

Town of La Conner

Town Council Meeting

June 22, 2021 – 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 Leaver, Stokes, Chamberlain and Wohleb.

Also present: Administrator Thomas, Finance Director DeGoede, Public Works Director Lease and Planner Davolio.

This meeting was held electronically on Zoom. Information to join was posted at Town Hall, the published Agenda in the La Conner Weekly News and on the Town Website.

Councilmember Leaver moved to excuse Councilmember Brunisholz. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

Public Comments:

Councilmember Leaver read a letter he received from resident Leann Bushey regarding a syringe her thirteen-year-old son found just off of Washington Street. She contacted Town Hall more than once but nothing was done. She called the Sheriff and they took care of it. There were also empty beer cans and alcohol bottles in the area. She wanted to know who was responsible for the property.

Resident Rick Dole is also concerned and supports more policing in Town. He showed a picture of the Citizens on Proactive Patrol in Mount Vernon. They focus on quality-of-life issues and if they notice anything out of the ordinary, they radio the police for response. In addition, they post abandoned vehicles for towing notices, pickup abandoned bicycles, graffiti abatement and help with community events. They are provided with two cars, radios and cell phones. He feels this would work well in Town.

Resident Jules Riske requested an Agenda change to hold all public comments regarding the Maple Ball Field until prior to the Mayor Round Table discussions.

Resident Jim Matthews discussed the speeding issue and suggested the mobile reader board to see if it works before investing in permanent signs. He does not feel a citizen's patrol is the solution for the drug and burglary issues in town. Also, he is concerned about town liability of skateboarders on North Third Street at the Marina parking lot.

Rick De Shon does not want to reject any alternatives for policing such as having our own police, seeking more coverage from the Sheriff's Department and even the Swinomish Police. But, feels a deterrent is what we are looking for, such as an old police vehicle parked in strategic places.

Resident Madeleine Roozen shared the citizen's patrol has worked well in Bellingham and is in support for one in La Conner. She lives near Washington Street and has seen the homeless tents in the bushes. Having more policing won't necessarily take care of that issue as we have seen in other cities. Also, she feels we should maintain policing with a local jurisdiction.

Resident Linda Peterson is not in support of a citizen's patrol, as they can't do anything but call the Sheriff. She is more concerned about the response time. Other cities have existing police departments working with the citizen's patrol, which we do not have. Also, there would be additional costs on top for what we are paying for.

Resident Ivan Carlson has concerns of what we would lose by switching over to the tribal police. We would lose significant services, such as SWAT, canine and detective. He understands the issue with response, and feels we should work out a way to have the Sheriff in town more often.

Mayor Hayes requested to table Council discussions on policing until the next meeting, as there is no representation from the Sheriff's office.

Councilmember Leaver moved to table further safety discussions until the next Council meeting. Motion seconded by Councilmember Stokes. Motion carried 4/0.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of June 8, 2021

Accounts Payable:	Checks 24181 - 24220	\$99,757.11
	<u>Electronic Pmts. – 201712 Excise Tax</u>	<u>\$6,660.61</u>
	Total Accounts Payable	\$106,417.72
Payroll of June 18, 2021	Checks 5405 - 5410	\$2,054.89
	Payroll Auto Tax Payment #201713	\$6,514.43
	<u>Payroll Auto Deposit</u>	<u>\$18,781.67</u>
	Total Payroll	\$27,350.99

Councilmember Stokes moved to approve the Consent Agenda with the change of the Agenda Item for Safety. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

Administrator’s Report:

Administrator Thomas reported the last event at Maple Hall resulted in several resident complaints due to loud music late in the night. Because of this, it was decided to enforce the music and the serving of alcohol end at 10:00 p.m. To enforce this, security will be necessary but at a cost of \$250 per guard; two guards per event. Also, the cleaning charges have increased with the new janitorial company. These costs will affect the Town as we pay cleaning for the Senior Center and our meetings. We will also have to assume the security costs for the events already booked. There will be a Finance and a Facility Committee meeting to discuss the issues.

The Pride Parade is on June 30th at 5:00 p.m. We are still working with the representatives coordinating it. The 4th of July Parade is also going to happen. There may be quite a bit of participation, as it is the only parade in the County.

Finally, the next Council Meeting will be in person at Maple Hall on July 13th.

Mayor’s Report:

Mayor Hayes reported there will be over \$200,000 in grant funds for the Town. We are looking at over twenty million in the next ten years in capital projects for mandatory upgrades to the water system and sewer plant. Capital projects related to public safety is one of the categories it can be used for

Councilmember Wohleb requested clarification on the Land Gentry Application Notice in the La Conner Weekly News, for a four-lot short plat of approximately 28,000 square feet divided into four lots of 7,000 square feet. She thought the lots were going to be between 4,000 and 5,000 square feet. Mayor Hayes explained the square footage is accounting for a series of easements for access to the back lots and to make room for the front lots as well. The Town requirement is for ten single-family homes between 1,200 and 1,900 square feet.

Permanent Traffic Signs:

Resident Alex Freed asked to have two permanent signs on Third Street as well as Maple Avenue. Public Works Director Lease stated he has been looking at signs that will collect data and can be used for future needs, such as the installation of cameras and traffic data collection. The signage was less than expected at \$3,700 plus \$1,000 for installation per sign. Because it was less than expected, Mayor Hayes asked Council if they would consider purchasing four signs to accommodate Third Street.

There were discussions on the higher cost of a mobile reader sign. Councilmember Stokes stated we already have one. There is no room for it on Maple and Third Streets that is why we are installing the permanent signs. Councilmember Chamberlain would like to see a combination of permanent and mobile signs for more flexibility to cover hot spots.

Councilmember Leaver moved to approve the purchase of four permanent basic signs at locations to be determined. Motion seconded by Councilmember Stokes. Motion carried 4/0.

Councilmember Leaver stated First on First will be on July 3rd. He is hoping the buskers will return. Also, his car club show went well with 72 cars participating. The school is open to having another car show next year.

Committee Meetings:

Parks Commission:

Councilmember Wohleb reported they are still waiting on the increased costs for a contractor to build the pavilion at the Waterfront Park. Also, the Citizen's Committee for the Maple Park is meeting weekly on the survey for community input on what is wanted for the park.

Snapdragon Hill DE Closeout and Conveyance:

Public Works Director Lease explained the project is complete. This is only for the utility right of way; it has nothing to do with the lots.

Councilmember Stokes moved to approve the conveyance and closeout of the Snapdragon Hill. Motion seconded by Councilmember Chamberlain. Motion carried 4/0.

Agreement – SAO Interagency Data Sharing:

Finance Director DeGoede explained SAO is now required to have an agreement for data sharing. This is for information that is sent to them for audits and other requirements.

Councilmember Stokes moved to approve the interagency data sharing agreement between the Town of La Conner and State Auditor's Office. Motion seconded by Councilmember Leaver. Motion carried 4/0.

Community Comments Specific to Maple Park:

Planner Davolio gave a short background on the applications the Town received. The first application was for a lot line adjustment creating a park area and six lots along the agricultural land. This has been approved. The second application is currently in review and is a short plat for four larger lots along Maple Avenue.

Resident Jules Riske requested the letter dated June 10, 2021, with over 30 signatures of concerned citizens, be read for the record, as it was not included in the Council Packet. It was sent to all elected officials, Oliver Iversen of the Parks Commission, Administrator Scott Thomas and Land and Gentry. Mayor Hayes asked her to read it and would allow more time for her comments. The letter implied the easement on the east end of the new park boundaries is a breach of the restrictive covenants, because of the reduced open space and recreational use from 24,000 to 20,000 square feet.

Jules Riske reviewed the timeline of the purchase and sale of the Hedlin Property that included the covenant for 24,000 square feet of continued open public space. The restrictive covenant included a clause that is to be communicated on any further leases or easements. The Town sold all property except for the 24,000 square feet for the park to Land and Gentry. The Town did not communicate the conditions of the restrictive covenant to Land and Gentry and the Town signed a joint use agreement within the 24,000 square feet for a road, staging and utilities that benefits the development and burdens the park. She further states this is in direct conflict with the restrictive covenant because the easement for the road will not be used for open public space and recreational use only. She questioned how the Town will resolve these inconsistent uses and how the Town plans on meeting the restrictive covenant. She would like the joint easement reassessed and corrected so it doesn't have egress and ingress.

Resident Amy McFeely stated the language for preservation of the 24,000 square feet is clear and strong with words of perpetuity, open space and/or for recreational activities. It is very clear what the restrictive covenant is to do. It is a legal document that needs to be honored and preserved. She also pointed out in the easement request, it does specify for ingress and egress from Land and Gentry Development, which is not public use or recreational.

Resident Felicia Value, an attorney, clarified she is not speaking on behalf of a client, but is speaking as a resident. She reviewed the documents and does not understand the Town's position. The 24,000 square feet in the restrictive covenant is in the legal documents conveying ownership. The intent of the seller is so clear in preserving it as open space and recreational use. She hopes it can be resolved as the Town was wrong.

Resident Kai Ottesen, a fourth generation of Hedlin Farms, but speaks on his own behalf. He discussed Easement C east of the park and the granting of 4,000 square feet of protected open space to the developer. The Town didn't maintain the 24,000 square feet of protected open space, nor did the Town disclose to the developer the conditions of the restrictive covenant. He wanted to know why the easement was granted, why the Town didn't honor the covenant and what the Town was going to do to remedy this oversight.

Resident Linda Talman was puzzled why Council didn't receive the documents in their packet, which in turn would have been available to the public. She is a supporter of the letter and found it very powerful language to see the two signatures on the restrictive covenant, Mayor Hayes and David Hedlin. She also questioned the timeliness of information to Councilmembers due to them receiving it on their Council Computers rather than their personal computers.

Resident Mike Ritchie was in support of the comments. He felt there could have been other options not explored to have saved more than the 24,000 square feet. What has been ignored is our Comprehensive Plan, that states we will keep and seek out open space for our town. Instead, we put a focus on density and tax base. He wanted to know why the covenant was being ignored.

Resident Madeleine Roozen was in concurrence with the letter and wanted to know if the Town has a lawsuit. She advised to vacate the easement for egress and ingress as the answer to the issue.

Dave Hedlin, adjoining property owner and family member of Hedlin's Farm, was looking for clarification and understanding on this issue. Also, he stated the community has time to think about this. If the property remained as green grass, the children will know what to do. Then after careful thought and discussion, the park can be developed as the community sees fit.

Resident Catie Ritchie also signed the letter. She has been looking at protecting more and hoping this is resolved, as the extra 4,000 square feet was not intended to be a personal driveway for the lot next door. It will change the dynamic of the park.

Planner Davolio explained he started working for the Town right in the middle of this. At that time, there was the desire to save at least 25% of the property for public use. He was asked to create a design that would work to that effect and was able to create a plan that preserved 30%. There was an easement on that design as it was unclear as to how the developer would gain access to the back lots, and for access to public parking. Public parking is a use and is allowed in restrictive covenants. Since then, he has drafted a new plan and has sent it to the Parks Commission showing the public parking spaces and two designated spaces for disabled individuals. Using that portion of the property for access to public parking is a public use consistent with the restrictive covenants.

Mayor Hayes read a letter he had submitted to the local paper outlining the timeline of the purchase and sale of the Hedlin Property. Beginning in the summer of 2019, the Hedlin Family approached the Town with an offer to purchase 80,000 square feet of property, known as the Hedlin Ball Field, which the Town has leased from the family for decades. After review, Council declined the offer as it was not financially feasible. Mayor Hayes came up with a plan to save at least a portion of the park. The Hedlins and Council agreed to saving a minimum of 20,000 square feet for the park and the remaining 60,000 square feet would be sold for development. After an analysis, the price of \$625,000 was established. To support this, the Town acquired an appraisal of the land that came in at \$700,000. Because it would take time to sell the property, the Town entered into a purchase option agreement of \$37,000, with second option for \$37,000 if another year was needed. The \$37,000 was what the Hedlins needed to pay the annual interest on the additional farmland they were purchasing. The Town's maximum responsibility to the Hedlins came to \$699,000. The Town was able to sell the property to a developer for \$800,000, with a commitment to build ten single family homes ranging in size from 1,200 to 1,700 square feet for moderate home pricing. The sale of the property left 24,000 square feet for the park as funds become available. The goal was to break even, not to make a profit off the Hedlin Family.

Administrator Thomas explained the legal analysis pertaining to the covenants and the difference of 20,000 and 24,000 square feet of open space. The option agreement for the 20,000 is the controlling document and the actual agreement we entered into. There has been no revision or amendment. The practical explanation included a plan

showing the parking on the east end. Maple Street isn't an area we can create parking. It is too busy and we anticipate a crosswalk at the corner of the park. Talbott Street would be a high cost because it will require upgrades, such as a sidewalk and a hard surface for handicap parking. However, it is a good option. The second option is on the east side of the park as laid out on the drawing that includes two handicap parking spaces. Since the sale of the property, Land and Gentry reconfigured their plans to access off of Maple Street, so the easement on the east end of the park will probably never be used by them. However, it could be used by the Town for the parking. Maximizing as much space for the park has not changed. He would like to see the east end remain as open space and the parking on Talbott, but we won't know until we get further into the plans for the park.

Council discussions involved the understanding of the open space would remain at the 20,000 and the extra 4,000 square feet is part of the park designated for parking. If there are funds to upgrade Talbott Street for parking, the east end of the park can remain open space. The developer will not be using the east end easement for construction access.

It was confirmed by Planner Davolio if the property was left as open space, parking would not be required, but if it is developed for public use, such as basketball, pickle ball or even just picnic tables and a gazebo, yes parking will be needed and it is a requirement.


Councilmember Wohleb reminded Council that Terry Nelson submitted a proposal for an Alternative Energy Cooperative. She requested it for a future Agenda item.

Planner Davolio stated between now and November, he will be working on updates to the Parks and Recreational Element of the Town's Comprehensive Plan. There will be plenty of opportunity for public involvement of the Maple Street Park and any other park and recreational space in the community.

There being no further business the meeting was adjourned at 8:05 p.m.



Maria DeGoede, Finance Director



Ramon Hayes, Mayor