

# Town of La Conner

Town Council Meeting  
May 14, 2019 – 6:00 p.m.

The meeting of the La Conner Town Council was called to order at 6:00 p.m. by Mayor Hayes.

Present: Councilmembers Brunisholz, Leaver, Stokes, and Chamberlain.

Also present: Administrator Thomas, Finance Director DeGoede, Public Works Director Lease, Planner Manville, Fire Chief Reinstra, WWTP Operator Wynn and Sgt. Willard.

**Councilmember Stokes moved to excuse Councilmember Wohleb. Motion seconded by Councilmember Chamberlain. Motion carried 4/0.**

## Public Comments:

Resident Rick Dole expressed his concern of the speeding on Sixth and Third Streets and requested speed bumps as a deterrent. It usually occurs after school with cars drag racing side by side at 60 to 70 miles an hour. He also noted he loves the new sculpture on Morris Street.

Resident Kevin Sunrise also discussed the speeding in Town and suggested a Town wide speed limit of 15 miles an hour. He left his version of a traffic plan with the Mayor.

## Consent Agenda:

Approval of Agenda

Approval of the Minutes of April 9, 2019.

Accounts Payable: April 23, 2019 (Ratification)

|                      |              |
|----------------------|--------------|
| Checks 22013 - 22060 | \$206,811.87 |
|----------------------|--------------|

### Auto Payments:

|                             |         |
|-----------------------------|---------|
| 201513 - Bank Deposit Books | \$61.15 |
|-----------------------------|---------|

|                     |            |
|---------------------|------------|
| 201514 - Excise Tax | \$4,849.21 |
|---------------------|------------|

|                        |           |
|------------------------|-----------|
| 201515 - Leasehold Tax | \$1187.04 |
|------------------------|-----------|

|                             |          |
|-----------------------------|----------|
| 201516 - Parking Meter Fees | \$113.89 |
|-----------------------------|----------|

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|--|---------------------|
| <b>Total Accounts Payable April 23, 2019</b> | <b>\$213,023.16</b> |
|--|---------------------|

Payroll of April 19, 2019 (Ratification)

|                  |            |
|------------------|------------|
| Checks 5011-2015 | \$1,087.11 |
|------------------|------------|

|                                     |            |
|-------------------------------------|------------|
| Payroll Tax Direct Deposit - 201517 | \$5,493.53 |
|-------------------------------------|------------|

|                      |             |
|----------------------|-------------|
| Payroll Auto Deposit | \$17,958.62 |
|----------------------|-------------|

|                                     |                    |
|-------------------------------------|--------------------|
| <b>Total Payroll April 19, 2019</b> | <b>\$24,539.26</b> |
|-------------------------------------|--------------------|

Accounts Payable: May 14, 2019

|                     |              |
|---------------------|--------------|
| Checks 22061- 22127 | \$160,444.55 |
|---------------------|--------------|

|                    |  |
|--------------------|--|
| Voided Check 21643 |  |
|--------------------|--|

|  |         |
|--|---------|
| Auto Payment 201521 CC Processing Fees | \$99.40 |
|--|---------|

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| <b>Total Accounts Payable May 14, 2019</b> | <b>\$160,543.95</b> |
|--|---------------------|

Payroll of May 3, 2019:

|                   |             |
|-------------------|-------------|
| Checks 5016- 5024 | \$18,685.74 |
|-------------------|-------------|

|                         |            |
|-------------------------|------------|
| Auto Payment DCP 201518 | \$2,241.00 |
|-------------------------|------------|

|                         |            |
|-------------------------|------------|
| Auto Payment DRS 201519 | \$9,546.79 |
|-------------------------|------------|

|                           |            |
|---------------------------|------------|
| Auto Payroll Taxes 201520 | \$6,102.54 |
|---------------------------|------------|

|                      |             |
|----------------------|-------------|
| Payroll Auto Deposit | \$20,571.79 |
|----------------------|-------------|

|                      |                    |
|----------------------|--------------------|
| <b>Total Payroll</b> | <b>\$57,147.86</b> |
|----------------------|--------------------|

**Councilmember Stokes moved to approve the Consent Agenda as presented. Motion seconded by Councilmember Brunisholz. Motion carried 4/0.**

**Chamber Report:**

Chamber Director Heather Carter shared how successful the Guitar Festival went last weekend. It brought in people from all over, such as Texas, France, Canada and Germany. Anacortes, Conway and Guemes Island hosted open guitar nights as well, that extended the stay of some participants another week. The 2020 Daffodil Festival's chosen photo will be "Daffodil Dance" and they will have their first art contest. She is currently working on the upcoming Annual Boat and Car Show set for August 3, 2019.

**Revenue and Expenditure Reports:**

Mayor Hayes noted the retail sales and the Hotel Motel revenues are stable. Property Taxes are coming in as well as REET funds.

**Planning Department:**

Councilmember Brunisholz commented on the size of the new sculpture installed on Morris Street. He requested reviewing the Town codes regarding art in La Conner, on public and private property, at the next Council meeting. He was not aware of a sculpture installation on Morris and felt there should have been more public notice. He also is getting complaints from residents on speeding vehicles.

Planner Manville shared some of the concerns of the Planning Commission regarding the art piece. It was approved with the conditions of a structural engineer review and the placement had to be coordinated with Public Works. There were two planning meetings, to include a public hearing, and a notice was in the paper and sent to all within 300 feet. No one showed up for the hearing and no comments were submitted.

Also discussed was another eleven foot humming bird sculpture, that will be a fundraiser for the after school program. It will start off as a part of the Town Sculpture Show for two years, and then we can find a home for it within our parks. It has to be approved by the Art's Commission as it will be on public property.

Mayor Hayes discussed the probable need to increase the budget for planning this year due to the high volume of building permits and completing the Waterfront Park shoreline.

**Public Works:**

Public Works Director Lease discussed the need to postpone the Caledonia Pump Station project to 2020. The cost has increased another \$100,000 and he really does not have the time this year.

The Waterfront Park Shoreline Restoration has to be started within the next two months or it can't be completed this year either. The holdup has been the Army Corp of Engineer's permit. Currently we are working on four pages of questions they sent us. All other permits have been completed. Mayor Hayes stated it is a frustrating issue as we continue to loose soil every year.

**Sheriff's Department:**

Sgt. Willard reported no major incidents during the Tulip Festival this year. There were questions on traffic control in general within the Town limits. Because of the speeding issues on Third and Sixth Streets, he will have his deputies monitor the areas during the problem times.

Resident Tracy McCain submitted comments regarding the speeding traffic and wanted to know why the road next to the elementary school, playground and ball fields is not designated as a school zone. There are gates for access and exit. It was explained the kids don't use those gates. They are supposed to go through the school for access.

**Mayor's Report:**

Mayor Hayes is also concerned about the speeding that is happening all through the Town. Many of them are heading to and leaving from their jobs every day at the same time. He will call the businesses involved to discuss the issue.

The grant application was submitted to the County last week for funding of the Library. We should hear something in June. He did acknowledge the extraordinary work the Library has done in fundraising. The Tribe has been very supportive as well.

The Agenda item Crown Castle will not be addressed at this meeting. Administrator Thomas just received a revised contract from them and needs to review it.

There was a meeting with the owners of the Moore Clark Property. They are not interested in development at this time and don't want to sell it. The Mayor is heading up research and a few charrettes to provide ideas of what can be done with the property that has been sitting idle for the last 29 years. The daughter does have a future interest in developing it.

**Art's Commission:**

Councilmember Leaver reported the Art's Alive planning is moving along, however the recruitment of art for the Sculpture Show still has had no submissions.

**Agreement -ServPro:**

Administrator Thomas stated this was an emergency situation. Mold was found in Town Hall and it had to be dealt with immediately for staff health safety. The Mayor did sign the agreement to initiate the decontamination of Town Hall, but now it is before Council for ratification of the agreement. Public Works Director Lease noted the actual cost was considerably lower than anticipated, from approximately \$10,000 to just over \$3,000. Also, they are adding ventilation to the safe, which is where the mold originated from.

**Councilmember Chamberlain moved to approve the Mayor's signature of the ServPro Agreement and the payment to ServPro. Motion seconded by Councilmember Stokes. Motion Carried 4/0.**

**Resolution 556 - CDBG Compliance:**

Administrator Thomas stated this is needed to submit grant applications for a CDBG Grant. We will not be able to do it this year, but we will need it for next year. He is looking at a possible drainage grant for the Caledonia Pump Station.

**Councilmember Chamberlain moved to approve Resolution 556, CDBG Certification Compliance. Motion seconded by Councilmember Leaver. Motion carried 4/0.**

**Ordinance 1179 - LMC 12.10.010 Amendment (Sewer charges for connections):**

Administrator Thomas explained this is to repeal the exemption against the sewer connection charge. This was done several years ago and currently there are very few properties not connected to the Town sewer system. It is no longer applicable and this appeal will eliminate the exemption.

**Councilmember Brunisholz moved to approve Ordinance 1179 for the amendment to LMC 12.10.010 regarding sewer connection charges. Motion seconded by Councilmember Leaver. Motion carried 4/0.**

**MONA Right of Way Permit:**

Public Works Director Lease noted this is the same permit for the annual MONA Auction. They need Council approval to close Second Street.

**Councilmember Stokes moved to approve the Right of Way Permit for the Annual MONA Auction. Motion seconded by Councilmember Leaver. Motion carried 4/0.**

**Kirsch Property:**

Mayor Hayes stated the Council approved of the listing of the property, but not the sale of it. If an offer is made, it will go through a public process and then before Council for approval.

Councilmember Brunisholz stated he voted in favor of listing the property and suggested a group of citizens get together to purchase it and maintain it as public by perpetuity.

Resident Joan Cross submitted written comments and spoke against the sale of the property. She was on the Town Council when it was purchased for future development for the enjoyment of residents and tourists. She referred to the Town's Shoreline Plan and policies on public use.

Resident Dorothy Downes submitted written comments read by the Mayor against the sale of the property. She recommended consulting with the City of Mount Vernon on grants for development.

Resident Bob Raymond submitted written comments against the sale of the property. He encouraged the Council for a pro-active approach in seeking public participation for ideas of development.

Resident Rick Dole spoke on his concerns of costly environmental issues regarding the development of the property.

Resident Ollie Iversen, a member of the Parks Commission, asked for confirmation that the property was purchased for the purpose of a park. Joan Cross stated it was bought with the intention of combining it with the Jordon Street end park. Ollie is sending out a survey on the parks to the residents in an effort to gain information to complete the Parks Element of the Comp Plan. Planner Manville explained periodic surveys are required for RCO Grants. He presently has the Sale of the Kirsch Property on the survey and asked if that is ok. Council confirmed they did not want it on the survey.

Administrator Thomas noted it is unclear if the Kirsch Property was identified as a park, because it is on some document, but not on all documents. Also the zoning of the Kirsch Property is commercial, only the Jordon Street end is listed as public open space. He feels you could make an argument either way.

Mayer Hayes spoke with Eron Berg, the Mayor at the time of the purchase. At that time, the Kirsch Family gifted the Town \$115,000 of the price, which helped the Town to purchase it. The Harlan Family purchased a portion of the property for \$120,000. This is what made the deal possible. The Town couldn't afford the full \$350,000. Also, the Mayor wanted to be clear the budget is balanced and accounted for.

Councilmember Brunisholz noted his confusion on the actual order of the sale. The Town purchased it in July and sold the portion to the Harlan's in August.

Resident Linda Talman expressed her concerns of the lack of public notification and advocated for more public process. She referred to the Shoreline Plan, the Comp Plan and the Parks Plan on public access to the waterfront as priority by view or physical.

Resident Dan O'Donnell felt Council did not follow the process in the Town's Municipal Code requiring an appraisal of the property, an open public meeting and a list of impediments. He recommended starting over again.

Resident Jamie Baugh spoke with the real estate agent and was told only a few of the pilings would need to be replaced at a cost of about \$100,000.

Resident Allen Olson suggested encouraging the community to come together in an effort to make decisions on the sale or development of the property. Maybe just creating a beach front would be the answer. Also, he recommended following the process of the Town's code.

Councilmember Leaver stated he is not ashamed of the process or decision and has not heard an argument to convince him otherwise. He is concerned of liability and feels it is a tragedy waiting to happen. We have plenty of parks.

Councilmember Stokes stated the property was purchased twenty years ago, and when purchased, the Town sold the better part. It is an eye sore that has been deteriorating for years. We will still have the Jordan Street Park and the Port has a huge park for the North end of Town. He also has safety and liability concerns and emphasized it was discussed publicly.

Councilmember Chamberlain appreciated learning more of the history of the property and the community interest. She would be shocked if we got a buyer because it is a complicated piece of property with problematic issues. She doesn't see it as a huge revival of property to develop. The last few budgets have been tight and she explained the Council's position at budget time, to prioritize what is getting done and what is set aside. She feels the appearance of the property is not inviting to people that are visiting here.

Councilmember Brunisholz stated real estate is a touchy issue, but this property will be very difficult for the Town to develop. He also feels the original purchase of the property makes no sense with the Town selling the best portion and keeping the most expensive part to fix. The property is a liability and he is concerned someone will eventually get hurt.

Council did not change their stand on the listing of the property. It was confirmed an offer on the property would trigger a public process. There was an appraisal on the property in 2015. The appraiser couldn't find any comparable and recommended selling it for what they paid for it.

There were discussions on the Planning Commission wanting Council to approve the Kirsch Property on their Agenda. It was decided it was not within their duties unless the Council gave a direct task.

Council agreed to have the Kirsch Property on the Park's Commission Agenda as it did fit within their duties.

Mayor Hayes wrote a letter to the residents of Shelter Bay that will be in the La Conner Weekly News tomorrow. In it he explained the costs involved and the responsibility of the Shelter Bay residents for their share of the Water Main Phase 1 upgrade. We were never successful in reaching an agreement, and because of that, Shelter Bay missed the opportunity to buy back their portion to save interest. Also, the delay of the construction due to waiting for an agreement brought the costs up from \$700,000 in 2016 to over a million in 2019.

**There being no further business the meeting was adjourned at 8:20 p.m.**

  
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Maria DeGoede, Finance Director

  
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Ramon Hayes, Mayor