

Anacortes City Council Minutes - November 7, 2022

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of November 7, 2022 at 6:00 p.m. Councilmembers Jeremy Carter, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Amanda Hubik were present.

Councilmember Young was absent. Mr. Carter moved, seconded by Ms. Hubik, to excuse the absence of Mr. Young. The motion carried unanimously by voice vote.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor Miller reminded everyone to be careful driving with the recent time change. He then provided an update on the fiber internet outage due to a problem with an upstream provider, announcing that service was restored though there may be intermittent issues as the upstream provider continues with repairs to the network. He continued with an update on the Tommy Thompson Trestle project, mentioning that he is confident that it will cost less to repair than the previous incident in 2009 and that the City would have a final cost soon in order to provide a target for fundraising efforts. He continued announcing that project supplies were beginning to arrive and construction should start soon. He reminded the public that tomorrow is election day with two ballot box locations on the north side of the Library and on Sands Way in the Skyline area. He concluded with a reminder that Friday City offices would be closed and waste collection would be delayed until Monday because of the Veterans Day holiday, and there would be a Veterans Day event held at the Port Transit Shed.

Fiber Committee

Mr. McDougall reported from the Fiber Committee meeting held on October 27th. The topics discussed included current subscription numbers, including being at or near 48% market share in areas where Access Anacortes Fiber Internet has been available, while being at 28% in the Guemes View area with backbone construction scheduled to commence soon. He then provided a West End construction update, saying that construction was nearly complete with the contractor conducting final remedial work. He continued, mentioning tentative project milestones for the Economic Development Administration grant expansion area including materials contracts out for bid by mid-December 2022, construction bids in Spring 2023, a finalized construction contract in May 2023 and construction commencing in Fall 2023 with expected completion in Fall 2024. He concluded by announcing the recent hiring of Fiber Network Technician, Dawson Almer.

Finance Committee

Mr. Walters reported from the Finance Committee meeting held November 2nd. The topics discussed included the ongoing processing of the single bid received in response to the banking request for proposal and the 2023 budget and associated changes and additional information the Council required.

Public Works Committee

Ms. Moulton reported from the Public Works Committee meeting held earlier in the evening. The topics discussed included the Whistle Lake Dam and a Department of Ecology required geotechnical and hydrologic study to assess the dam's safety and any required hazard mitigation. She mentioned that the City will apply for a grant through the Federal Emergency Management Agency to assist with covering the project cost of \$214,000 along with a 35% (\$75,000) matching requirement from the City. She concluded the update with a discussion of the Former Water Treatment Plant cleanup that would be discussed later in the meeting.

Port/City Liaison Committee

Ms. Hubik reported from the Port/City Liaison Committee meeting held the previous Tuesday. The topics discussed included Port plans for the West Basin, the Rockwell property near the airport, Pier 2 stub wall work, a \$1.1 million Recreation and Conservation Office grant and bid schedule for the Cap Sante Marina RV Park, placing 4-hour parking signs on Market Street, ongoing budget discussions, and legislative priorities including \$1.5 million in design and mitigation for T Dock, shore-to-ship electrification, and a partnership with the City regarding pedestrian safety on Q Avenue. She concluded by reminding the pedestrians to be vigilant and wear visible clothing and walk against the flow of vehicle traffic.

Mayor Miller announced that if you are attending the meeting online there will be no video due to bandwidth limitations.

Public Comment

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

Mary Ann Ryan of Anacortes asserted that the purpose of the community is to provide safety and security for its members, adding that societies were formed so that members would receive protection and reap the benefits and advantages of services provided that they lived within the bounds of mutually agreed upon rules. She claimed that criminals act with impunity, leaving law-abiding citizens at their mercy, as law enforcement cannot act due to legal limitations. She demanded that law enforcement be given the tools to do their jobs effectively and restore the community. She mentioned witnessing drug transactions near her home and a school bus stop, and advocated for emergency action to protect the community's children. She encouraged action to stop the flagrant use and sale of drugs, declaring that increased spending on affordable housing is not helping solve the problems associated with homelessness. Ms. Ryan then cited examples of other municipalities backing away from failed policies and cleaning up encampments, saying that Anacortes must not make the same mistakes and should make the City inhospitable to those who come to live here outside the law. She maintained that Anacortes does not have adequate infrastructure or law enforcement to manage the crisis. She asked the community to step up to address the situation in the interest of health and safety for all.

John Gothie of Anacortes, a business owner on T Avenue, mentioned witnessing repeated drug transactions throughout the summer on T Avenue around RVs. He related multiple conversations with law enforcement and understands their limitations. He expressed agreement with Ms. Ryan's comments, saying they were representative of others' concerns throughout the community. He then cited costs associated with the discovery and clean-up of waste, including instances of defecation on the side of buildings and other property, and security measures to prevent property access. He asserted that the community and business owners of Anacortes deserve better.

Scott Fultz of Anacortes mentioned RVs and other vehicles camped along the side of the road on 4th Street. He expressed appreciation for Ms. Ryan's comments and cited the public health and safety problem associated with RVs parked along Market Street adjacent to the Cap Sante Marina RV Park. He added that the community is fed up with the current situation and if no action were taken, that he and other community members would take care of the problem themselves. He offered to bring the RVs to the Councilmembers' neighborhoods if the situation is not adequately addressed.

Kim Halley of Anacortes commented on homelessness, terming it a complex issue that includes being unhoused, substance abuse, increased crime and mental health needs, which are issues that are being seen in Anacortes and are a top priority for the community. She cited the example of the homelessness task force in Edmonds that includes multiple agencies, staff, a part-time human services manager and full-time social worker, faith-based providers, and citizens; a comprehensive city plan in Bellevue including services, policies and enforcement that is available on their website and have staff dedicated to the problem who work with social

work student interns to provide case management of homeless individuals. She then mentioned that Skagit Valley College offers an Associate of Arts degree program in human services with a substance abuse specialty, and suggested those program participants could serve as volunteers in a similar capacity in Anacortes. She went on to mention Auburn's homelessness task force and comprehensive plan and Federal Way mayor's task force on homelessness. She said the common theme among the examples cited is a comprehensive approach to the issue, suggesting measures such as peer navigators and a partnership with Skagit Valley College for human services interns. Ms. Halley concluded by urging Mayor Miller to form a task force on homelessness with measurable action steps that will be clearly communicated and easily accessible to the community.

Adam Paull of Anacortes, a new local business owner on T Avenue of an aluminum boat building company, expressed nervousness and hesitancy at establishing operations on T Avenue because of factors such as human waste, drug paraphanelia, and campers near the building. He added that these addicts present a serious health and safety concern to his enterprise that utilizes expensive tools and equipment to manufacture valuable products, which cannot be displayed openly because of the present threat posed by these individuals. He expressed concern for the safety of his children in the community, as he would like them to be able to walk to and from their activities without being exposed to drug-related activity. He encouraged the Council to take action to enable law enforcement to address the issue, offering video from his business' security cameras when needed.

Andie McMakin of Anacortes commented as a representative of her father, Branko Jurkovich, who is a property owner of several industrial buildings on T Avenue. She related the direct impact of the homeless population on T Avenue on her family's business concerns, which involved spending funds on installing additional fencing and cleaning up human waste. She expressed concern for the homeless drug problem and remarked that it had affected some of their tenants and other businesses along T Avenue. She understood that homeless individuals have mental illness and substance abuse problems, but said that it is unfair for tax-paying citizens to have to spend money to clean up after these individuals. She lamented the changing face of Anacortes and that law enforcement is limited in how it can respond to the problem. She expressed a desire to get involved in addressing the issues and recommended looking at other communities, learning from their successes and failures and applying those lessons locally. She worried not doing anything about the situation would only make it worse, concluding that the concerns of tax-paying citizens, especially business owners, should be heard.

Pat Gardner of Anacortes expressed agreement with previous speakers and urged the Council to consult experts on what can be done now to stop what is happening rather than putting it off, as it is getting worse.

Judy Ballenger who owns and leases a commercial property at 30th Street and T Avenue mentioned the health and safety hazard posed by the 8 permanent residents on T Avenue, detailing vehicle break-ins and associated security measures including locking water faucets, shutting off outside power, and installing cameras. She mentioned a recent article written about what was being done to clear residential areas, downtown and the parklands of homeless individuals and asked that the Council include the commercial and industrial areas around T Avenue in those efforts, as the numerous employees of the businesses in the area no longer feel safe.

Mayor Miller commented, explaining that he has considerable legal challenges associated with enforcing drug laws, despite 99 percent of crime in Anacortes being drug related. He cited the Blake decision as the principal challenge to enforcing existing laws and mentioned the letter that he and other area mayors had sent to the state legislature asking for changes in the drug laws. He then mentioned legal challenges associated with the Homestead Act, saying that the City purposely keeps certain enforcement actions quiet to avoid exposing the City to undue legal liability. He added that he and council members have been out in the area talking to homeless individuals with an outreach team that includes a social worker, a community paramedic, and police officers. He pointed out that law enforcement efforts have reduced the number of RVs on T Avenue from 14 to 8 since the beginning of 2022, though he understood that one is too many. He then mentioned that the Council

is working on bringing forward ordinances to help law enforcement on November 21st for Council review and discussion. He acknowledged that this is a challenging problem and that he could improve communication regarding this issue, and proposed having a roundtable discussion on these issues with citizens and the Police Chief, Dave Floyd prior to the November 21 Council meeting. He expressed appreciation for all the input and that he and the Council had heard public concerns.

Consent Agenda

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

- a. Minutes of October 24, 2022
- b. Approval of claims in the amount of \$819,367.25
The following vouchers/checks were approved for payment:
EFT numbers: 104645 through 104709, total \$742, 355.55
Check numbers: 104710 through 104736, total \$71,207.34
Wire transfer numbers: 312345 through 312955, total \$5,804.36
- c. Street Fair Application - Anacortes Pride Parade
- d. Street Fair Application - Anacortes Santa Run

Public Hearings

Public Hearing on 2023 Budget

Finance Director, Steve Hoglund, introduced the advertised public hearing for the 2023 Budget.

Mayor Miller opened the public hearing.

John Wilkinson of Cap Sante in Anacortes mentioned that he appreciated the work and response associated with the budget. He addressed the growth in budget and an associated reliance on money from the federal government which may not materialize. He asked how we are culling the budget to make it match up with the funding, and that projects that are not included in the budget are not mentioned. He suggested listing the projects by likelihood of being funded or not.

Dennis Clark of Anacortes expressed support for the 2023 budget, especially for improvements in street infrastructure and maintenance.

Councilmembers listed a number of topics that required more discussion.

Mayor Miller left the public hearing open for a future meeting.

Public Hearing on 2023-2028 Capital Facilities Plan

Finance Director, Steve Hoglund, introduced the advertised public hearing for the 2023-2028 Capital Facilities Plan (CFP).

Mayor Miller opened the public hearing. No one present wished to address the Council.

Councilmembers asked Mr. Hoglund to bring back additional information on several topics in the CFP, including a complete .pdf version of the plan for review and a prioritized list of facilities projects with cost estimates.

Mayor Miller left the public hearing open to a future meeting.

Other Business

Contract Modification: Anchor QEA - Master Services Agreement #21-024-LEG-001

Public Works Director, Henry Hash, introduced the contract modification with Anchor QEA for contract 21-024-LEG-001. City Attorney, Darcy Swetnam, provided a project history and an overview of the cleanup process for the site. Ms. Swetnam then introduced Ms. Julia Fitz, project manager, and Rebecca Gardener, principal engineer, of Anchor QEA. Ms. Fitz reviewed the final scope of work for the project to include work through June 2024 including final demolition design, construction bid support, construction management, air monitoring oversight, cleanup support, and permitting. She recalled the initial discovery of contaminants in 2015 and the subsequent agreement with the Washington State Department of Ecology to remove all the site materials that include contaminants. The contract will include oversight of the demolition contractor to carefully monitor the activity to ensure the contaminated materials from the former water treatment plant do not adversely impact the current water treatment plant.

CAROLYN MOULTON moved, seconded by BRUCE MCDOUGALL, to authorize the Mayor to sign a contract modification with Anchor QEA in the amount of \$1,483,425.00, increasing the total contract price to \$2,244,033.00. Vote: Ayes - JEREMY CARTER, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Contract Award: Former WTP Demolition Project: Communications Liaison #22-204-WTR-002

Public Works Director, Henry Hash, introduced the proposed contract with Bayview Consulting, LLC for the former Water Treatment Plant demolition project communications liaison #22-204-WTR-002. Fred Buckenmeyer of Bayview Consulting, LLC detailed his past involvement and future involvement with the project. Mr. Walters asked for a change in the description of duties to reflect Mr. Buckenmeyer's role of special project manager rather than communications liaison and that it would be helpful to know that he would be working on the City's behalf to conserve staff time. Mr. Hash agreed to change the title of the contract to reflect the role of special project manager. Mr. Walters pointed out that maybe this is the first time that this contract has come before the Council and that this is the appropriate approach.

Amanda Hubik moved, seconded by RYAN WALTERS, to authorize the Mayor to sign contract 22-204-WTR-002 with Bayview Consulting LLC in the amount of \$70,000.00 to perform as the Special Project Manager for the Former Wastewater Treatment Plant Demolition Project. Vote: Ayes - JEREMY CARTER, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result:

Ordinance 4032 1% Property Tax Increase

Finance Director, Steve Hoglund, introduced Ordinance 4032 for a 1% property tax increase. He referred to slides that were included in the packet materials for the meeting. He reminded the Council that the property tax level is required to be submitted to the County by November 30th. Mr. Walters expressed support for the 1% property tax increase, though he pointed out that the increase does not keep pace with inflation for goods and services and that the City actually receives less revenue annually despite the tax increase.

Mr. Carter asked if lowering the stipend for the Council for one year could alleviate the burden on the citizens of Anacortes. Mr. Walters expressed sympathy with Mr. Carter's view but pointed out that he has not had citizens approach him asking for a reduction in services.

CAROLYN MOULTON moved, seconded by AMANDA HUBIK, to Approve Ordinance 4032 as presented.. Vote: Ayes - RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - JEREMY CARTER. Result: Passed

Ordinance 4028 - Day Care II Facilities in the R4 Zone

Senior Planner, Grace Pollard, introduced Ordinance 4028 (this item was incorrectly labeled as Ordinance 4024 on the agenda and was corrected to read Ordinance 4028) - Day Care II Facilities in the R4 Zone.

CHRISTINE CLELAND-MCGRATH moved, seconded by RYAN WALTERS, to Approve Ordinance 4028 as presented. Vote: Ayes - JEREMY CARTER, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result:

Adjournment

There being no further business, at approximately 8:31 p.m. the Anacortes City Council meeting of November 7, 2022 was adjourned.