

Town of La Conner
Town Council Meeting
June 9, 2009 – 6:00 p.m.
Upper Maple Center

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

Present: Mayor Hayes, Councilmembers Brunisholz, Hubbard, O'Donnell, and Johnson
Also Present: Administrator Doyle, Public Works Director Lease, Finance Director Taylor, Plant Operator Kelly Wynn, Sergeant Wise, Fire Chief Taylor, and Attorney Brad Furlong

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

Approval of Agenda:

Mayor Hayes stated that under New Business, the 2009 Budget Amendment and the Triton America Lease will be reviewed at a later council meeting. Also, under the Mayor's Report the Council will be holding an Executive Session. Councilmember Brunisholz requested discussing community comments under Miscellaneous. Councilmember O'Donnell requested placing a draft ordinance regarding budget amendments under New Business as item 6.

Councilmember Johnson moved to amend the agenda as presented. Seconded by Councilmember Hubbard. Carried 4-0.

Approval of Minutes:

Councilmember Hubbard moved to approve the minutes of the May 26, 2009 Town Council meeting. Seconded by Councilmember Brunisholz. Carried 4-0.

Approval of Accounts Payable:

Councilmember Brunisholz moved to approve checks 7487 through 7530 dated June 9, 2009 in the amount of \$60,870.96 as presented. Seconded by Councilmember Hubbard. Carried 4-0.

Approval of Payroll:

Councilmember Johnson moved to approve payroll checks 1610 through 1623 and direct deposits for the payroll period of May 16 through May 31, 2009 in the amount of \$37,630.32 as presented. Seconded by Councilmember Hubbard. Carried 4-0.

Community Comments: Time was given for members of the audience to address the council regarding issues that are not on the agenda. There were no public comments.

Chamber Report: Director Marci Plank passed out the Arts Alive bookmark and stated that they had 5,000 printed. Ms. Plank reported that a meeting was held regarding Food Waste Recycling at the Seeds Restaurant. They are trying to get all of the restaurants and Bed & Breakfasts on board for a food waste recycling program. She stated that statistics show a single restaurant disposes of more than 50 tons of organic food waste per year. She stated the membership drive starts on July 1, 2009.

Department Head Reports:

- **Revenue/Expenditure Report May 2009:** Ms. Taylor stated that the Hotel/Motel, investment earnings, and sales tax receipts are below projections, but property taxes are on target. Councilmember O'Donnell inquired about negotiations with Shelter Bay and a refund from an appraiser. Administrator Doyle stated negotiations have been delayed due to vacations.

Channel Cove Deed of Trust:

Finance Director Taylor explained that the Town of La Conner has received payment in full for drainage on the Channel Cove property. Upon advice from Attorney Brad Furlong the council should by motion waive the interest accrued on the note, authorize the Mayor to mark it paid in full, authorize the issuance of building permits, and sign off on the subdivision Mylar.

Councilmember O'Donnell moved to waive the interest accrued on the \$37,000 note and authorize the Mayor to mark it paid in full, authorize the issuance of building permits, and sign off on the subdivision Mylar. Seconded by Councilmember Hubbard. Carried 4-0.

EXECUTIVE SESSION: At 6:22 p.m. Mayor Hayes stated that the Council would hold an executive session for approximately 20 minutes regarding the leasing of Town real estate and the terms with Town Attorney Brad Furlong. At 6:41 p.m. Mayor Hayes reconvened the regular meeting and stated no action was taken.

Council Committee Reports:

Councilmember O'Donnell: stated he had sent a memo to the Mayor on 4/25/09 regarding Anacortes water. He requested to be a representative of the Town to be a fact finder and meet with Jesse Hofheimer regarding expenditures during 2007-2008. Mayor Hayes stated he would like to attend the meeting with Councilmember O'Donnell.

Department Head Reports:

- **Planner's Report:** There were no additional comments on the staff report in the packet.
- **Finance Report:** Ms. Taylor stated the Annual Report is complete. Councilmember O'Donnell requested a copy of the report.
- **Public Works:** Mr. Lease stated the WA Loop Project is on schedule and should be complete by the middle of July.
- **Water Wastewater:** Mr. Wynn stated that the council will receive a report from Terre Source in approximately a month. Councilmember Brunisholz inquired about odors at the Waste Water Treatment Plant in the Town. Mr. Wynn said that complaints need to be called in at the time to enable him to relate it to a specific activity.
- **Fire Department:** Chief Taylor stated that Britney Fink as agreed to accept the training coordinator position vacated by Zdenek Weig.
- **Sheriff's Department:** Sergeant Wise reported that a vehicle was stolen in Town, but was quickly recovered to the owner. Also there was a hit & run accident and the driver fled the scene but was apprehended. Councilmember Brunisholz inquired about the excessive noise levels on motorcycles and cars; turkey attacks; racial identification in the police reports, and the City of Anacortes testing arsenic levels. Sergeant Wise stated that if a muffler has been altered or is excessively loud, it can be a violation. The Sheriff's department does not enforce the Town laws, but they do enforce the county ordinances out in the county.

WWTP Contract Addendum:

Mr. Wynn stated that the excess septage incentive had not been increased by 3% in the 2009 budget. He is requesting it be increased to \$.0175 per gallon effective January 1, 2009. Council requested staff provide more information to be included in the addendum. It was agreed that the addendum will be discussed at the next Finance Meeting on June 11, 2009

Councilmember O'Donnell moved to table the addendum to the WWTP Contract to the next council meeting. Seconded by Councilmember Brunisholz. Carried 4-0.

Mr. Wynn referred to his memo regarding the I & I schedule for 2009. He proposed doing a smoke test and video at the south end of Town consisting of approximately 7,000 feet starting in late July. The cost would be approximately \$14,000 and fees of \$5,000 for CHS Engineering.

Flood Control: Councilmember O'Donnell requested that the Administrator pursue at the June 15 Comprehensive Flood Hazard Management Plan Meeting for Measure 35 pertaining to La Conner. He stated the Town is coded yellow and needs to be green. Mr. Doyle replied that the Army Corps of Engineers requirements on proposed flood control measures must include mitigation measures. The Town does not include mitigation measures, therefore it is coded yellow. Mr. Doyle tried to persuade the Corps to alter their criteria for projects that he felt they were not appropriate for.

Mayor Hayes stated that once the Resolution for Updating Flood Control Plans & Policies is adopted by the council, Patsy Martin will present to the Port Commissioners for matching funds in the amount of \$35,000.

Contract Extension – Katy Isaksen: Administrator Doyle explained that the project had been delayed, but was still under budget, and requested an extension until July 31, 2009.

Councilmember Hubbard moved to authorize the Mayor to sign the Addendum to Contract #474. Seconded by Councilmember Johnson. Carried 3-1. Councilmember O'Donnell opposed.

Ordinance – Restating the 2008 Budget: Finance Director Taylor explained that a typographical error occurred in the 2008 Budget Ordinance for Fund 208, and this ordinance corrects that error.

Councilmember Hubbard moved to approve Ordinance No. 1025 restating the 2008 Budget. Seconded by Councilmember Brunisholz. Carried 4-0.

Resolution – Flood Control: Council discussed the timeline, the road on the gap filler, and the required permits that would be necessary. It was agreed to remove the 2011 timeline.

Councilmember O'Donnell moved to approve Resolution No. 439 as amended. Seconded by Councilmember Hubbard. Carried 3-1. Councilmember Brunisholz opposed.

Justice Assistance Grant - CTED: Administrator Doyle stated that the Town has been pre-approved for the Justice Assistance Grant in the amount of \$9,999. The deadline is June 12.

Councilmember Brunisholz moved to authorize the Mayor to sign the Justice Assistance Grant. Seconded by Councilmember Hubbard. Carried 4-0.

Interlocal Agreement – Skagit County GIS Service: Administrator Doyle stated that the Town needs GIS services to come into compliance and upgrade our FEMA standards and to identify mapping for planning purposes. He stated that Skagit County offers the best price for GIS services and they have most of our information already, we just need an interlocal agreement in place.

Councilmember Hubbard moved to approve the Interlocal Agreement with Skagit County for GIS Services. Seconded by Councilmember Brunisholz. Carried 4-0.

At 7:54 the Mayor called a five minute break.

Miscellaneous: Mayor Hayes read an email from John Strothers, 525 Birch Lane, regarding the increase of water consumption in the summer, and that for the months of July through September, sewer is not assessed against usage in excess of 900 cubic feet. Since it has been dry for the month of June, he requested June be added. Administrator Doyle stated that this would require a code amendment and recommended coming back with an ordinance that would allow the council the flexibility to extend the dry spell provision. Discussion followed on water conservation, alternate watering systems, and lowering the cap to 700 cubic feet.

Councilmember Brunisholz moved to not change LCMC 12.10.090 extending the dry spell provision. Motion failed due to a lack of a second.

Councilmember O'Donnell moved to amend LCMC 12.10.090 to lower the water cap for sewer be lowered to 700 cubic feet and include the month of June. Seconded by Councilmember Hubbard. Tie vote 2-2, with Councilmembers Johnson and Brunisholz voting nay. Mayor Hayes voted aye, and the motion carried.

Administrator Doyle stated he would provide an ordinance for this issue at the next meeting.

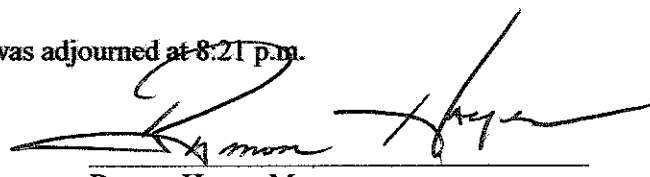
Councilmember Hubbard and Brunisholz stated they will not be at the next council meeting on June 23.

Councilmember O'Donnell passed out a draft ordinance establishing a policy for budget amendments. Discussion followed on the necessity for quarterly budget amendments and that the Town budgets by fund and not by line item. Finance Director Taylor stated that the budget amendment had been delayed because the water/sewer rate study had not been completed, and only recently had the State Auditor's given clear direction on the recommended budget structure. It was the consensus of the council that the proposed draft ordinance was not necessary.

Councilmember O'Donnell stated that bringing the WWTP in house would save the Town \$18,000 per year, and requested the Finance Committee consider the issue. Mayor Hayes stated that Mr. Wynn has been plant operator for 28 years and his contacts in the community have value. Discussion followed on the source and cost of chips for composting.

There being no further business the meeting was adjourned at 8:21 p.m.


Lorraine Taylor, Town Clerk


Ramon Hayes, Mayor