

## ***Town of La Conner***

Town Council Meeting  
August 8, 2006 – 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.

Present: Mayor Everton, Councilmembers Perry, Hubbard, O'Donnell, Johnson and Wright

Also Present: Town Administrator Scott, Finance Director Malarchick, Planning Director Doyle, Public Works Director Lease, Fire Chief Taylor

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### **Approval of Agenda:**

**Councilmember Hubbard moved to approve the agenda as distributed. Seconded by Councilmember Perry. Carried 5-0.**

### **Approval of Minutes:**

**Councilmember Johnson moved to approve the minutes of the July 25, 2006 regular town council meeting as distributed. Seconded by Councilmember Hubbard. Carried 5-0.**

**Approval of Accounts Payable:** Councilmember O'Donnell inquired about the payment to AWC Employee Benefits. Mrs. Malarchick explained healthcare premiums for anyone not receiving a payroll check for the last period of the month must be paid through claims. Councilmember Perry noted a payment of \$4,500 from Hotel/Motel taxes was paid to the Chamber of Commerce with this claims run.

**Councilmember Perry moved to approve vouchers 25197 through 25226 dated August 8, 2006 in the amount of \$41,163.80 as presented. Seconded by Councilmember Hubbard. Carried 5-0.**

### **Approval of Payroll:**

**Councilmember Hubbard moved to approve payroll warrants 7108 through 7122 and direct deposits numbered 175 through 190 for the payroll period July 16 through July 31, 2006 in the amount of \$31,337.81 as presented. Seconded by Councilmember Wright. Carried 5-0.**

**Community Comments:** Time was given for members of the audience to address the council regarding issues that are not on the agenda.

- Nancy Van Wieringen, requested an explanation/clarification of two ordinances that appear to contradict each other. She distributed a written statement to each councilmember and the mayor.
- Donna Blades read a prepared statement about the inconsistent rules in the UDC and SMP. She noted at a recent Planning Commission meeting the Planning Director apologized for the unclear language in the UDC regarding development and parking issues. Ms. Blades stated the council does not have to accept the recommendations of the Planning Commission and can make a decision outside their recommendation.

**Chamber Report:** Mayor Everton stated the Chamber of Commerce Executive Director is not available to make a report this evening.

**Revenue/Expenditure Report (July 2006):** Councilmember O'Donnell commented there is a balance in excess of \$83,000 in Fund 209-Water Revenue Bond. He noted with an additional \$24,000 (which is the

amount of refund coming from the City of Anacortes) there would be enough funds to pay the bond in June 2007 and delete the monthly charge from the utility billing. He also stated on the revenue report the employee contributions (\$5,149) exceed the budget amount (\$0) and recommended a budget amendment of approximately \$8,800 be completed to recognize that revenue. Councilmember O'Donnell noted Fund 105 is quite out of balance by \$24,365 and beginning cash is not enough to cover this overage; he recommended someone look at this. Once again Councilmember O'Donnell noted transfers in/out are out of balance by \$4,000.

#### **Department Head Reports:**

- Mrs. Malarchick commented Town Hall staff received a presentation of their financial programs from Springbrook Software today; a report will be made to council at a later date.
- Mr. Doyle stated a permit is currently under review from Sacred Heart Church and he discussed the parking agreement with Councilmember Wright. He noted a developer agreement relating to that developer activity/improvements and the parking will be presented to council at a later date.
- Councilmember Johnson expressed concern regarding some activity she observed in which a drainage ditch is being covered. Mr. Lease responded this is part of a project that includes drainage improvements.
- Mayor Everton commented it is interesting to note that the total sewer flow is up 2% from last year.

#### **Mayor's Report:** Mayor Everton reviewed the following item(s):

- Mayor Everton introduced Arno Zielke, an artist from Shelter Bay and the newest member of the La Conner Arts Commission.

#### **Council Committee Reports:**

##### **Councilmember Perry:**

- The Finance Committee met and discussed flooring repairs needed at Maple Hall as the result of a recent event. The estimate of repairs is \$1,220 plus tax and a damage deposit of \$500 was received. It is the recommendation of the Finance Committee to authorize expending up to \$1,500 with funding to be received from the damage deposit and the balance from Cumulative Reserve-Facility Maintenance. There was a brief discussion regarding the cause of the damage and how it may be prevented in the future.

**Councilmember O'Donnell moved expend up to \$1,500 for repairs to the Maple Hall floor, with funding to be received from the \$500 damage deposit and the balance from Fund 301 Cumulative Reserve-Facility Maintenance. Seconded by Councilmember Hubbard. Carried 5-0.**

- The 2007 Code Enforcement Officer position was discussed. Ms. Scott commented the seasonal public works employee has agreed to fill the Code Enforcement position for the remainder of 2006. He will begin working in the Code Enforcement position next week.
- The town parking lot revenues were discussed. Councilmember Perry suggested changing the parking lot fee back to the honor system. Mrs. Malarchick noted a portion of those fees is used to repay a bond. There was a discussion about how to encourage more utilization of the parking lot. Ms. Scott has already contacted the Chamber of Commerce to remind their Visitor Information Center volunteers to direct visitors to that parking lot.

##### **Councilmember Hubbard:**

- Attended the Arts Commission meeting on August 7, 2006. Letters are being sent this month for next year's Art Walk. A speaker and silent art auction are scheduled for November to raise funds for installation of the Crossing Point sculpture; as well grant opportunities are being sought.

##### **Councilmember O'Donnell:**

- Requested a meeting of the Utilities Committee to discuss I & I, drainage fees as he believes there may be posting errors and the water comprehensive plan (capital improvements).
- Met with Skagit County regarding the proposed dike at the NE quadrant of La Conner and they are not willing to pay for elevating the bridge currently going over the existing dike; but would prefer the town construct an outlet device. He noted Skagit County estimated a cost of \$350,000 to complete

the project, with a cost to the town of approximately \$130,000; which would give the town about a 5-foot dike.

**PUBLIC HEARING – Parks Plan:** Mr. Doyle noted a written comment had been received from Councilmember O'Donnell that was inadvertently left out of the council packets; he suggested Councilmember O'Donnell review his issues during council discussion. Councilmember O'Donnell stated he had no issues. Mr. Doyle stated an extensive review of the Parks Plan has been done. He explained the Parks Plan is an instrument by which the town develops a plan and review of the parks and recreation facilities in the town and helps to qualify for funding through the Interagency Council for Outdoor Recreation (IAC). Mr. Doyle noted the Capital Facilities element was also updated. He stated several public hearings have been completed on the proposed plan. Mayor Everton opened the Public hearing.

Dorothy Downes, 608 S 2<sup>nd</sup> Street, expressed concern about the future of the Kirsch property. She stated a park in that location is important because it affords access to the waterfront and handicap access to residents of the Retirement Inn. She requested council, in their review of the Parks Plan, be very conscientious about their decision with regards to the Kirsch property.

Jim Smith, PO Box 614, requested Mr. Doyle summarize the plan for Pioneer Park.

There being no further comments Mayor Everton closed the public hearing.

Mr. Doyle noted the goal of the Park Commission is to stimulate the use of Pioneer Park. He stated this year a new trail is being established through the park. He reviewed the proposed improvements to Pioneer Park.

Councilmember Johnson inquired about the enforcement of the proposed camping area at Pioneer Park. Mr. Doyle responded there are management issues (policing, maintaining, fee collection, etc.) that must be resolved prior to initiating any camping in the park. Councilmember Perry requested an explanation of what a forest "Best Management Practices" maintenance program is. Mr. Doyle explained this looks at the forest in terms of the health of the trees (eliminating invasive species, etc.).

Councilmember O'Donnell commented the population in the introduction should be corrected. He stated the inventory does not include the Kirsch Building; he suggested the Kirsch property be added to Jordan Street. He noted there is a redundancy in the Garden Street End (it is listed twice) and the Gaches Mansion should be clarified to read that it is now owned by a private quilt museum. Councilmember O'Donnell stated he is campaigning for a merger of the Kirsch property and the Jordan Street-end and suggested the Parks Commission come up with a new name for the property; he stated these are not really two separate properties.

Councilmember O'Donnell stated in 2005 the legislature passed ESSB 5681 addressing obesity. This bill places leftover motor vehicle fuel tax funds in the transportation fund for cities and towns to apply for if they will place something in the plan that encourages citizens to get out and walk. He stated RCW 46.68.090 gives the town an opportunity to obtain funding if they will enhance walking trails. Mr. Doyle stated those funds are for transportation related projects, not parks. The town is applying for those funds, but for projects related to transportation.

Councilmember Perry inquired if the motion would include the merger of the Kirsch property and the Jordan Street-end. Councilmember Wright stated he would prefer to keep the two parcels separate until a decision is made about the status of the Kirsch property (retain or sell).

**Councilmember Wright moved to adopt Resolution 391; adopting the 2006 update of the La Conner Parks Plan as presented. Seconded by Councilmember Hubbard. Carried 4-1; Councilmember O'Donnell opposed.**

**Town Turkey Flock:** Mayor Everton stated this is an update to the brief discussion at the last council meeting regarding the turkey flock. He commented the town seems to be divided by the persons being

beset by the turkey flock and those that are not. He stated Ms. Scott spoke with Mike Davison, WA State Department of Fish & Wildlife, who stated they would not take a role in the removal or relocation of the turkey flock as they are not wild and believe them domestic turkeys that have escaped from someone's farm and settled here. It was previously decided these turkeys should not be released to the wild, as they may not be able to survive and may also carry disease to other wildlife. Mr. Davison suggested the town contact 'The Nuisance Wildlife Trapper' in Bellingham and they would be able to direct the town on the best direction for these birds. Mayor Everton requested direction from council on what they would like to see done with these birds.

Bud Moore distributed a pamphlet produced by the Skagit County Historical Museum on the local turkeys. He commented these are not just wild turkeys, but are considered pets by some of the local citizenry. He then read a prepared statement from Geraldine Gross supporting the turkeys, but agreeing that eight is enough. Mr. Moore commented when searching the internet, it listed the town as being famous for their wild turkeys. He stated he is not certain of the complaints being received but he is not sure they are any worse than dog or seagull droppings or noise from the crows. Mr. Moore stated the turkeys have brought notoriety to the town and the problems being encountered are minor inconveniences if it is considered what they have brought to the town. He suggested revisiting this issue each year. He stated many people come to town primarily to see the flock, stop by his house and take pictures and hopefully spend some money in town. Mr. Moore requested council weigh these complaints and don't relocate the turkeys for just a few complaints; if they get out-of-hand that is another matter.

Ed Musgrove stated the turkey flock is a beautiful and unique asset to this community; many people come to town just to see them. Many persons have stopped by the fuel dock to inquire where to see the turkeys. He commented the town has adopted them and now they should not be abandoned.

Jim Smith stated he would volunteer to take them out of town if the town were to decide to get rid of them, rather than place them in a zoo.

Councilmember Hubbard stated she concurs with the comments from Mr. Moore and Mr. Musgrove and is more disgusted with dog owners that walk their dogs on First Street and do not clean up after them. She believes the crows make much more noise and would like to know just how many complaints have been received, as there are more positives than negatives. Councilmember Perry agreed with Councilmember Hubbard and suggested waiting a couple years and see what nature does.

Nancy Van Wieringen suggested calling the Wild Turkey Federation. Councilmember Wright noted he has a couple friends that are nuisance trappers and they typically euthanize any animal they trap.

Councilmember Johnson commented she does not see the turkeys as a novelty or asset to the town. She noted they are a tourist draw, but sees the practicality of limiting the numbers as previously discussed.

Mayor Everton summarized the discussion stating nothing will be done that may bring harm to the turkeys and the council will revisit this issue annually or as deemed necessary.

**Miscellaneous:**

- Ms. Scott stated three liquor license notifications have been received for La Conner Brewing Company, Whiskers Café, and Palmer's Restaurant; if there is no council objection they will be signed and returned.
- Ray and Lila Souther wrote a letter encouraging council to address flood control measures with the intent that constructive measures be taken.

There being no further business the meeting was adjourned at 7:20 p. m.

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Town Clerk

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Mayor