

***Town of La Conner***  
Town Council Meeting  
January 12, 2010 – 6:00 p.m.  
Upper Maple Center

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

Present: Mayor Hayes, Councilmembers Brunisholz, Hubbard, Welch and Wright.

Also Present: Administrator Doyle, Public Works Director Lease, Finance Director Taylor, Fire Chief Taylor, Sewer Operator Wynn, and Sergeant Wise.

Councilmember Wright moved to excuse the absence of Councilmember Tracey. Seconded by Councilmember Hubbard. Carried 4-0.

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**Approval of Agenda:**

Councilmember Wright moved to approve the agenda as presented. Seconded by Councilmember Hubbard. Carried 4-0.

**Approval of Minutes:**

Councilmember Hubbard moved to approve the minutes of the December 8, 2009 town council meeting. Seconded by Councilmember Welch. Carried 4-0.

**Approval of Accounts Payable:**

Councilmember Hubbard moved to approve checks 8101 through 8155, and 200951 dated December 8, 2009 for 2009 expenditures in the amount of \$220,539.74 as presented. (Check #8073 for \$193.75 is VOID and is replaced with check #8155 in the amount of \$93.75. Seconded by Councilmember Wright. Carried 4-0.

**Approval of Accounts Payable:**

Councilmember Wright moved to approve checks 8156 through 8198, and 200952 through 200953 dated December 22, 2009 for 2009 expenditures in the amount of \$48,698.12 as presented. (Check #8186 for \$11,904 is VOID and is replaced with check #8198 in the amount of \$9,088.) Seconded by Councilmember Welch. Carried 4-0.

**Approval of Accounts Payable:**

Councilmember Hubbard moved to approve checks 8199 through 8269, dated January 12, 2010 for 2009 expenditures in the amount of \$102,157.93 as presented. Seconded by Councilmember Welch. Carried 4-0.

**Approval of Accounts Payable:**

**Councilmember Hubbard moved to approve checks 8500 through 8505 dated January 12, 2010 for 2010 expenditures in the amount of \$52,935.31 as presented. Seconded by Councilmember Welch. Carried 4-0.**

**Approval of Payroll:**

**Councilmember Hubbard moved to approve payroll checks 1748 through 1766 and direct deposits for the payroll period of December 1 through December 31, 2009 in the amount of \$65,472.92 as presented. Seconded by Councilmember Welch. Carried 4-0.**

**Community Comments:**

Jim Lewis, 609 Tillinghast, stated that the benefits for the council should not be reinstated since the budget has already been approved.

Rich Cushing, 611 Tillinghast, inquired if the council still had health benefits because the costs were not reflected in the budget. Councilmember Wright indicated that the council could not pay for their own benefits, the council benefits had been terminated and the councilmembers do not qualify for Cobra.

**Chamber Report:** Marci Plank stated that the new brochures for Skagit County are ready for the Seattle Trade Show; a new brochure for La Conner is being designed and should be ready by the end of February; the 2010 La Conner coupon books are available for \$1.00; and the Tulip Festival guide will be distributed next week. Ms. Plank stated that there will be live music in the streets each Saturday during the summer, the Taste of La Conner in May, and RoctoberFest in October. The Chamber will be advertising in Alaska magazine for six months and brochures have been left at the visitor center at the Olympics in Vancouver.

**Department Head Reports:**

- Revenue/Expenditure Report December 2009: Ms. Taylor stated the report will be presented at the January 26<sup>th</sup> council meeting.
- Administrator: Administrator Doyle stated that there are some grant opportunities for the Town. One is a Shoreline Master Program Update Grant and a Pollution Control Grant through the Department of Ecology to test and document compost application on agricultural crops to reduce herbicide and pesticide use.

Mr. Doyle reported that the proposed FEMA maps have been withdrawn and there were serious problems with the proposed maps. The FEMA maps did not recognize the hill and the elevated areas of the Town, and the lack of integration of the river and marine environment in the hydrology models. The FEMA maps show the water 2.5 feet higher than Sullivan Slough and the Swinomish Channel, which is not possible. He stated that the Skagit County communities have lodged complaints over the hydrology data for the river flooding because they did not participate in the discussion with the county.

He stated that as a Community Rated System (CRS) community, La Conner has two options: (1) prohibit development in the 100 year floodplain, or (2) adopt and implement the Model Ordinance. The Model Ordinance would require mitigation of any development of impervious surface that exceeds 10% of a lot area.

He stated that SCOG planners will be meeting with a FEMA representative on January 8<sup>th</sup> to review their concerns. The City of Burlington is forming a delegation of Skagit communities to go to Washington DC in March to petition legislators to delay the implementation of FEMA map revisions and the Model Ordinance. Mr. Doyle stated that he had forwarded the Biological Opinion and Model

Ordinance to a biologist, since there is not any connection with Chinook salmon because the Town is not next to a stream.

Discussion followed on agricultural (river) dikes, which provide protection for a short period of time and are intended to fail and let the water out, and the seawall which protects the Town from surges in the channel. He stated that the Army Corp of Engineers does not recognize the agricultural dikes because they cannot certify them for a 100 year flood event.

- Public Works: Councilmember Wright commended the PW crew for painting the interior of Town Hall and saving the town money. Councilmember Hubbard remarked on the additional funds received from the TIB Board for the WA Loop Project.
- Water Wastewater: Operator Wynn requested that the council amend the code to increase the wet ton fee from \$27 to \$58 per wet ton. Councilmember Welch proposed billing outside waste at 10% solids or less at 10 cents per gallon.

**Councilmember Welch moved to approve outside waste at 10% solids or less be charged at 10 cents per gallon. Seconded by Councilmember Hubbard. Carried 3-0. Councilmember Brunisholz abstained.**

**Councilmember Hubbard moved to amend the code and increase the fee from \$27 per wet ton to \$58 per wet ton (Correction: For Biosolids between 10% and 90% solid, the new rate is \$58 per wet ton. For Biosolids 91% or greater, the new rate is \$30). Seconded by Councilmember Welch. Carried 4-0.**

Staff will prepare an ordinance and bring it back to the council. Councilmember Welch requested that the analysis prepared by Terre-Source on the compost material be posted in the kiosks around Town, and inquired about the possibility of placing a drop box in Town for prescription drugs so they don't end up in the sewer.

- Fire Department: Fire Chief Taylor stated that the fire boat has been repaired and all of the fire fighters are doing well except Bobby Drye has some continuing back problems.
- Sheriff's Department: Councilmember Welch inquired about the problems at the Morris Street restrooms. Sergeant Wise stated they have had very few complaints lately, but the cost for vandalism affects the Public Works Department more than his department. They have increased patrols in the problem areas, and he recommended an automatic locking mechanism on the restrooms, but they cost between \$800 - \$1,500 each. Public Works Director Lease stated that the restrooms are currently open 24 hours a day and the Morris Street restroom has a motion sensor light on it. Councilmember Welch stated he has purchased for his home a sensor light that has a SIM card in it and takes photos.

#### **Council Committee Reports:**

Councilmember Hubbard: stated that the Finance Committee met on January 4<sup>th</sup> and discussed the following:

- Temporary reinstatement of council medical, dental and vision benefits with co-pays.

**Recommendation: The committee recommends that the council approve reinstating the council benefits on a temporary basis until the full council is available to discuss and make a decision in February.**

- Utility tax on sewer compost and water gross revenues

Mayor Hayes stated that the tax will not increase utility rates or costs to the citizens, but will enable the Town to legally transfer the funds to the general fund. Councilmember Wright stated that the tax on water revenues was brought about by a lawsuit in Seattle. It was determined that you cannot include cost for sizing and construction in fire protection costs, but there are standards for fire flow that must be met.

Councilmember Wright: reported that tentatively the council committees for 2010 are as follows:

- Facilities – Stuart Welch and Cindy Tracey
- Finance – Kathie Hubbard and Cindy Tracey
- Long Range Planning & Technology – Kathie Hubbard and Stuart Welch
- Park and Port – Kathie Hubbard and Cindy Tracey
- Streets and Safety – Don Wright and Stuart Welch
- Utilities – Don Wright and Stuart Welch
- Wastewater Advisory Board – Don Wright, John Doyle, and Lorraine Taylor
- Arts Commission – Kathie Hubbard
- Flood Control – Jacques Brunisholz
- Ombudsman – Don Wright

Councilmember Wright stated that it is the Mayor who appoints to the Parks Commission with council approval.

**Terre-Source Contract Extension:** Administrator Doyle stated that Plant Operator Wynn requested that the contract with Terre-Source be extended due to substantial savings in the contract amount. The Town received a good report for increasing efficiency at the compost facility and the savings leaves room for other issues to be resolved, additional marketing opportunities, and grant applications.

**Councilmember Hubbard moved to approve extend the Professional Services Contract between Terre-Source and the Town of La Conner to December 31, 2010. Seconded by Councilmember Wright. Carried 4-0.**

**Peak Electric Contract Extension:** Administrator Doyle stated that there has been a delay in purchasing the materials and equipment needed to qualify for the demonstration incentive. Peak Electric is an electrical contractor that was hired to help analyze and implement the permit process for the photovoltaic panels. Only 50% of the contract has been spent, and a savings will be realized due to a cost decrease in the solar panels. He stated the Public Works has installed roof reinforcements and safety equipment.

**Councilmember Wright moved to approve and extend the Professional Services Contract between Peak Electrical Services and the Town of La Conner to June 30, 2010. Seconded by Councilmember Hubbard. Carried 4-0.**

**Landscape Architect Contract for Gilkey Square – Miller Consulting:** Administrator Doyle stated that there have been several attempts by the Parks Commission to reconstruct the park to make it more inviting and lessen the amount of concrete. The commission would like to green up the landscaping with trees and shading and peripheral seating. He stated there is a lot of infrastructure in the area that limits digging too deep. The funds are for consulting services only.

**Councilmember Wright moved to approve the Professional Services Agreement between Miller Consulting and the Town of La Conner in the amount of \$7500 plus direct expenses to develop a master plan for Gilkey Square. Seconded by Councilmember Brunisholz. Carried 4-0.**

**Temporary reinstatement of Council medical/dental/vision benefits:** Mayor Hayes stated that in December 2009 he recommended that the council subsidize their benefits because they cannot increase their stipends. Since the benefits were eliminated, we have learned that the council is not eligible for Cobra benefits.

Finance Director Taylor stated she had received additional information from AWC. The council can vote to temporarily reinstate their benefits retroactively and revoke the Master Participation Agreement, they can receive coverage for January 2010. Ms. Taylor stated that Councilmember Johnson would be the only person who is eligible for Cobra and a subsidy offered by the federal government.

Discussion followed on council co-pays, and the desire for the full council to discuss the issue in February.

Councilmember Welch recalled that the vote in December to eliminate council benefits was to preserve jobs at Town Hall. He calculated that with the council stipend and benefits, each councilmember would be paid approximately \$60 per hour, and there is no other Town the size of La Conner that pays benefits for council.

The Mayor called a 10 minute break at 7:20 p.m.

Councilmember Hubbard stated that some councilmembers attend more committee meetings than others and are not compensated for those meetings. Ms. Hubbard stated she would like to discuss the issue in February when Councilmember Tracey is present.

Fred Loffer, 606 Tillinghast, stated that he does not feel the Town is responsible for council health care since it is a part time position. He does not favor council co-pays.

Joy Lewis, 609 Tillinghast, and Rich Cushing, 611 Tillinghast, agreed with Mr. Loffer's statement.

Bill Stokes, 410 Caledonia, stated that with the budget shortfall, benefits for the council are not warranted for a part time council.

Rich Cushing, 611 Tillinghast, questioned how council can vote for their own benefit.

Councilmember Wright stated that with looking at increasing revenue in the budget with utility taxes, he supports reinstating the Mayor's stipend for all the hours he works.

**Councilmember Hubbard moved to temporarily reinstate the council benefits retroactive to January 1, 2010 with a co-pay of \$270 per month until the full council is present in February. Seconded by Councilmember Wright. Carried 2-2, with the Mayor voting aye and Councilmembers Brunisholz and Welch voting nay.**

**2010 Hotel Motel Agreements:** Ms. Taylor stated the agreements reflect the amounts approved in the 2010 budget by the council for each recipient.

**Councilmember Wright moved to authorize the Mayor to sign the 2010 Hotel Motel Agreements. Seconded by Councilmember Hubbard. Carried 4-0.**

**Mayor Pro Tem Appointment:**

**Councilmember Wright moved to appoint Councilmember Hubbard as Mayor Pro Tem for six months. Seconded by Councilmember Welch. Carried 4-0.**

Staff agreed to research if the Mayor Pro-Tem position is mandated to rotate on a six month basis.

**Miscellaneous:**

Harborview Medical Center for Sexual Assault: requested the fees be waived or reduced for the Community Group Rental Agreement. Administrator Doyle stated that the code sets forth the policy for rates, but then groups petition the council for lower fees. He suggested either eliminating the current rate structure or follow the current code, because the facilities are not covering the cost of operation and maintenance. It was agreed that council should research the issue further.

**Councilmember Hubbard moved to approve the Community Group Rental fee for February 23 through 26, 2010 for Harborview Medical Center. Seconded by Councilmember Welch. Carried 4-0.**

Rotary Club of La Conner: requested a reduction of fees for Maple Hall and waive the parking lot fees on August 28, 2010 for the annual Harvesting Hope Auction.

**Councilmember Wright moved to table the request and discuss the event and date with the Rotary Club. Seconded by Councilmember Brunisholz. Carried 4-0.**

There being no further business the meeting was adjourned at 8:00 p.m.

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Lorraine Taylor, Town Clerk

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Don Wright, Mayor Pro Tem