

Town of La Conner

Town Council Meeting

July 13, 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 Brunisholz, Leaver, Stokes, Chamberlain and Wohleb.

Also present: Administrator Thomas and Finance Director DeGoede, Public Works Director Lease, WWTP Operator Wynn, Planner Davolio, Asst. Fire Chief Avery and Sgt. Willard of the Sheriff's Department.

Public Comments:

Resident Rick Dole discussed the need for a code enforcement officer. The parking in Town is out of control with people parking in red and yellow zones.

Resident Dan O'Donnell stated the Maple Park Easement Release should release all easements to include utilities. Also, he feels the whole purchase and sale agreement should be rewritten.

Resident Marilyn Johnson thanked the Sheriff for the extra speed patrol.

Resident Linda Talman discussed her disagreement of the Hall Project, complained the Town website was difficult to navigate, the Council packets were incomplete because they didn't include citizens letters, there were no hybrid meetings and the undependable email setup for Council.

Resident Jim Matthews requested more information on the twenty million dollar estimated Town capital projects. Mayor Hayes and Public Works Director explained the Town's six-year TIP lists all the upcoming projects to the water, drainage and sewer. The Mayor will provide Mr. Matthews the information.

Resident Jules Riske encouraged a hybrid or broadcast option of the meetings and questioned how a citizen can bring issues to Council and get a direct response.

Resident Kai Ottesen discussed the Maple Park Easement and wanted clarification of utilities to be underground. He also requested the dates involved in the purchase and sale of the Hedlin property and transparency in Council decisions. Mayor Hayes requested an email with his questions so he could provide him the information.

Resident Bob Raymond read his statement regarding the failed decisions on public use and the possibility of grant funding for low-income housing

Resident Marge Jaye spoke in support of the Maple Ball Field and maintaining as much open space as possible.

Mayor Hayes stated on behalf of the Council and himself, we encourage public participation and want the public to know exactly what decisions are made.

Presentation: Terry Nelson – Clean Energy Cooperative:

Terry Nelson submitted a proposal to the Town and the Swinomish Tribe to form a cooperative for clean energy. After discussions, it was decided to set up a Utility Committee meeting with Terry Nelson.

Mayor Hayes noted the addition on the Agenda for the Maple Ball Field Easement Release is only up for discussion, not for a vote.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of June 22, 2021

Accounts Payable:	24221 – 24275	\$87,979.36
Auto Payments:	201717 CC Utility Fees	\$130.60
	201718 Parking Meter Fees	\$152.25
	201719 Leasehold Taxes	\$1,444.47
	Total July 13, 2021 Claims	\$89,706.68

Payroll of July 2, 2021	Checks	5411 - 5419	\$21,010.33
Auto Payments:	DCP	#201714	\$2,291.00
	PERS	#201715	\$11,309.24
	PR Taxes	#201716	\$6,691.76
	<u>Payroll Auto Deposit</u>		<u>\$20,354.78</u>
	Total Payroll		\$61,657.11

Councilmember Stokes moved to approve the Consent Agenda as presented. Motion seconded by Councilmember Wohleb. Motion carried 5/0.

Chamber Report:

Director Carter is currently working on the Annual Classic Boat and Car Show. They are limiting the number of cars and visitors on F Dock. There will be no food onsite, but will be encouraging participants to utilize the local restaurants. There will be a car cruise from the Marina to Fidalgo Island.

Revenue and Expenditure Reports:

Mayor Hayes stated Sales Taxes are beyond our expectations this year at 86.4%, Hotel Motel is catching up at 60.5% and everything else is stable.

Planning:

Planner Davolio discussed the new State law requiring transitional housing for the homeless. He will be bringing up the issue at the next Council meeting. Based on the deadlines the State imposed, there is no way for us to meet the requirements in time, so we will be doing something on an interim basis.

Sheriff's Department:

Sgt. Willard stated both the 4th of July Parade and the Swinomish Pride March were well attended with no problems.

Councilmember Stokes commended Administrator Thomas for his time and efforts organizing the Parade.

Fire Department:

Councilmember Stokes checked out the fireboat and saw the problems with the steering. Also, it is way too small. Councilmember Wohleb thanked the Fire Department for their quick response to the smoldering fire near the Pearle Jensen dike.

Council Committee Reports:

Arts Committee:

Councilmember Leaver shared the Arts Commission is planning the November 2021 Art's Alive Event.

Councilmember Leaver also shared the First on First will follow the La Conner Boat and Car Show. He is also planning a movie night at Maple Hall.

Facility Committee:

Councilmember Chamberlain reported the Port of Skagit Lease for the Public Works building is up for renewal. The new lease is flexible, so if we do find a new home for Public Works, we have an out.

Frontier Cleaning was unable to keep up with the Maple Hall cleaning due to shortage of staff. We have a new cleaning agreement in the packet with a company that is familiar with the facilities. They will be able to meet our needs and will be more cost effective.

Finally, Council will be presented with an ordinance outlining the new rental requirements for Maple Hall and the Garden Club. The rental agreements will now require music and the serving of alcohol to end at 10:00pm. Also, we will be requiring certified servers for alcohol, as well as Insurance and security guards for any event serving alcohol. This excludes community events, such as Art's Alive.

Parks Committee:

Councilmember Wohleb reported the funding for the Waterfront Park Pavilion has been budgeted for in the ordinance coming up in this meeting. Also, the Parks Commission will be reviewing a first draft of the survey for the Maple Park at the next meeting.

Administrator's Report:

Administrator Thomas has been looking into different options for hybrid meetings. He found the "Owl," that just may be our solution. It has a camera and mics built in, with a cost of approximately \$1,000. He was asking for a consensus of the Council to purchase it. After discussions, Councilmembers requested to see it in operation at another meeting before purchasing it. Administrator Thomas will follow up.

Recently, the Administrator has had push from the public to include letters from citizens in the Council packets. Normally, Town Hall procedure is to email the letters to Councilmembers. He is asking for guidance on what the Council would like to happen. After discussions, it was decided letters which didn't pertain to the agenda items in the packet would cause confusion, so they wanted to continue having them emailed to them. One other complaint was the public would never see these letters. Even though letters can be published in the local paper for community awareness, it was decided to create a place on the Town website for citizen letters. Councilmembers can request a letter they receive to be added to the agenda, as well as issues can be brought up at the Mayor Roundtable.

Shoreline Master Plan Updates:

Planner Davolio gave a brief explanation of the updates and State requirements. He has received a preliminary approval from the Department of Ecology, which was required before Council could act.

PUBLIC HEARING – Shoreline Master Plan Updates:

7:23 p.m. Mayor Hayes opened the Hearing.

Citizen Xochi Flores – asked for clarification on what flexible meant for the wetland buffer.

Citizen Dan O'Donnell questioned why the Shoreline Master Plan doesn't address harbor lines.

7:25 p.m. Mayor Hayes closed the Hearing.

Ordinance 1198 – Shoreline Master Plan Updates:

Administrator Thomas explained the last charrette in 2017 was concerned with flooding from sea rise if a levy was in place causing a bathtub issue. The water would have no way out of Town. Before a second charrette we needed the engineers to design the dike, but before that can happen, there has to be a Hydrology Study to know how the water would flow so we would know how big the pipes had to be and where they needed to be placed. We are working on the permitting with the Corps of Engineers and FEMA as well as possible grant funding for another charrette for the dike project.

Councilmember Stokes moved to approve Ordinance 1198 for the Shoreline Master Plan Updates. Motion seconded by Councilmember Wohleb. Motion Carried 5/0.

Ordinance -1199 LMC Title 15 Code Amendment:

Planner Davolio explained the code amendments were just a cleanup for consistency from the prior Title 15 Code Amendments.

PUBLIC HEARING – LMC Title 15 Amendment:

7:37 p.m. Mayor Hayes opened the Hearing.

Citizen Xochi Flores –questioned if this pertained to unsuitable land

Resident Jerry Shull - requested all the changes in writing. Planner Davolio provided him a copy of the changes.

7:39 p.m. Mayor Hayes closed the Hearing.

Councilmember Stokes noted these changes are basically cleanup from the changes made earlier this year. He voted against them last time as he feels the Town will regret lowering the standard lot sizes and side yard setbacks.

Councilmember Brunisholz moved to approve Ordinance 1199 amending Title 15 of the LMC. Motion seconded by Councilmember Wohleb. Motion carried 4/0 with Councilmember Stokes abstaining.

Ordinance 1200 – 2021 Budget Amendment:

Finance Director DeGoede explained these amendments included the Cares Grant funding received, expenses for the reader signs Council approved, expenses and reimbursement for the damage of the Pioneer Park building,

expenses for First on First, an expense increase to the Fire Department for woodland fire gear and an expense increase to sewer testing due to new requirements.

Councilmember Stokes moved to approve Ordinance 1200 amending the 2021 Budget. Motion seconded by Councilmember Leaver. Motion carried 5/0.

Policing:

Chief of Fields Services Baldwin, Undersheriff Clark and Sgt. Willard of the Skagit County Sheriff's Department attended the meeting to discuss policing in the Town of La Conner. The agreement will expire at the end of the year and citizens are looking for more coverage. Administrator Thomas provide a memo in the packet on other options, to include the Swinomish Tribal Police, a full-time code enforcement officer, full-time deputy, and a full-time marshal. Mayor Hayes explained 14 years ago, we had four full-time deputies and a half-time sergeant. Through the years this has decreased due to costs increasing and revenues decreasing. If we want more law enforcement, we will have to pay for it. Administrator Thomas explained the difference between a code enforcement officer and a marshal is the marshal is a commissioned officer with the powers of arrest.

Councilmember Leaver corrected information from a comment of the last meeting. The Swinomish Tribal Police does have canine and detective operations. Councilmember Brunisholz is in support of staying with the County Sheriff's Department and does not see us working with the Swinomish Tribe for policing. Councilmember Stokes stated the County Sheriffs also included in their agreement the court and jail system as well as the prosecutor's office. The Swinomish Tribal Police did not. Also, because we have an office in Town for the Sheriffs, they are actually in Town more than what we are paying for.

Sheriff Baldwin explained the job of the law enforcement officers has become much more complex due to legislative mandates. They include trained officers for interaction with the most vulnerable in crisis; they also have a detective division, canines, drug taskforce, undercovers to send to problem drug areas and helicopter search. Their goal is to provide the best service they can for La Conner.

Mayor Hayes stated we are seeing a lot more crime of opportunity and we need to show there is accountability. One idea is to hire a full-time code enforcement officer provided with a Sheriff's surplus SUV, with a full-time deputy. Sheriff Baldwin stated he could help the Town with finding a vehicle and can outfit it with radios.

Councilmember Wohleb asked for clarification of the difference between a code enforcement officer and a marshal. Administrator Thomas explained a marshal is a commissioned officer with the powers of arrest. A code enforcement officer does not have such powers.

Councilmember Chamberlain was in support of a full-time code enforcement officer with the possibility of extended duties and flexible hours. Maybe it would be possible to have some crime prevention, triage capacity and as an acting liaison to the Sheriff in terms of visibility. This is what the citizens are asking for.

Councilmember Stokes noted it would cost more for a full-time deputy. He recommended hiring two part-time code enforcement officers so they could trade off weekends.

Staff will follow up with cost comparisons for all options.

Agreement – Release of Easement (Maple Ball Field):

This is a partial extinguishment of Easement C between the Town and Land Gentry across the Town's property. It releases the ingress and egress, but the utility easement will remain. This is only up for discussions tonight, not for Council approval. It was requested to have the agreement specify utilities will be underground. Councilmember Chamberlain expressed concern with the size of the homes and the default clause in the agreement. Administrator Thomas explained the plans and maximum square footage is in the agreement. If they provide plans that exceed the plans in the agreement we would not grant the building permit. As for the utilities, it is by default they will be underground as utilities can't be above ground in Town.

Agreement – Public Works Lease:

Mayor Hayes requested to table this agreement for the next Council meeting.

Councilmember Stokes moved to approve to table the Public Works Lease for the next meeting. Motion seconded by Councilmember Chamberlain. Motion carried 5/0.

Agreement – Quality Services Facility Cleaning:

Administrator Thomas explained Frontier Cleaning has had problems with staffing and couldn't meet the needs of maintaining Maple Hall. Quality Services owner, Quinn Sherman, has had experience cleaning the facilities in the past and can provide us with the services.

Councilmember Chamberlain moved to approve the agreement with Quality Services for the cleaning of Maple Hall and the Garden Club. Motion seconded by Councilmember Stokes. Motion carried 5/0.

Resident Glen Johnson spoke on making money and pushing for bigness in a small community.

Resident Rich De Shon stated his concerns on public safety and vulnerable areas.

Resident Dan O'Donnell requested copies of documents referred to in Paragraph C of the Release of Easement Agreement. Administrator Thomas will provide them.

Resident Marilyn Johnson spoke in support of the Hedlin Family, maintaining the Maple Ball Field and her disagreement of the results of the sale of their property.

Resident Christi Asplund spoke in support of the Hedlin Family and maintaining the Maple Ball Field.

Resident Ivan Carlson corrected his comment from the last meeting. He didn't realize at the time, the Swinomish Tribal Police had just started the canine program.

Resident Kai Ottesen questioned why the easement was granted when the restrictive covenant only applied to 24,000 square feet, and why was there consideration given for their building footprint, when they were not planning to use the easement for either utilities or ingress and egress.

Planner Davolio responded to Kai Ottesen that he came up with the easement concept for several reasons. One it created the expansion of 25% of the property park and second it would allow access to three of the lots to potentially eliminate extra driveways on Maple. Subsequently after the completion of the purchase and sale agreement, the developer came in with their own design that included the easement, as that was in the original plans.

Mayor Hayes requested Kai Ottesen to email him with any questions he has to be sure he received accurate information.

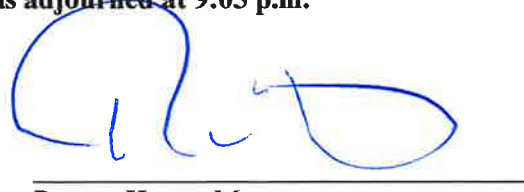
Mayor Roundtable

Councilmember Brunisholz discussed installing air conditioning and backup power in Maple Hall for an emergency center for the community.

There being no further business the meeting was adjourned at 9:05 p.m.



Maria DeGoede, Finance Director



Ramon Hayes, Mayor