

Town of La Conner
Town Council Meeting
September 13, 2022 – 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 Taylor, Dole, Chamberlain and Wohleb.

Also present: Administrator Thomas, Finance Director DeGoede, Public Works Director Lease, Planner Davolio, WWTP Operator Wynn, Fire Chief/Code Enforcement Officer Reinstra and Sgt. Montgomery of the Sheriff's Department.

This was a hybrid meeting held in person and 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 Chamberlain moved to excuse Councilmember Carlson. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

Public Comments:

Resident Jim Matthews questioned a few invoices in the claims report. Finance Director DeGoede responded.

Resident Gary Nelson discussed his letter to Council regarding following the Comprehensive Plan, especially on affordable housing.

Resident Maggie Wilder questioned the process of permit approvals. Administrator Thomas confirmed there is a step-by-step process and no permits are automatically approved even if they have not been approved in a timely fashion.

Resident Dan O'Donnell wanted to know why we were purchasing the Jenson property. Mayor Hayes explained the Jenson Family contacted the Town for the purchase of the property that is mostly gifted, with the criteria it was used for the good of the public. The land was assessed for \$182,000 and will be purchased for \$60,000. Because of its location near Channel Cove, the Mayor would like to see it used for affordable housing. However, that is a Council decision. The property is primarily gifted, so the Town will be paying for the transfer fees.

Resident Amy McFeely discussed the following: 1) spoke in favor of affordable housing for the Jenson property and the need to work with a County agency for a cooperative, effort to make that happen. 2) Suggested another use of the property would be a community garden or park. 3) Her concern of the increased professional crime in Town and suggested professional help to set up a block watch program, with increased communication and networking. 4) Addressed traffic flow and how to calm our traffic with less cars on the road.

Resident Debbie Aldrich advocated for green space for the Jenson property, but if affordable housing is going to be the Council choice, she advised working with Skagit Homeland Trust or Habitat for Humanity. Also, we need families in La Conner and need to consider where the children will play. We need green space.

Georgia Johnson shared her traffic experiences on Maple Avenue and suggested stops so people have to slow down.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of August 23, 2022

Accounts Payable:	Checks 25332 – 25387	\$116,493.33
Auto Payments:	2018033 – US Bank Processing Fees	\$500.88
	<u>2018034 – Invoice Cloud Processing Fees</u>	<u>\$145.40</u>
	Total Claims	\$117,139.61

Payroll of September 2, 2022	Checks	5613 - 5618	\$2,886.22
	AWC Benefit Trust	#2018028	\$12,893.46
Auto Payments:	DCP	#2018029	\$2,241.00
	PERS	#2018030	\$8,958.03
	Teamsters Benefit	#2018031	\$6,688.00

PR Taxes	#2018032	\$6,569.13
Payroll Auto Deposit		\$19,986.13
Total Payroll		\$60,221.97

Councilmember Dole moved to approve the Consent Agenda as presented. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

There were discussions on the status of the Heart of La Conner sculpture. Mayor Hayes confirmed it is temporarily on hold until the Chamber has reestablished a new director. The Hotel Motel application can be resubmitted for funding.

Mayor Hayes stated the New Library celebration in October has been canceled and will probably be rescheduled in the spring.

Revenue and Expenditure Reports:

Mayor Hayes noted the Sales Taxes are almost at 91%, Hotel Motel taxes are at 82%, and the REET Taxes are at 166% and the Fire Truck Sales Tax is at 97% from what was budgeted.

Finance Director DeGoede explained the difference on the Property Tax and REET Reports in the packet. The County started a new program which didn't identify the REET from the Property Taxes, so it was all receipted in Property Tax. It required adjustments from March through August.

Department Reports:

Planner:

Planner Davolio explained the planning Code Amendment process and the Comprehensive Plan updates. It is a multiple step process that is State mandated to just once a year.

The process begins with the published public notice of the 60-day window, from December 1 through January 31, for the general public to submit proposed zoning codes and Comprehensive Plan amendments to the Planning Commission. From that point, Under the Growth Management Act, any changes that are proposed has to be reviewed in the context of the following:

- Our existing code and comprehensive plan.
- The County comprehensive plan and county wide policies.
- The Growth Management Act.
- A review under the State Environmental Policy Act,
- Then public hearings, first with the Planning Commission and then with the Council.
- Finally, we submit everything to the State for the mandatory 60-day review by October 1.

This is a drawn-out process, which is why it is done only once a year. His goal this year is to get this document before Council at the next meeting, and if Council is comfortable in acting on it at that time, at least on a preliminarily basis, he will send it off to the State for the 60-day review. In December, Council will have an opportunity to make any adjustments deemed appropriate at that time. The only application we received for this year, before January 31st, was from the Port for industrial and commercial changes. After discussions with them, they decided to just act on the industrial for this year.

There was further Council discussion on extending the 60-day window for public proposals and having all of the process in one calendar year. However, we do have to have a deadline. Planner Davolio suggested we can accept them though the year, with the public notice advising or reminding the public of the deadline of January 31st of the following year. Any public proposals for code amendments received after January 31 of this year, will be considered in the 2023 cycle. Administrator Thomas stated this is a historical precedence that we have set and the same as any other jurisdiction in the County.

Public Works:

Public Works Director Lease discussed his concern on the agricultural consumption exceeding our cap on usage with Anacortes.

Sheriff's Department:

Sgt. Montgomery answered questions on the increase of crime in Town. Sgt. Montgomery suggested three courses of action. 1) Networking with the community such as Facebook. 2) Reporting traffic violations and suspicious persons for the Sheriff to follow up on and 3) Request an assessment, at no cost, on your house or business for suggestions to help protect your property from crime.

Mayor Hayes is an advocate for citizen patrol and would like to see security cameras on Commercial and First Streets. Councilmember Dole explained Mount Vernon's program that provides training, but is only for reporting, no engagement.

Mayor's Report:

The Town was unsuccessful in filling the position of Permit Tech and has now decided to advertise for two positions. One would be a part-time Office Assistant to help with the front desk duties and the second will be a full-time Assistant Planner

Mayor Hayes discussed the speeding issue on Maple Avenue and several residential streets. Public Works Director Lease has been looking at deterrents and found Speed Cushions as a good option. They are approximately \$4,000 each. This will be discussed as a possible addition to the 2023 budget. There were also discussions on a portable speed sign and upgrading our existing signs.

Mayor Hayes was approached by Town business owners who would like to put on a new event the same weekend as the Santa Breakfast. Actors would dress up in Christmas costumes from the 1880's with an old London look and walk the streets to encourage people to shop in the stores. Mayor Hayes will have more information later.

Short-term rentals were another discussion. Currently, the code in the residential zone has a 30 day or more requirement, but some residents would like it to be shorter to rent out their homes while they are on vacation. This code amendment will be reviewed next year for broader public discussions, as other residents are opposed to the shorter rental time.

Council Committee Reports:

Arts Commission:

Councilmember Taylor acknowledged Maggie Wilder for all her work and efforts on the repainting of the mural at Pioneer Park.

Ad Hoc Communication Committee:

The next Town Communication meeting is scheduled for Monday the 19th of September from 6:30 p.m. to 8:00 p.m. This meeting will have a facilitator and will be focused on whatever the citizens want to bring to the table. Councilmembers Dole and Chamberlain are there as recorders to listen only.

Parks Commission:

Councilmember Wohleb stated the Maple Park grant was unsuccessful but will continue to pursue funding. We are getting a \$5,000 donation from the Rotary and should know more after the next Parks Commission meeting.

The Solar Grant was unsuccessful as well, but there is still funding to go for.

Center Street Project:

Administrator Thomas referred to the three questions the Hearing Examiner remanded to the Town to address. 1) Is the contract rezone a valid contract with provisions applicable to the site. 2) Must the development on the subject site comply with the regulations governing the historic preservation district and 3) If the Town finds the subject site must comply with the regulations of the historical preservation district, which regulations are those, the ones from 1979 or the ones updated later on. The Town elected to hire outside council, Kenyon Disend Law Firm, for review of these questions. The Hearing Examiner outlined a process to which the Town was to publish a notice to accept

documents relative to these questions. This was done and the documents we received, along with our entire file of over 1000 pages, were sent to Kenyon Disend. Administrator Thomas received a legal opinion from Kenyon Disend in which they found the rezone contract was not valid as it did not meet the party's intent of a public notice by recording it with Skagit County. Also, the contract language as it exists, is not binding to the purchasers as they did not have knowledge of the contract rezone at the time of purchase. Because Kenyon Disend found the rezone contract not binding, there will be an administrative determination, issue a notice of decision and publish the appeals period.

Land Acquisition – Jenson Property:

Administrator Thomas explained this land is adjacent to Channel Cove with a purchase price of \$60,000. He provided Council with an updated agreement with a few typo corrections. The use of the property will be decided by Council.

Councilmember Dole moved to approve the purchase of the Jenson Property in the amount of \$60,000. Motion seconded by Councilmember Chamberlain. Motion carried 4/0.

Agreement – City of Mount Vernon Yard Waste:

Administrator Thomas explained this is a four-year extension to continue receiving the City's yard waste at the Wastewater Treatment Plant.

Councilmember Chamberlain moved to approve the Mayor to sign the agreement to accept the City of Mount Vernon's yard waste. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

2023 Budget Presentation – Public Works and WWTP:

Council questioned staff on clarification of budgeted items. Discussions focused primarily on future capital projects. WWTP will be receiving a grant from Department of Ecology for a study needed for the upgrades, but it has been delayed due the State's staff shortage.

Finance Director DeGoede will schedule a Special Meeting on September 27th at 5:00 p.m. for the Fire Department/Code Enforcement presentation and review of the General Fund.

Mayor Round Table:

Councilmember Dole asked for an update on the Moore Clark property. Administrator Thomas explained we did get the engineer's report, which has been forwarded to the Hearing Examiner.

Councilmember Chamberlain suggested forming additional committees focused on issues such as affordable housing.

There being no further business the meeting ended at 7:32 p.m.



Maria DeGoede, Finance Director



Ramon Hayes, Mayor