

City Council Minutes – September 23, 2019

Mayor Laurie Gere called to order the Anacortes City Council meeting of September 23, 2019 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Brad Adams, Carolyn Moulton and Matt Miller were present. Councilmember Bruce McDougall participated in the meeting via telephone. Councilmember Anthony Young was absent. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor's Award of Merit: Mayor Gere presented the Award of Merit to Planning Manger Libby Grage.

Councilmember Anthony Young joined the meeting at approximately 6:04 p.m.

Planning Committee: Mr. Walters reported from the committee meeting earlier in the evening at which revisions to the land use permit review fee schedule were discussed. He said the committee also discussed the need for a white paper on city efforts relating to affordable housing.

Mayor Gere reminded the public of Diaper Need Awareness Week and invited the public to visit the Skagit County Diaper Bank website for more information.

Housing Affordability and Community Services Committee: Ms. Moulton reported from the committee meeting the prior week at which those present discussed the search for a cold weather shelter, short term rental regulations, the multifamily tax exemption program, and updating the affordable housing strategic plan.

Mayor Gere reported from her recent trip to Sister City Vela Luka, Croatia. Mayor Gere and Mr. Adams both attended this trip at no expense to the city.

Public Comment

Ronald Fernandez, a resident on 15th Street, commented on how loud the music was at the Oyster Run and other downtown events and said the police told him they did not have a certified decibel meter. He asked that the noise ordinance be enforced, saying the 110 db he had measured with his phone was loud enough to cause hearing damage. Mr. Fernandez also commented on a recent proposal for a 65-foot tall apartment building. He said that height is excessive and said that others agreed with him.

Brian Wetcher, 814 26th Street, referred to two recent emails he had sent to Council regarding the efficacy and durability of clay capping landfills. Mr. Wetcher said that clay caps and liners are failing catastrophically around the nation. He asked Council to review the materials he had submitted with an eye to the long term maintenance of the former A Avenue dump. He suggested establishing a funding mechanism for remedial action in the future in case that should become necessary.

Consent Agenda

Mayor Gere removed Item 5f, Resolution 2056: A Resolution fixing a time and place for a public hearing on Ordinance 3048 vacating the North half of 36th Street right-of-way East of the D Avenue right-of- Way and South of Block 28, “Kellogg & Ford’s Addition to Anacortes, Washington”, from the consent agenda and moved it to a later portion of the agenda under Other Business.

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

- a. Minutes of September 16, 2019
- b. Approval of Claims in the amount of: \$630,354.28
- c. Interlocal 286 with Skagit County for Probation Services 2020-2022
- d. Interlocal 287 with Skagit County for Library Materials 2019
- e. Interlocal 280 to expand the Skagit County Multiple Agency Response Team (SMART)
- g. Resolution 2057: A Resolution fixing a time and place for a public hearing on Ordinance 3049 vacating unopened right-of-way in the alley between 21st and 22nd streets for a pocket park to honor former Councilperson Erica Pickett
- h. Contract Award: Washington Park Launch Float Replacement – Custom Manufacturing #19-147-PRK-001

The following vouchers/checks were approved for payment:
 EFT numbers: 94651 through 94710, total \$423,867.51
 Check numbers: 94647 through 94650 and 94711 through 94753, total \$206,016.95
 Wire transfer numbers: 255939 through 256252, total \$1,163.35

OTHER BUSINESS

Resolution 2056: A Resolution fixing a time and place for a public hearing on Ordinance 3048 vacating the North half of 36th Street right-of-way East of the D Avenue right-of-way and South of Block 28, “Kellogg & Ford’s Addition to Anacortes, Washington”

City Attorney Darcy Swetnam introduced Resolution 2056, summarized the vacation process, and explained the objection that had been raised to the subject vacation by Matt and Kim Lieske. Ms. Swetnam’s slide presentation was added to the packet materials for the meeting. Ms. Swetnam concluded that Council’s course of action depended on its determination whether Pacific Ridge Properties, LLC (Lieske property) is an abutting property owner under RCW 35.79.010 and AMC 12.50.070.

Matt Lieske, 15681 N Deception Shores Drive and 1119 8th Street, displayed a Skagit County property map which was added to the packet materials for the meeting. Mr. Lieske argued that he was an abutting property to the area proposed to be vacated, which he demonstrated was depicted as a single parcel on the county website. Mr. Lieske urged Council not to approve Resolution 2056.

Jeroldine Hallberg, representing D Hill Group LLC, the street vacation applicant, related the history of the vacation petition and staff’s determination that securing adequate support for a petition depended only on property owners abutting the portion of the property requested to be vacated. She displayed a diagram of the property in question and referenced letters of support from other members of D Hill LLC, which were added to the packet materials for the meeting. Ms. Hallberg urged Council to approve Resolution 2056 without delay.

Mr. Miller maintained that owners of the property directly east of the property proposed to be vacated were abutting property owners in addition to the owners of the properties to the north and south. Mr. Johnson said it was premature for Council to determine who the abutting property owners were and asked to see the case relevant law mentioned by Mr. Lieske. Mr. Miller requested more information on precedent to guide Council’s decision in this matter.

Mr. Young recused himself from voting on this matter.

Ms. Swetnam invited Council to move to clarify AMC 12.50.070 which would preclude action on the resolution. Mr. Walters said Council should revise the code instead. Ms. Swetnam advised that AMC 12.50 was currently undergoing a rewrite.

Mr. Miller moved, seconded by Mr. Adams, to find that the petition for vacation was incomplete because it failed to secure the signatures of two thirds of the abutting property owners.

Mr. Walters moved, seconded by Mr. Adams, to amend the motion to add direction to staff to bring back a draft ordinance revising AMC 12.50. Ms. Swetnam indicated a first draft could come back to Council within a month.

Vote on amendment: Ayes – Walters, Adams, Moulton, McDougall, Miller and Johnson. Abstain – Young. Motion carried.

Vote on amended motion: Ayes – Walters, Adams, McDougall, Miller and Johnson. Nays – Moulton. Abstain – Young. Motion carried.

Contract Award: Commercial Ave Corridor Plan Phase 1 - 11th St to 13th St Design #19-095-TRN-001

City Engineer Eric Shjarback requested City Council consent to award a contract in the amount of \$334,154.00 to Alta Planning + Design, Inc. to perform the design for the 11th Street to 13th Street portion of the Commercial Avenue Corridor Plan Phase 1 project. Mr. Shjarback reviewed the nature and scope of the project; his slide presentation was added to the packet materials for the meeting. He responded to councilmember questions about coordinating the project with the larger South Commercial Avenue plan.

Mr. Young moved, seconded by Ms. Moulton, to authorize the Mayor to sign contract 19-095-TRN-001 with Alta Planning + Design, Inc. in the amount of \$334,154.00 to perform the Commercial Avenue Corridor Plan Phase 1 - 11th Street to 13th Street Design. Vote: Ayes – Adams, Moulton, McDougall, Miller, Johnson, Young and Walters. Motion carried.

Ordinance 3050: Adopting New AMC Chapter 8.10 Regarding City Parks and the Anacortes Community Forest Lands

Mr. Walters presented draft Ordinance 3050 and summarized its intent and construction, referring to the agenda bill included in the packet materials for the meeting. Julie de Losada, Skagit County Public Health, responded to councilmember questions about Skagit County code forbidding smoking and vaping in public places where children congregate. Ms. Moulton observed that Ordinance 3050 would thus be consistent with the rest of the county. Mr. Miller had no objection to the proposed ordinance but asked how many signs would be required to comply with the ordinance; Mr. Walters and Ms. De Losada responded. Mr. Johnson asked about the penalty fees for camping in the forestlands and how those might accrue to homeless individuals. Ms. Moulton noted that the ordinance would prohibit camping in the forestlands but not in all city parks. Mr. Miller invited constituents to provide Council with feedback on the draft ordinance. Mr. Adams inquired how the Police Chief, Parks Director, Forest Advisory Board and Parks and Recreation Commission had responded to the draft ordinance.

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

Brian Wetcher, 814 26th Street, spoke as a member of the Forest Advisory Board. He expressed reservations about the mechanics of enforcement, noting a shortage of officers in the woods. Mr. Wetcher also spoke to the need to enforce the leash law in the forestlands. He asked to see the ordinance expanded to allow for civil enforcement of a number of prohibitions listed in the Comprehensive Plan.

Ward MacKenzie, 1302 7th Street, said it was a good idea to create an enforceable code of conduct but said he was really concerned with allowing anyone to set up a tent in a public park and preclude the use of that park by the citizens.

There being no further business, at approximately 8:05 p.m. the Anacortes City Council meeting of September 23, 2019 was adjourned.