for the opportunity to serve 8 years as its mayor.

There being no further business, at approximately 7:58 p.m. the Anacortes City Council meeting of December 20, 2021 was adjourned.

The meeting was immediately followed by a public reception honoring Mayor Gere for her years of public service.