

Town of La Conner

Town Council Meeting
May 24, 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, Carlson, Dole, Chamberlain and Wohleb.

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

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.

Mayor Hayes announced the Public Comments on the Agenda will be moved after New Business.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of the May 10, 2022 Meeting.

Approval of the Minutes of the May 17, 2022 Special Meeting.

Accounts Payable:	Checks 25051 - 25081	\$177,957.18
	Voided Check 25082	
	<u>Electronic Pmts. – 201799 Excise Tax</u>	<u>\$7,055.61</u>
	Total Accounts Payable	\$185,012.79
Payroll of May 20, 2022	Checks 5571 - 5576	\$2,548.31
	Payroll Auto Tax Payment #201798	\$6,515.97
	<u>Payroll Auto Deposit</u>	<u>\$19,297.05</u>
	Total Payroll	\$28,361.33

Councilmember Dole moved to approve the Consent Agenda with the Public Comments moved after New Business. Motion seconded by Councilmember Wohleb. Motion carried 5/0.

Administrator's Report:

The Fish Slide at the Waterfront Park is in need of repairs with an estimated cost of \$6,000. This is a reoccurring problem for the last few years due to the concrete products used. Administration is still working out what to do with the slide.

Mayor's Report:

Mayor Hayes discussed the Center Street Rezone Contract from 1986, found during an extensive records request. It was never recorded with the County, was not on the title report, not ratified by ordinance or applied to the zoning map. It is state law all rezoning must be passed by ordinance. It is now with the Hearing Examiner for review with the Motion for Reconsideration submitted by Linda Talman.

Council Committees

Communications – Ad-Hoc:

Councilmember Chamberlain shared they are working on the second forum with a main focus on processes in terms of planning, building and La Conner growth. Councilmember Dole is working on a flow chart on the Town planning process to be presented at the forum.

WAB:

Councilmember Taylor reported everything is status quo at the Wastewater Treatment Plant.

Arts Commission:

Councilmember Taylor reported a new art donation of a dove from Artist Tracy Powell. They are looking at a possible placement in the Peace Park. Hopefully they will be discussing it with the Parks Commission at their next meeting.

Western Solar Contract:

Administrator Thomas explained the WA State grant application requires a contractor in place. This agreement is contingent of receiving the grant. The solar panels will be located at the Wastewater Treatment Plant with the power lead to the Fire Department. This is a 50/50 shared cost between the Town and the grant.

Councilmember Carlson discussed the immediate need for a generator for the Fire Department was turned down during the budget process with a cost of \$15,000, and the match for this solar project is \$47,000. Administrator Thomas explained the WWTP also needs a generator. And the thought was to accommodate both the Treatment Plant and the Fire Department in the Wastewater Treatment Plant upgrades. Also, the possible purchase of a portable, temporary generator for the Fire Department is being considered until this happens.

Councilmember Chamberlain recognized Councilmember Wohleb on all the work she put into preparing the grant for the solar power. It will be a significant cost saver.

Councilmember Chamberlain moved to approve the Western Solar Contract contingent to the receipt of the grant. Motion seconded by Councilmember Wohleb. Motion carried 5/0.

Roger Small Sculpture Donation – Thostenson

Resident Marilyn Thostenson has donated a sculpture by Artist Roger Small and has graciously accepted all costs for the installation at the bottom of the Benton Street Stairs. It has gone before the Arts and Parks Commissions with positive responses.

Councilmember Chamberlain moved to accept the art donation from Marilyn Thostenson. Motion seconded by Councilmember Dole. Motion carried 5/0.

Update of the Water Use Efficiency Plan (WUE):

Public Works Director Lease explained this update is required every six years. The Town has maintained well below the 8% leak limit.

Public Hearing – WUE Update:

6:23 p.m. Mayor Hayes opened the Public Hearing in Regards to the Water Use Efficiency Plan.

Public Comment: Resident Deborah Aldrich asked how this would affect the drainage. Public Works Director Lease explained this is completely separate and only applies to potable water.

6:25 p.m. Mayor Hayes closed the Public Hearing.

Resolution No. 601 – Water Efficiency Goals:

Councilmember Chamberlain moved to approve Resolution 601 for the Water Use Efficiency Plan. Motion seconded by Councilmember Taylor. Motion carried 5/0.

Public Comments:

Resident Jim Matthews questioned the minutes regarding his comments. The La Conner Weekly News did a far more extensive description of his comments than what was in the minutes. Finance Director DeGoede explained the minutes are not verbatim and concentrate on actions, not on what is said. Mayor Hayes also noted the meetings are recorded and on the Town website for public viewing. Mr. Matthews also requested the process and procedure required to add to the 30-foot height restriction code, any exception, to include the Port, must be approved by a vote of the citizens of La Conner. Administrator Thomas explained the usual process in the State of WA is to first amend or modify the Town's Comprehensive Plan which includes an elaborate public participation component, and second to amend the development regulations. To address implementing a vote of the people in the code, he will have to do more legal research to see if the citizens retain that authority.

Citizen Gary Nelson questioned why the 30-foot restriction was implemented in the code when the Fire Department is not equipped with equipment to fight fires at that height. Planner Davolio explained due to a project in 1994, Council approved the height restriction defined as 30-feet from flood point and we have been dealing with the issue since then. As for the reason why, Mayor Hayes stated we really don't know. Mr. Nelson also discussed the

conditional use for the Center Street Project and the negative impact on the residents around it. They will be losing nine parking spots and the view. He also questioned the access and safety of the firefighters.

Resident Maggie Wilder discussed the Center Street property and the series of mistakes made in regards to this property. She questioned the Town officials on why they didn't remedy the issues rather than shuffling them around or do the expedient thing.

There was a request from a resident to just listen to the public comments. They didn't need to have a rebuttal or comment back from the Mayor.

Citizen Linda Talman talked with three land use attorneys and a realtor who felt the 1986 zoning contract is valid. It was the Town's fault it was never recorded. She would like to see changes, worked out with the citizens to be put on the docket. She also addressed her issues with the Conditional Use Permit issued for the Center Street Project.

Resident Dr. William Smith just moved to La Conner and commented on what he has heard is conflicts between the Town representatives and the people.

Planner Davolio had requested a citizen workforce to help with the sign regulations in Town a few months ago. He has had no response to date.

Resident Debbie Aldrich is very unhappy with the Planner, the hearing examiner that is not a land use attorney and the elected officials. She did not understand why there was not an Environmental Impact Statement done on the Center Street Project and believes the 1986 Contract rezone is valid.

Mayor Hayes and Administrator Thomas explained there is a chance, if the 1986 Rezoning Contract is not valid due to having been done improperly, the property could go back to residential. Administrator Thomas stated we are in the process of matching up our zoning ordinances since that time as it could have been rezoned since then.

Resident Renee Matthews stated feedback from the Mayor, Council and Staff is an important part of the meeting and that is how it should be done.

Planner Davolio stated the request for considerations for the Center Street Project are in the hands of the Hearing Examiner. No one from Town Hall or Council has had any communication with the Hearing Examiner in regards to the requests for consideration. If anyone disagrees with the decision of the Hearing Examiner, by the process of our Town Code, it would then go to court.

Also, at the end of every year, we advertise for requests for Comprehensive Plan Amendments with a January 31st deadline submittal. The Port submitted a request and that is what we are working on right now. It is a very lengthy and public process. Hopefully by the end of the year, we will know what they are looking for and how it will benefit the community.

There were discussions on rather than doing an Environmental Impact Statement for the Center Street Project the Planner required specific studies on the impact and conditions of the gasoline on the property.

Resident Georgia Johnson discussed the mistakes made because of not knowing the history of the property and questioned the transparency.

Mayor Hayes stated Administration is responding to actions taken in 1986 and he, the Town Council and the Administration are committed to making sure that any errors or omissions are looked at and that we find the path to move forward.

Mayor Round Table:

Discussions included:

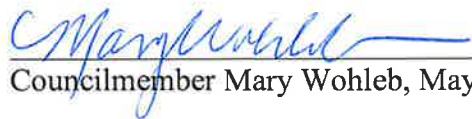
- Councilmember Dole asked about the fire at the Upper Skagit warehouse next to the Moore Clark building and the risk to the Town. Administrator Thomas stated we are addressing the owners of the Moore Clark building.

- Councilmember Wohleb stated she had a great tour of the Fire Hall and wants to discuss the need for air conditioning.
- Administrator Thomas stated due to staff shortage, he would like to schedule a special meeting to cancel the June 14th meeting. Also, we need to approve the new holiday, Juneteenth. The special meeting will be scheduled the week of the 7th.
- Councilmember Carlson discussed ratifying the 1986 zoning contract now. It was decided to wait as we are already in the process for the decision of the Hearing Examiner.

There being no further business the meeting was adjourned at 7:37 p.m.



Maria DeGoede, Finance Director



Councilmember Mary Wohleb, Mayor Pro-Tem