

Town of La Conner

Town Council Meeting

June 8, 2010 – 5:30 p.m.

Upper Maple Center

The regular meeting of the La Conner Town Council was called to order at 5:30 p.m.

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

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

EXECUTIVE SESSION: At 5:32 p.m., Attorney Brad Furlong stated that the council would be going into executive session regarding potential litigation for approximately 30 minutes.

At 6:07 p.m. the regular council meeting reconvened, and Mr. Furlong stated that no action had been taken in the executive session.

Approval of Agenda:

Councilmember Hubbard moved to approve the agenda as presented. Seconded by Councilmember Tracey. Carried 5-0.

Approval of Minutes:

Councilmember Welch moved to approve the minutes of the May 25, 2010 Town Council meeting as amended. Seconded by Councilmember Hubbard. Carried 5-0.

Approval of Accounts Payable:

Councilmember Hubbard moved to approve checks 999, 8966 through 9026 in the amount of \$233,945.28 as presented. Seconded by Councilmember Wright. Carried 5-0.

Councilmember moved to approve checks 9027 through 9028 in the amount of \$540 as presented. Seconded by Councilmember Tracey. Carried 5-0.

Approval of Payroll:

Councilmember Brunisholz moved to approve payroll checks 2088 through 2099, 201013 and direct deposits for the payroll period of May 16 through May 31, 2010 in the amount of \$38,374.51 as presented. Seconded by Councilmember Hubbard. Carried 5-0.

Community Comments: Dan O'Donnell, 328 N 3rd Street, La Conner, stated that the strip of land near the barbeque at Maple Center belongs to La Conner Associates. He stated that the 1997 boundary line adjustment doesn't extend to First Street and suggested the Town purchase the strip.

Dorothy Downes, 608 S Second Street, La Conner, stated she is on the Salary Commission and requested the recommendation be read into the record. (The Salary Commission report is attached to the June 8, 2010 minutes.)

Chamber Report: Marci Plank reported that she attended a conference in Mount Vernon and a Skagit County Tourism Bureau will be created to tax each lodging facility with 40 rooms or more a \$2 per room fee. She stated the County has approximately \$70,000 that must be used for tourism.

Ms. Plank stated the Chamber hosted a Retirement Party for Arberta Lammers, owner of Tillinghast Flowers for 33 years. She also said that Thousand Trails was hosting an after hours social on Thursday from 5 -7 p.m., and the Chamber is pre-selling the Taste of La Conner tickets for June 11th.

Department Head Reports:

- **Revenue/Expenditure Report May 2010:** Ms. Taylor reviewed the monthly treasurer's report and stated that the Town was on track with the budget. Councilmember Hubbard inquired about the increase in REET revenues in August 2009. Mayor Hayes stated that is when the Upper Skagit purchased the Pacific Seafood property

Ms. Taylor stated the Annual Report for 2009 had been submitted to the Auditor's office and the WCIA audit resulted in only one mandatory requirement that related to personnel.

Ms. Taylor provided the council with material for the Budget and Fiscal Management Conference in Lynnwood in August and encouraged councilmembers to attend.

- **Public Works:** Director Brian Lease stated that the Port of Skagit is drafting an agreement to relocate the public works department to the Port property.

Director Brian Lease stated there was a rock slide between the water tank and the AT&T cell tower. He requested the council declare an emergency so action can be taken immediately and have the Mayor approve and sign contracts for this emergency. He has a geo-tech engineer coming Wednesday to evaluate the situation.

Councilmember Tracey moved to approve a resolution declaring an emergency operation and approving the Mayor to sign any necessary contracts. Seconded by Councilmember Hubbard. Carried 5-0.

- **Water Wastewater:** Mr. Wynn reported that he is moving ahead with the acquisition of land for composting. He is meeting next week with the Skagitonians to Preserve Farm Land, Western WA Agricultural Bureau, and Skagit County personnel to explain the project and request their help in moving forward. Mayor Hayes introduced Kevin Wynn to the Council.
- **Fire Department:** There were no questions on the report included in the council packet.
- **Sheriff's Department:** There were no questions on the report included in the council packet.

Council Committee Reports:

Councilmember Hubbard: stated the Arts Commission met and decided that lighting all the sculptures in Town would be too expensive, but it may be feasible to do some lighting between Bears & Friends and Kirstens. She also stated that the Arts Commission needs more members and suggested the code be changed because there is a two year limit on terms currently.

Councilmember Tracey: stated the Facilities Committee met to discuss hiring an Events Coordinator to market all the facilities. She stated the facilities lost \$70,000 in 2009. The committee's recommendations are:

- The Committee will draft a job description for a position that would market all the facilities and parks.
- The Committee recommends advertising and hiring an Events Coordinator and funding the position in 2010 from the General Fund's fund balance in the amount of \$5,000, plus 10% commission, and \$2,500 for pre-approved expenses. This will require a budget amendment.
- Evaluation of the position would be done in 90 days and performance would be based on an increase in annual bookings from historical trends.
- The position would coordinate lodging and menus for events and focus on corporate mid-week events.

Councilmember Welch stated the committee also reviewed the facility rules & regulations and will be bring a draft forward to the council for approval. He stated that eventually the facility position should be self sustaining.

Councilmember Brunisholz inquired about the original intent for construction of Maple Hall and stated we need to serve the community. Staff agreed to research the issue.

Skagit Housing Authority Presentation: Gustavo Ramos, Executive Director, and Vicki Young, Deputy Director, stated that there are 3,796 people on the waiting list in the Skagit Valley for subsidized housing. It will take six years for the last person to get assistance. He stated that the Skagit Housing Authority is a public/private program but is not part of HUD. He stated they started managing Channel Cove in La Conner in June and are evaluating the current conditions.

PUBLIC HEARING - First Street Vacation – La Conner Associates: Administrator Doyle stated the request is to vacate an 8 foot by 135 foot portion of South First Street. This area is beneath the warehouse building and is encroaching into the First Street right-of-way. He reviewed the requirements that must be met to vacate a right-of-way. He stated the request to vacate does not meet the fifth requirement prescribed in RCW 35.79.035 which states, "A town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless it meets at least one of the criteria". Mr. Doyle stated that the previous application by La Conner Associates allowed for public access to the shoreline, and this application does not. After review by the Town Attorney and the Administrator, it was determined that this application did not meet any of the three criteria of item 1.

Mayor Hayes opened the public hearing at 7:08 p.m.

Vaugh Jolly, 813 S Third Street, La Conner, stated he did not receive his attorney's report until Friday for the council meeting. He stated the building has been in the right-of-way since 1898 and he is seeking the vacation to clean up the title for financing. He stated the scope of the project has not changed since it was approved and it will help the public access with a promenade and boardwalk. He said town staff recommends a Right-of-Way Use Agreement, but the Hearing Examiner has found the building to be non-conforming in height and in the footprint and could be rebuilt with the same footprint and height. Mr. Jolly stated that in the Developer's Agreement regarding the first request to vacate, he would give the Town a 15' easement for the promenade, a 25' easement for the street, and access to the property. When the appraisal for the property to be vacated was \$175,000, it was not economically viable. The building is built on 250 pilings and it is estimated that 20% of the pilings may need to be replaced.

Administrator Doyle stated that Mr. Jolly is trying to preserve the non-conforming building status. He can expand the uses of the building, but not the non-conforming status or he will put the status in jeopardy.

Mayor Hayes called a five minute break at 7:22 p.m.

Administrator Doyle stated that the opinion of the Town Attorney and himself is that the request to vacate does not meet the provisions of the code and the RCW for property abutting water.

Dorothy Downes, 608 S Second Street, La Conner, inquired if Mr. Jolly could have an easement to the land but the Town would retain ownership of the land.

At 7:35 p.m. Mayor Hayes closed the Public Hearing on the First Street Vacation.

Administrator Doyle stated that in other areas on First Street the Town does have perpetual easements in exchange for use value or monetary value versus a vacation.

Councilmember Tracey moved to approve the request to vacate the 8 foot by 135 foot portion of S First Street and direct staff to draft an ordinance. Seconded by Councilmember Hubbard. Carried 4-1. Councilmember Brunisholz voting nay.

Salary Commission: Finance Director stated she had received the Salary Commission's recommendation on June 8th. The task of the commission was to determine salaries for the Town Council and the Mayor. The Salary Commission recommended: \$500 per month compensation for the Mayor, and \$150 per month for Councilmembers. At the request of Ms. Dorothy Downes, Ms. Taylor read the following:

After research and deliberation this Commission concluded unanimously that the above compensation is a just and reasonable sum for total consideration due the Mayor and Council members of La Conner. Understanding that the Salary commission has no jurisdiction regarding healthcare benefits for Council members and the Mayor and additional healthcare benefits can be awarded at the Councils own discretion, it is this Commissions recommendation that if these elected officials choose to use the above amount of salary compensation toward health insurance provided by the Town, then their salaries should be reduced to \$0. The Salary Commissions decision to award salary increases is with the expectation that the benefit of partial healthcare compensation will be accepted in lieu of salary and not in addition, and that total compensation will not exceed the salary compensation shown above.

Mayor Hayes thanked the commission members (Dick Nord, Dan Lee, Sommer Holt, Dorothy Downes, and Chris Adams) for their work.

Golf Cart Zones – Allowing local governments to create: Bill Stokes, Code Enforcement Officer, stated that golf carts are not neighborhood electric vehicles (NEV's). He stated that House Bill SSB 6207 allows local governments to create golf cart zones that have a speed limit of 25 mph or less. Golf carts cannot be licensed and are not required in golf cart zones to have proof of liability insurance, but are subject to all rules of the road. He stated that local governments can set their own standards, such as, seat belts, turn signals, brake lights, etc. He stated the cost of signage would be approximately \$100 per sign. It was the consensus of the council for staff to research the criteria needed and how it would apply to our codes.

Contract – MRSC Small Works Roster: Administrator Doyle stated that the RCW's allow La Conner to list the MRSC Small Works roster in addition to our own roster for small public works contracts. It requires us to enter into a contract with MRSC to utilize their roster.

Councilmember Brunisholz moved to approve and authorize the Mayor to sign the contract with MRSC to provide a Contract Roster at the cost of \$100. Seconded by Councilmember Hubbard. Carried 5-0.

Policy on Administrative Contracts & Agreements: Administrator Doyle stated that the purpose of this policy is to allow the Administration to enter into small contracts (within the budget) prior to council approval. Notification will be provided to the Council at the next meeting.

Councilmember Brunisholz moved to approve Resolution No. 453 allowing the Mayor or Administrator to enter into contracts or agreement prior to council approval in the amount of \$2,500, with council notification at the next meeting. Seconded by Councilmember Wright. Carried 5-0.

Miscellaneous:

Mayor/Council Roundtable: Councilmember Brunisholz stated that one of the councilmembers had received a threat, and he felt that all threats against Town officials or employees should be brought to the police department. Sergeant Wise stated that he had contacted the individual regarding the threat.

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

Lorraine Taylor, Town Clerk

Ramon Hayes, Mayor