

Town of La Conner
Town Council Meeting
August 9, 2011 – 6:00 p.m.

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

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

Also present: Finance Director Taylor, PW Director Lease, Fire Chief Taylor, and Sewer Operator Kelly Wynn

Approval of Agenda:

Councilmember Hubbard moved to approve the amended agenda by moving the Nell Thorn presentation up to the Mayor's Report. Seconded by Councilmember Welch. Carried 5-0.

Approval of Minutes:

Councilmember Welch moved to approve the minutes of the July 26, 2011 regular town council meeting. Seconded by Councilmember Tracey. Carried 5-0.

Approval of Accounts Payable:

Councilmember Wright moved to approve checks 10612 through 10676 in the amount of \$96,898.90 as presented. Seconded by Councilmember Tracey. Carried 5-0.

Approval of Payroll:

Councilmember Hubbard moved to approve payroll checks 2335 through 2346, 201067 and direct deposits in the amount of \$41,016.70 as presented. Seconded by Councilmember Welch. Carried 5-0.

Community Comments:

Mary Willup, 811 Whatcom, stated that the council needs to consider pre-existing conditions and the limited boundaries of a small town.

Dominique Darcy, Two Moons, First Street, stated the restaurant existed before the homes were built, and felt it was a spat between neighbors.

Dan O'Donnell, 328 N Third, submitted a memo for the record on the Agreement between Fire District 13 and La Conner. He commended PW Lease on the excellent job on moving the public works office.

Jane Stephens, 532 3rd Street, stated that the restaurant has already upgraded its system.

Ellen Rushford, 4 Quinault Way, inquired about the zoning and the permitted use when the homes were built.

Bill Stokes, 410 Caledonia, reported that the grand opening for the Skateboard Park is scheduled for August 31st from 4-6 p.m.

Chamber Report: Director Marci Plank stated that the Classic Car & Yacht show is this weekend, and planning is underway for Arts Alive.

Revenue/Expenditure Report: Mayor Hayes thanked the Finance Director for the 2010 Financial Analysis Report. He reviewed the year to date revenues.

Department Head Reports:

- **Finance:** There were no questions on the report included in the council packet.
- **Public Works:** PW Director Lease stated the skateboard park project was on schedule.
- **Water & Wastewater:** Councilmember Welch inquired about the metering of the water from the belt press. Mr. Wynn stated that the council has analyzed this several times and that it is not economically viable to pursue this issue.
Administrator Doyle explained that the rain garden kits are to test local soil compositions to hold pollutants in regards to drainage adjacent to roads. The Town is researching the Town's compost in that application.
Mr. Doyle stated that the Town has a plan to landscape the WWTP site and to reconfigure the tree plantings on the west side of the property.
- **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.

Planners Report: Administrator Doyle stated that Town currently has two permits: 1) a shoreline permit for the boardwalk between Benton Street and Gilkey Square, and 2) the Port wants to install a pump out station at the north basin.

Administrator Doyle stated that Tom Beckwith has approached the Town with a proposal for planning, funding, and acquisition of property to create an Arts Space. This would be an artist community center with living quarters considered affordable housing.

Mayor's Report:

Nell Thorn Presentation: Administrator Doyle reviewed the chain of events regarding the smoke complaints by Mr. Chris Adams in 2008 to the present time and trying to resolve the problem between the two parties. He stated that the restaurant and hotel owners have done everything to find a remedy that makes economic sense, when they became aware of the smoke issue.

Mayor Hayes stated that the town codes do address nuisances and the appropriate mechanism for this problem is the Clean Air Agency.

Casey Schanen, Nell Thorn Restaurant, read a letter (attached) to the council.

Dick Nord, 107 S Third Street, stated no one wants the Nell Thorn Restaurant to go away but there are issues here. He stated he was speaking for Mr. Chris Adams, who was on vacation, and that it appeared that nothing was being done. Mr. Adams has been unable to sell his home.

Administrator Doyle stated that there had been a breakdown of communication between Mr. Adams and the Town because the problem had not been resolved, and therefore had become contentious. He stated that no one wants to impact anyone's quality of life negatively, or threaten a viable business in Town.

Mayor Hayes read two emails (attached) from Tom Robbins and Amy McFeely.

Linda Talman, stated that the council needs to think about the larger picture for businesses.

Lona Wilbur, stated the economy may be contributing to the home not selling, and was concerned about setting a precedent.

Councilmember Kathie Hubbard, stated the homes are 16 years old and the difference is that the smoke has become a problem in recent years.

Cynthia Rowe, 108 S 3rd Street, stated they do not want Nell Thorn to leave, but there is a smoke problem. She stated she is unable to work in her yard or go out on her deck on the days the smoke is coming out. She stated that she hoped the neighbors and the restaurant would be able to work out a solution.

Rick Thompson, Country Inn & Channel Lodge, stated that the partners own the equipment and have been dealing with it since May 2011. They have looked at various solutions and stated it is a complicated and expensive issue.

Mayor Hayes summarized that council has listened to both sides and that the NW Clean Air Agency has sent a letter of formal complaint to the restaurant and the owners have 30 days to respond. He stated the council is out of the issue and the appropriate agency is handling it, and all parties are committed to a resolution.

Council Committee Reports:

Councilmember Welch stated that the Facilities Committee meeting met and reviewed the updates to the website, including Maple Hall. He stated they watched the recent video created by Marketing Director, Laurie Lyon.

Mayor Hayes stated that it was not a video but a 30 second commercial that was updated for 2011 view. Further, he stated the Marketing Director's video was done within 24 hours due to a Chamber email blast deadline. It has been viewed 450 times to date. He encouraged everyone to go to the website and see all the new things added.

Policy on disposal of surplus Town assets: Finance Director stated she had incorporated the changes indicated by council at the last meeting.

Councilmember Brunisholz moved to approve Resolution No. 486 amending the policy on disposal of surplus Town assets. Seconded by Councilmember Hubbard. Carried 3-2. Councilmembers Tracey and Welch voting nay.

Award Bid for S Second Street Project and authorize the Mayor to sign the contract:

Councilmember Wright moved to award the bid for S Second Street and authorize the Mayor to sign the contract. Seconded by Councilmember Hubbard. Carried 5-0.

Interlocal Agreement between Fire District #13 and La Conner: Administrator Doyle stated that Fire District #13 did not want the La Conner Fire Department to respond into Fire District #13, so therefore, it is now a joint tenant agreement for the Fire Hall.

Councilmember Hubbard moved to approve the Interlocal Agreement between Fire District #13 and La Conner. Seconded by Councilmember Tracey. Carried 4-1. Councilmember Welch voted nay.

MISCELLANEOUS – Mayor/Council Roundtable: Administrator Doyle stated that the Town will be hosting "A Short Course on Local Planning" on September 20th from 6:30 p.m. - 9:30 p.m. at Maple Hall. He encouraged the Council to attend along with the Planning Commission.

Mayor Hayes stated he has been contacted by the Emergency Management Center and they have lost their director. Fire Chief Taylor will be attending a meeting with them and report back to the council.

Bill Stokes, Code Enforcement Officer, stated there were two animal control items that he would like guidance from the council on. He stated that he is getting complaints about the number of coyotes and raccoons in town, and should he start trapping them. It was the consensus of the council to put an article in the local newspaper and educate residents about the problem, but otherwise let the citizens handle the problem.

There being no further business the meeting was adjourned at 8:10 p.m.

Lorraine Taylor, Town Clerk

Ramon Hayes, Mayor