

***Town of La Conner***  
Town Council Meeting  
September 25, 2012 – 7:00 p.m.

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The meeting of the La Conner Town Council was called to order at 7:03 p.m. by Mayor Ramon Hayes.

Present: Councilmembers Brunisholz, Tracey, Welch, and O'Donnell.

Also present: Administrator Doyle, Finance Director Taylor, PW Director Lease, and Sergeant Wise.

**Approval of Agenda:**

**Councilmember O'Donnell moved to approve the agenda as amended. Seconded by Councilmember Welch. Carried 4-0.**

**Approval of Minutes:**

**Councilmember O'Donnell moved to approve the minutes of the September 11th, 2012 regular town council minutes. Seconded by Councilmember Welch. Carried 4-0.**

**Approval of Accounts Payable:**

**Councilmember Tracey moved to approve checks 12189 through 12233, and 201114 dated September 11, 2012 in the amount of \$62,183.73 as presented. Seconded by Councilmember Brunisholz. Carried 4-0.**

**Approval of Payroll:**

**Councilmember Brunisholz moved to approve payroll warrants 2661 through 2666, and 201113, and direct deposits for the payroll period September 1 through September 15, 2012 in the amount of \$26,278.60 as presented. Seconded by Councilmember Tracey. Carried 4-0.**

**Community Comments:** Dave Tracey, 503 S 3<sup>rd</sup>, suggested that the Bed & Breakfast be taken off the agenda until a new councilmember is elected.

**Administrator's Report:** Councilmember Welch inquired about the Flood Mitigation Plan. Administrator Doyle stated that when Fish & Wildlife's lawsuit against FEMA is resolved then the map modifications and flood insurance issues will move forward. He stated right now La Conner is under Option 3 compliance. Mr. Doyle stated that the Hazard Mitigation Report will improve the flood rating for the Town.

Mr. Doyle stated that he and Fire Chief Taylor will be going to Kent on Friday to get factual information from other jurisdictions to present to the RFA committee. The committee plans to meet quarterly starting in October.

**Mayor's Report:** Mayor Hayes reported that he and Councilmember O'Donnell met with the Navy and stated there should be a no fly zone of 1.5 miles around La Conner and are waiting to hear back from them. He stated that Bank of America will be here on September 28<sup>th</sup> for a meeting.

**Wildlife in La Conner – Raccoons and Rats:** Councilmember O'Donnell stated there is a problem with raccoons and rats at a residence in town. He would like the council to enforce abatement action against the environment that is attracting the raccoons and rats. Councilmember Brunisholz agreed that there is an infestation of rats in town this year.

Liz Theaker, showed the council a picture of her neighbor's backyard. She stated she has helped with cleaning up the garbage and most of the remainder is recycling.

Councilmember Tracey asked about approaching the resident and have a community work party of volunteers could go over and help clean up the backyard. Mayor Hayes agreed to approach the neighbor about volunteer help.

Administrator Doyle stated that the Town's Animal Control only applies to domestic animals, and it would be necessary to hire someone to trap the raccoons.

**Councilmember O'Donnell moved to have the administration research hiring an exterminator for a period of six months and report back to council. Seconded by Councilmember Tracey. Carried 4-0.**

**Bed & Breakfast – Chapter 15 Definition:** Administrator Doyle stated the only option for the council was whether or not to direct the Planning Commission to consider the issue again and come back to the council with their direction. He said this is a legislative action.

**Councilmember Brunisholz moved to postpone any consideration to change the zoning of Bed and Breakfasts until after the election. Motion failed due to lack of a second.**

**Councilmember Welch moved to direct the Planning Commission to entertain a code change for Bed and Breakfasts in La Conner. Seconded by Councilmember O'Donnell. Carried 2-1 with Councilmember Brunisholz voting nay and Councilmember Tracey abstaining.**

**Council Vacancy – Interview Candidates:** Councilmember Welch recommended listen to the candidates and have a paper vote. Mayor Hayes stated you cannot have a secret ballot, it has to be an open process. Councilmember Brunisholz recommended asking each candidate a few questions and then a vote.

John Leaver, 620 S 4<sup>th</sup> Street, stated he moved to La Conner in May 2011 from British Columbia. He worked in the airline industry, customer service, construction design and projects. He was a coordinator on an international airport terminal project with five different international airlines. He was the chairman of the committee.

Councilmember Brunisholz asked about Mr. Leaver's vision for La Conner and his experience with bringing diverse parties together and making things happen.

Mr. Leaver reiterated his experience on the international airport terminal project. He stated his vision for La Conner for its quiet and clean atmosphere. He is concerned about the number of businesses that are vacant.

Mr. Leaver responded to Councilmember Welch's question about his likes and dislikes about La Conner. He said he likes the country feel and being near the water, trees and nature. He also stated he liked the turkeys he saw while touring the Town. He said sometimes the Town seems too quiet and he misses the turkeys.

Councilmember O'Donnell inquired what Mr. Leaver would bring to the Finance Committee. He stated he has no accounting experience, but he did monitor the construction budget of \$300 million. He is experienced in excel and project management.

Steve Farnell stated he and his wife bought the Wild Iris in 2005. He was a lawyer in Spokane for 25 years and is semi-retired. He stated he also has a background in the hospitality industry.

Mr. Farnell stated his experience in mediation during his years as attorney has taught him how to work with diverse parties and bring them together under difficult circumstances. He stated the thing he likes about La Conner is the energy and good morale until 2009 hit the economy. He likes the boardwalk project, bike trails, and similar projects. He would like to keep the economic engine running in La Conner and is necessary for the basic quality of life.

Councilmember Tracey asked about his likes and dislikes of La Conner. Mr. Farnell loves the opportunity for outdoor activities and the friendliness of the Town. He stated he wished he had more time to enjoy the Town more. He stated he has experience in his law firm's finances and runs his own business.

Councilmember Welch asked how he would increase a sense of community in La Conner. He stated he felt the council could make a difference and make people feel they are heard.

**Councilmember O'Donnell moved to nominate Mr. John Leaver to the vacant council position #2. Seconded by Councilmember Brunisholz. Tied vote with Councilmembers O'Donnell and Brunisholz voting aye, and Councilmembers Tracey and Welch voting nay. Mayor Hayes vote aye and the motion carried.**

**Finance Director Taylor swore in Mr. John Leaver as Councilmember Position #2 for the Town of La Conner.**

**Council Committee Reports:**

Councilmember Tracey stated that the Lodging Tax Advisory Committee met regarding Hotel Motel taxes and Cindy Verge will be at the next council meeting to present their recommendations to the Council.

Councilmember Welch reported that the Street Committee met and discussed adding LED flashing lights to the stop sign at Morris during the budget process.

Councilmember O'Donnell stated that Curt Miller will present the plans for the street ends. Mr. O'Donnell also attended a Flood Control meeting. Mayor Hayes stated that the Town is committed to our temporary flood wall.

**Presentation on Street End Parks – Curt Miller:** Mr. Miller said that he has been working with the Parks Commission on the first phase of the Boardwalk and the emphasis has been on the WA and Benton Street End Parks. He showed the council drawings of WA Street End Park with two alternatives: 1) would be all for public access; and 2) would provide three handicap parking spaces with public access to the boardwalk and shops. This option could become a totally dedicated open space for certain events. He stated the budget for street ends is \$150,000, so he was looking for direction on WA Street End from the council regarding design.

It was the consensus of the council that they preferred option number 2 with three handicap spaces for WA Street.

Mr. Miller presented a drawing for the Benton Street End with a fluid green swirling pattern going from the Benton Street stairs across to the boardwalk possibly with LED lights. He suggested moving the

tugboat, canoe and a wheel that are presently at the Skagit County Historical Museum for children to play on and possibly a school of salmon near the boardwalk. He suggested moving the kiosks up near the sidewalks to identify entry to the boardwalk. The council liked the plans for Benton Street End Park.

**Boardwalk Bid Award:** Town Engineer Evan Henke reported that the Town opened the bids today for the upland portion of the boardwalk. He said the bid of \$156,798.03 provides construction from Gilkey Square to Palmers and the upward section of the boardwalk at WA Street. It includes all the material for the handrails, light fixtures, and special lumber for uniformity. He recommended approving and authorizing the Mayor to sign a contract with H.B. Hanson in the amount of \$156,798.03.

**Councilmember Welch moved to approve and authorize the Mayor to sign a contract with H.B. Hanson for the upland portion of the boardwalk. Seconded by Councilmember Tracey. Carried 5-0.**

**PUBLIC HEARING – Shoreline Master Plan Interim Ordinance:** Councilmember O'Donnell recused himself from the discussion and left the room.

Administrator Doyle stated this is a follow up for the interim ordinance the council passed and is a requirement by RCW when passing interim ordinances. He said the town needs to conduct a public hearing and then adopt a resolution of findings. This resolution gives the town a six month timeframe until the Shoreline Master Plan is updated and adopted.

**PUBLIC HEARING:** Mayor Hayes opened the public hearing for the Shoreline Master Plan Interim Ordinance at 8:36 p.m. There were no public comments and the hearing was closed at 8:37 p.m.

**Councilmember Welch moved to pass Resolution No. 482 adopting the findings for the Shoreline Master Plan Interim Ordinance. Seconded by Councilmember Tracey. Carried 4-0.**

**Community Comments:** None.

**Miscellaneous – Mayor/Council Roundtable:**

Administrator Doyle reported that he met with Steve Hoglund and his representative (Ashley Emery) that did the Anacortes water rate study methodology. He stated they will not reconsider the 2009 Water Reconciliation for La Conner. He said that much of the cost shock was caused by a decrease in the Tesoro water usage, and to expect a larger reconciliation for 2010. In 2011 Tesoro will be coming back on line. Mr. Hoglund stated that they would have the 2010 and 2011 reconciliation done by September 30<sup>th</sup>, and their proposed rate adjustment to reduce the magnitude of adjustments for 2012. Mr. Doyle stated Mr. Fred Buckenmeyer will be on the agenda at the next council meeting to give a presentation on the general issues and overview of the system. Councilmember O'Donnell will provide a memo to the Mayor and Council presenting his view of the 2009 water reconciliation.

Councilmember O'Donnell distributed an ordinance regarding Corporate Personhood and requested Terry Nelson explain the ordinance that had been presented previously to the council. Mr. Nelson would like a public debate about the issue.

Mayor Hayes stated that passing a resolution on this matter and an ordinance, which is law. An ordinance would go against the current law of the land and the council should hear some of the ramifications that can happen.

Councilmember Brunisholz would like the issue placed on the agenda for public input and see how many cities have adopted this ordinance. Mr. Nelson said that three cities have had to rescind the ordinance.

Administrator Doyle stated that our Town Attorney Brad Furlong is against this ordinance and Mr. Doyle spoke with Mark Bucklin from WCIA regarding this issue. Mr. Bucklin said this is against the Supreme Court decision it is protesting. By codifying it in law, you set yourself up for a lawsuit which can be costly, and WCIA would not provide legal defense and cover the Town of La Conner and the council personally.

Mr. Nelson said the \_\_\_\_\_ have offered their services to help the Town, and explain the issue further. Mr. Doyle stated this is an act of civil disobedience.

**Councilmember Welch moved to send a copy of the Resolution No. 480 to the congressional delegation. Seconded by Councilmember O'Donnell. Carried 5-0.**

There being no further business the meeting was adjourned at 8:55 p.m.

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Lorraine Taylor, Town Clerk

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Ramon Hayes, Mayor