

Anacortes City Council Minutes - August 22, 2022

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of August 22, 2022 at 6:00 p.m. Councilmembers Jeremy Carter, Ryan Walters, Anthony Young and Carolyn Moulton were present. Councilmember Amanda Hubik participated in the meeting remotely via Zoom. Councilmembers Christine Cleland-McGrath and Bruce McDougall were absent. Mr. Walters moved, seconded by Mr. Young, to excuse the absence of Mr. McDougall and Ms. Cleland-McGrath. The motion carried unanimously by voice vote.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor Miller shared an update regarding the 32nd and M roundabout opening, mentioning Congressman Larsen's attending the ribbon-cutting ceremony earlier that day and reporting that pedestrian flashing beacons are expected to be installed by the end of September. He emphasized that drivers use caution when driving through the area, especially with the commencement of the coming school year.

Planning Committee

Ms. Moulton reported from the Planning Committee meeting held earlier in the evening. The topics discussed included the Critical Areas Ordinance revision of riparian corridors with Evergreen Islands input, Habitat for Humanity Cottages on 5th Street, the Daycare II resolution that will be discussed in this evening's public hearing, and an MJB property development update.

Traffic Safety Committee

Ms. Moulton reported from the Traffic Safety Committee meeting held the previous Tuesday. The topics discussed included an unmarked Skyline Way pedestrian crossing, a crosswalk request across 32nd Street between Cap Sante Court retirement community and Storvik Park, parking on 6th Street near the Guemes Ferry terminal, deer crossing signs on Oakes Avenue, motorcycle parking on Commercial Avenue in the 30-foot intersection approach zone, east side of Commercial on 5th Street having 2-hour parking limits, and bike lanes south of the 32nd and M roundabout. Mr. Carter added that speed limit signs on Anaco Beach Road would be changed to reflect the coded 25 mile per hour speed limit.

Finance Committee

Mr. Walters reported from the Finance Committee meeting held the previous Wednesday. The topics discussed included a requested customer refund on a utility bill, a request for proposals for City banking, demonstration of the OpenGov software, a thorough review of the Capital Facilities Plan (CFP), and options for expanding the low income utility discount program.

Mr. Walters also noted that he has received many reports from constituents that dogs are being left off leash, causing a public safety hazard. Mr. Young mentioned that he has also received reports that there are reports of dog owners failing to pick up their dog's waste. Mayor Miller encouraged all pet owners to do their part in controlling and cleaning up after their pets and mentioned that he has asked staff to provide detailed descriptions for each element of the CFP.

Public Comment

Mayor Miller invited the public to comment on any item not on the agenda. No one present wished to address the Council on any topic not already on the agenda.

Consent Agenda

Ms. Moulton moved, seconded by Mr. Carter, to approve the following Consent Agenda items.
The motion carried unanimously by voice vote.

- a. Minutes of August 15, 2022.
 - b. Approval of claims in the amount of \$535,640.57
- The following vouchers/checks were approved for payment:

EFT numbers: 104032 through 104106, total \$458,705.31

Check numbers: 104074 through 104103, total \$60,612.56

Wire transfer numbers: 308808 through 309126, total \$16,322.70

- c. Contract Modification: Periodic Review of The Shoreline Master Program #19-111-PLN-001
- d. Contract Modification: WWTP Annual Incinerator Compliance Testing #22-149-SEW-001
- e. Street Fair Event - Lion's Club Holiday Parade
- f. Street Fair Event - What the Heck Running Company Anacortes Half Marathon & 5K

Public Hearings

Resolution 3096, a resolution reaffirming Ordinance 4024 and confirming the 6 month duration of the interim regulations contained therein concerning the development of daycares in the R4 Use Zone as a permitted use and adopting a work plan.

Planning, Community, and Economic Development Director, Don Measamer, introduced an advertised public hearing for Resolution 3096 reaffirming Ordinance 4024 and confirming the 6-month duration of interim regulations pertaining to the development of daycare facilities in the R4 Use Zone as permitted use and adopting a work plan. Mr. Measamer reviewed the plan and the schedule for adoption which had been included in the packet materials for the meeting. Mr. Young asked for a listing of daycare facilities to inform the discussion.

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

ANTHONY YOUNG moved, seconded by JEREMY CARTER, to approve Resolution 3096 as presented.
Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CAROLYN MOULTON, AMANDA HUBIK. Nays - None. Result: Passed

Other Business

Resolution 3097: Declaring Certain Retained Utility Easements to Be Surplus in favor of the Port of Anacortes

City Attorney, Darcy Swetnam, introduced Resolution 3097, declaring certain retained utility easements to be surplus in favor of the Port of Anacortes. Ms. Swetnam summarized the rationale for the resolution and underlying authority for the Council to act, referring to the slide presentation. Mayor Miller reminded the Council that the City recently permitted the north re-development plan for the Port. Ms. Swetnam introduced Brad Tesch, the project manager for the Port of Anacortes, who mentioned that the City issued a conditional use permit for the land in August 2021 and the Port received a \$1 million grant award from the Washington State Recreation and Conservation Office (RCO), which are both contingent upon the City granting the easement relinquishment. Ms. Moulton added that she appreciated the context provided for the justification of granting the easement relinquishment, as those details had not been included in the meeting packet materials and asked that these details be added to the packet to provide a written record of why the Council would take a decision to relinquish the easements in favor of the Port of Anacortes. Ms. Moulton then pointed out some required technical and substantial revisions in the draft resolution to include deletion of a duplicated recital and the addition of specific mention of the Port granting the waterline easement to the City as an offset for the

relinquishment of the other utility easements. Mr. Tesch mentioned that the development's frontage and access improvements in the north basin area will provide a substantial public benefit. Ms. Moulton added that the project would generate lodging tax revenue. Mr. Walters asked if there is a written guarantee in the form of a contract or other legal instrument that ensures the Port would grant the waterline easement to the City. Ms. Swetnam responded that the desired changes to the draft resolution could incorporate language noting the exchange of the easement relinquishment for the waterline easement. Mr. Walters replied that he is not persuaded that this exchange should be done without financial compensation to the City, as this is a separate transaction from when the City vacated the property to the Port in 1956. He posited that the Port granting the City the water line easement in exchange for the City relinquishing the other utility easements on Port property would be adequate compensation. He then summarized the edits to the draft resolution to include the statutory authority for the Council to act, amending the recitals to contain the justification for the relinquishment, and a written guarantee signed by both parties specifying the aforementioned value exchange. Ms. Swetnam replied that she would consult with the Port about the suggested changes to ensure that those elements do not unnecessarily prevent the Port from obtaining its grant funding. Mr. Walters agreed with this course of action, but emphasized that the City should have high confidence in the exchange. Mr. Young agreed with his colleagues' previous proposed changes and expressed his support for the initiative, emphasizing that demonstrating the mutual economic benefit to the Port, City and citizens is of the utmost importance. Mayor Miller summarized the proposed changes to the resolution and asked that it be brought back before the Council as soon as possible.

Adjournment

There being no further business, at approximately 6:35 p.m. the Anacortes City Council meeting of August 22, 2022 was adjourned.