

***Town of La Conner***  
Town Council Meeting  
September 11, 2012 – 6:00 p.m.

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

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

Also present: Finance Director Taylor, PW Director Lease, Fire Chief Taylor, Deputy Steve Wade and Sewer Operator Kevin Wynn.

**Approval of Agenda:**

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

**Approval of Minutes:**

**Councilmember Welch moved to approve the minutes of the August 14th, 2012 regular town council minutes as amended. Seconded by Councilmember Welch. Carried 4-0.**

**Approval of Accounts Payable:**

**Councilmember Tracey moved to approve checks 12150 through 12188, and 13000 dated September 11, 2012 in the amount of \$76,130.10 as presented. Seconded by Councilmember Welch. Carried 4-0.**

**Approval of Payroll:**

**Councilmember Brunisholz moved to approve payroll warrants 2648 through 2660, 201112, and direct deposits for the payroll period August 16 through August 31, 2012 in the amount of \$45,698.47 as presented. Seconded by Councilmember O'Donnell. Carried 4-0.**

**Community Comments:** None.

**Chamber Report:** Director Marci Plank reported that the Classic show was a success. She stated that the Bank of America building went up for bid on Friday, September 7<sup>th</sup>, and the Fruit & Produce Market will go up for auction on September 19<sup>th</sup>. She said the new Chamber's website is up.

**Department Head Reports:**

**Revenue/Expenditure Report:** Mayor Hayes briefly reviewed the information provided in the council packet.

**Public Works:** There were no questions on the report included in the council packet.

**WWTP:** Mayor Hayes reported that the La Conner WWTP has received the award of Excellence from the NW Biosolids Management Association for the Pacific Northwest area.

**Fire:** Chief Taylor stated that the deadline to complete the narrow banking of our communication system is December. The cost for the new system will be included in the 2013 budget.

**Sheriff:** There were no questions on the report included in the council packet.

**Mayor's Report:** Mayor Hayes reported that a new Executive Director for the Skagit 911 board has been selected.

**Resolution – Amendment to the Constitution to Abolish Personhood:** Mayor Hayes stated that the ordinance that had been circulated around town was not on the agenda tonight and has been deemed unlawful by the Town Attorney Brad Furlong. The council will consider the resolution that is on the agenda.

Mary Laskey, 3221 E Montgomery, Mount Vernon, commended the council for taking leadership in considering this issue.

Terry Nelson, 701 Whatcom, stated that he prefers an ordinance and urged the council to consider that option.

Scott Morgan, Indian Road, stated his disappointment that a resolution was being considered and not the ordinance.

**Council Committee Reports:**

Councilmember Welch stated he and Mr. O'Donnell had a Streets Committee meeting on Saturday, September 1 with Terry Nelson and two representatives from the Community Environmental Defense Fund. They reviewed both the ordinance and the resolution, and realized the ordinance would be rejected by the Town Attorney. The issue is a conflict between state and federal laws. He stated that he felt the Citizens United decision has eroded democracy in this country.

Councilmember O'Donnell suggested that the full council look at the ordinance on September 25<sup>th</sup>.

**Councilmember O'Donnell moved to table this issue until the next council meeting. Motion failed due to a lack of a second.**

**Councilmember Brunisholz moved to approve Resolution No. 480 as amended abolishing corporate personhood. Seconded by Councilmember Welch. Carried 4-0.**

**Ordinance – 2012 Budget Amendment:** Finance Director Taylor stated this is a housekeeping item that documents what the council approved at the August 14<sup>th</sup> meeting.

**Councilmember Brunisholz moved to approve Ordinance No. 1089 amending the 2012 budget. Seconded by Councilmember Tracey. Carried 4-0.**

**Resolution – Establishing Membership for the Regional Fire Authority:** Mayor Hayes requested Councilmembers Tracey and O'Donnell to serve with him on the planning committee for the formation of a Regional Fire Authority. They accepted the Mayor's request.

**Councilmember Brunisholz moved to approve the appointment of Councilmember Tracey and O'Donnell to serve on the planning committee for the RFA with Mayor Hayes. Seconded by Councilmember Welch. Carried 4-0.**

**Bed & Breakfast - Chapter 15 Definition:** Mayor Hayes turned the discussion over to Councilmember O'Donnell who requested the agenda item. Councilmember Tracey stated she would recuse herself from the discussion.

Councilmember O'Donnell stated that Chapter 15.10.125 allows for a choice between a bed & breakfast in an owner-occupied home **or** property that provides up to five rooms for this purpose. He stated he doesn't feel there is a threat to a manager style ownership.

Dave Tracey, 616 2<sup>nd</sup> Street, stated that their goal has been to sell Katy's Inn. When they moved out to their home on 2<sup>nd</sup> Street, they were given six months by Administrator Doyle to sell using an onsite manager to run the Inn. After this point, the issue was referred to the Planning Commission for review regarding the La Conner Municipal Code and the Commission requested the Administrator to draft the code changes although they had concerns about a conflict with the Comprehensive Plan and manager run bed & breakfasts. The Planning Commission voted on August 21, 2012 to reject the revised code language provided by the Administrator. Mr. Tracey encouraged the council to adopt the revised code language regarding bed & breakfasts.

Alvin Anders, 117 Maple, favors changing the code.

Bob Raymond, 608 S 2<sup>nd</sup> Street, expressed concerns regarding encroaching on residential neighborhoods. He suggested drafting an extended grace period.

Barbara Brunisholz, 515 Talbott, favors preserving residential neighborhoods and follow the current Comprehensive Plan.

Kristina Lowe, 515 S 3rd Street, shared her appreciation for the community service that the Tracey's provide to La Conner. She supports changing the code.

Casey Schanen, 617 S 3<sup>rd</sup> Street, asked what the difference was between a vacation rental and a bed & breakfast. Councilmember O'Donnell stated we do not have it in our municipal code.

Martin Howard, 13105 McLean Road, doubts that there would be an influx of bed and breakfasts if the code was changed.

Alvin Anders, 117 Maple, stated there is a shortage of rooms to rent on Saturdays in April, July & August in La Conner.

Joy Gardner, 504 S 3<sup>rd</sup> Street, favors giving a grace period to the Tracey's.

Christine Howard, 13105 McLean Road, stated they are hardworking people and support the Town in many ways and supports them 100%.

Sarah Nelson, La Conner Country Inn, supports giving them time to sell Katy's Inn.

John Leaver, 620 S 4<sup>th</sup> Street, supports giving them an extension to sell Katy's Inn.

Katie Howell, 117 Maple, stated that a closed business does not sell for as much and the clientele would have to be rebuilt, and supports consideration for the Tracey's.

Mayor Hayes stated he wanted to present this issue at the September 25 council meeting so the Administrator could be present. He stated there are two options – 1) ask the Administration to give them more time, or 2) or have the council request a code amendment which would send the issue back to the Planning Commission.

Councilmember Welch stated he would like to resolve this in a friendly way and wait until the council vacancy is filled before addressing the issue.

Councilmember Brunisholz stated that this is not about the Tracey's, and he is not supportive of the change and favors owner occupied bed and breakfasts. He stated that councilmembers are held to a higher standard and should follow the rules and abide by the Planning Commission's decision. He does not support changing the code.

Councilmember Tracey stated that they would never have moved out of Katy's Inn if Administrator Doyle hadn't told them he would work with them and this wasn't going to be a problem before they signed any agreement to make a move. She stated they did know the code, discussed it with Administrator Doyle and he gave them a six month grace period. At that time they had an interested party in buying the Inn.

Mayor Hayes stated that he needs to talk with the Administrator to get more information on the issue and see if there is any flexibility.

**Councilmember Welch moved to postpone action on this issue until a new councilmember is seated and if a new councilmember is not seated within 30 days, the enforcement window for cease & desist business at that time be extended until a new councilmember is seated and an adequate discussion on this topic can occur. Seconded by Councilmember O'Donnell. Carried 4-0.**

David Tracey, stated that he received an email from Administrator Doyle stating he would not issue the letter regarding cease & desist doing business pending the fact that the issue is now before the council.

**Dept. of Commerce Contract for Capital Allocation for Boardwalk:**

**Councilmember Tracey moved to authorize the Mayor to sign the contract with the Department of Commerce for Capital Allocation for the Boardwalk. Seconded by Councilmember Brunisholz. Carried 4-0.**

**Community Comments:** None.

**Miscellaneous – Mayor/Council Roundtable:**

Councilmember Brunisholz inquired about a different venue for holding council meetings.

Finance Director Taylor reminded council that budget discussions would begin at 5:30 p.m. on September 25<sup>th</sup> with the regular council meeting starting at 7:00 p.m.

Councilmember O'Donnell requested that the issue of raccoons and rats be on the agenda for the next meeting.

Councilmember Welch wanted to know if there was an update with the Navy base on the no fly zone put in place many years ago over La Conner that has now eroded. Mayor Hayes stated that Navy base has been very responsive, and he and Councilmember O'Donnell will be meeting with them.

There being no further business the meeting was adjourned at 7:27 p.m.

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Lorraine Taylor, Town Clerk

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Ramon Hayes, Mayor