

**Town of Concrete
Town Council Meeting
March 14, 2016**

7:00 p.m. Mayor Miller called the meeting to order. Mayor Miller led the gallery in the Pledge of Allegiance.

Roll Call: Council Members: Rob Thomas, Corey Ruiz, Marla Reed and Ginger Kyritsis.

Mayor Miller reported that Mike Bartel is recovering from back surgery.

Marla Reed made a motion to excuse Mike Bartel. Ginger Kyritsis seconded the motion. The motion carried unanimously.

Staff Present: Public Works Director Alan Wilkins, Town Planner Marianne Manville-Ailles and Town Engineer Cody Hart.

Audience Members Signed In: Don Payne, George Theodoratus and Bill Pfeifer.

Public Participation: None.

Events Application: None.

Special Presentations: Public Safety: Sergeant Kading reported there will be dam failure exercise this Wednesday. He stated this is table top drill that will involve coordination between agencies and phone calls with documented actions that were taken. He stated the big question is the amount of time that will be available if an actual event was to occur. It was stated that he, the mayor and Alan will meet tomorrow morning to discuss the exercise.

Sergeant Kading reported the SKAT stop has been replaced. He stated there is one subject facing DUI charges, as well as fines for the costs for damages. He stated the estimate for the SKAT stop is approximately \$4,500, which does not include the labor. He reported the incident occurred at approximately 2:30 a.m. last Sunday, when a drunk driver veered onto the sidewalk and took out the SKAT bus stop.

He also reported on other standards calls and crimes occurring and that those are being taken care of.

Sergeant Kading also reported on an incident that occurred at the library last week and is being looked into further. Discussion ensued on what would be considered threatening enough for a person to be trespassed from and not allowed to return to a public place.

CRH Engineering-Cody Hart: Cody reported the spray park septic design is progressing and he should have the design and cost estimates to the town for review soon. He also reported the CDBG planning only grant application is also progressing.

Cody also reported the RCO grant application has been submitted for approximately \$43,000 and the town should know if they will receive funding in the next couple of weeks.

Cody also reported he is working on finalizing the plans for the park and ride project, which will go to DOT soon for its review and approval. He stated the schedule is to go to ad for this project around the 23rd of March, with a three week advertisement period. He stated that all funds are accounted for at this point and he is hopeful the town will receive good and competitive bids for the construction.

Cody also reported on the action item for this evening. He stated this task order would be for the First Street waterline expansion project that was discussed previously. He stated this task order would cover the grant application through Skagit County. He stated there is a town contribution requirement with this project.

Corey Ruiz stated that he remembers a \$25,000 to \$35,000 amount that was discussed and for which the town would be responsible. He stated after reviewing the treasurer's report it, looks as if there is approximately \$125,000 in the water reserve fund and asked if that meant there are funds available for this. Discussion ensued regarding the project and if town funds were available for this.

Ginger Kyritsis made a motion to approve the task order. Corey Ruiz seconded the motion. The motion carried unanimously.

Consent Agenda:

Town Council Minutes: February 22, 2016

Approval of Claims Checks #2513-#2548

Approval of Payroll Checks

Marla Reed made a motion to approve the consent agenda. Ginger Kyritsis seconded the motion. The motion carried unanimously.

Public Hearings: Mayor Miller reviewed the proposed project and resolutions for the CDBG Planning-Only grant funding application.

An application summary and public hearing handout was included in their packets and made available to the public in attendance.

Mayor Miller opened the public hearing for comments on Resolution #2016-04, Certification of Compliance at 7:21 p.m. With no comments or questions from the public, Mayor Miller closed the public hearing at 7:22 p.m.

Mayor Miller opened the public hearing for comments on Resolution #2016-05, Grievance Procedures at 7:22 p.m. With no comments or questions from the public, Mayor Miller closed the public hearing at 7:23 p.m.

Mayor Miller opened the public hearing for comments on Resolution #2016-06, Superior Building Re-evaluation at 7:23 p.m.

Marianne reported on the rumors that were circulating last week that the town was going to demolish the silos. She stated that she received a phone call from DAHP inquiring into that, and she told them the town was not demolishing the silos, but was looking into the demolition of the Superior Building. She stated they discussed this and that most likely they will be asking the town to perform some type of mitigation if this demolition was to occur. She stated she requested what this type of mitigation might look like and was told the town would need to get community input on the options. She stated the options could be things like framed photos of the building history and the possible use of similar architecture in any new building that may be constructed in the future.

Corey Ruiz asked about a possible option of a plaque or monument of some kind that depicts the building's history. Mayor Miller also stated the safety monument would be preserved.

Marianne stated that DAHP would like the town to make sure that these types of items are taken into consideration when discussing the demolition of this building, since the town would ultimately be removing a piece of its history.

With no comments or questions from the public, Mayor Miller closed the public hearing at 7:28 p.m.

Ginger Kyritsis made a motion to approve Resolutions #2016-04 through #2016-06. Marla Reed seconded the motion. The motion carried unanimously.

Old Business: Main Street Improvements – Letter of Understanding: Town and WSDOT: Mayor Miller referred the council to the memo from Andrea included in their packets. He reported on the process for the Main Street consultant selection and that the town will need to redo the advertisement and interview process so that it is more in line with DOT processes and that CRH Engineering will not be able to submit for this due to a conflict of interest.

Corey Ruiz made a motion to approve. Rob Thomas seconded the motion.

Ginger Kyritsis stated that she believed the process the town went through originally was good and formal. Discussion ensued regarding the process occurring during an executive session and that it did not meet DOT requirements.

The motion carried unanimously.

Main Street Improvements – Nondiscrimination Agreement: Corey Ruiz stated this document looks like it refers to civil rights.

Rob Thomas made a motion to approve the agreement. Corey Ruiz seconded the motion. The motion carried unanimously.

New Business: Mears Field Lot #10 Lease Transfer Request: Marianne reported on the discussions that she has already had with these new leaseholders. She stated they are already working on their plans for this lot.

Ginger Kyritsis made a motion to approve. Rob Thomas seconded the motion. The motion carried unanimously.

Ordinance #751 – 2016 Budget Amendment Street and General Fund: Mayor Miller stated these occur throughout the year as funding is received for projects.

Corey Ruiz made a motion to approve. Rob Thomas seconded the motion. The motion carried unanimously.

Glaser Property Transfer Proposal: Mayor Miller reported on the proposed property transfer. He stated the parcels are identical in size but the assessments are different.

Rob Thomas asked if the town has a specific use proposed for the future of this property. Mayor Miller stated there have been ideas discussed but nothing specific at this point.

Marla Reed stated the assessed values do not make any sense to her, with the Glasers' property being so much lower than the town's.

Marianne explained that Glaser's property is designated as floodway and she believes that is why the assessed value is lower. She stated an appraisal may show much different and closer values.

Discussion ensued on the next steps. It was the consensus of the council to proceed with getting an appraisal completed for these properties.

Discussion Items: None

Council Reports: Airport: Mike Bartel: In Mike Bartel's absence, Mayor Miller reported the planning for the Fly-in is progressing.

Parks: Marla Reed: Marla Reed reported that Public Works is working on getting the playground equipment installed.

Community Garden: Mike Bartel: In Mike Bartel's absence, Mayor Miller reported they are currently working to get all the beds rented.

Economic Development Task Force: Ginger Kyritsis: Ginger reported the next meeting will be April 13 at 5b's at 6:00 p.m.

Health Care: Corey Ruiz: Corey reported he attended the Health Trust meeting last week, where they went over a lot of items. He stated several items were covered and some of those were things like preventative care, how to use health insurance, and income and housing effects. Corey also reviewed various statistics within Skagit County on things such as overall health, drug use by youth, domestic violence, and household incomes, as well as others.

Marianne stated a lot of the economic information and other items discussed are also included in the town's comprehensive plan and related directly to the town's numbers.

Corey Ruiz stated that he believes minimum wage needs to be increased. Marla Reed stated that if minimum wage goes up so do the costs. Ginger Kyritsis stated that more people need to be able to work and there are a large number in Concrete currently on disability.

Department Reports: Planning Commission/ Historical Preservation: Marianne Manville-Ailles: Marianne reported the spray park and park and ride final environmental determination was issued today. She stated this determination included monitoring during the utility trenching work as a requirement. She stated the town will have to hire a consultant for the monitoring that will need to occur during this portion of the project.

She stated that she has also recently received communications from the owner of the Eagles Nest. She stated that she believes he is interested in moving forward on getting the RV park portion of the property open. She stated she will have more information on this at the next council meeting.

Swap Meet Proposal: Marianne reported that she met with George Theodoratus to discuss his proposal and George has submitted a packet of information and a plan for what he wants to do at the swap meet. She stated George has a lot of good information and stated he did a good job putting together the proposal for council to consider.

Marianne reported that George would like to operate the swap meet between April and October, Thursday through Sunday. She reported another item that would need to be discussed would be the overnight RV camping and she included the code sections in their packet of information that concerns how it would be permitted. She also stated that George developed a vendor sheet that is included in their packets. Marianne stated George's eventual, possible plan for the future is to construct small buildings in this area for use by swap meet vendors. Marianne stated that she believes George did a good job putting together his proposal and now it's up to the council for a final decision. She stated that she would like to have George speak about his proposal as well.

George stated he has put in rules for the vendors that are included in their packets, but he will be adding an additional rule that states each vendor will be responsible for reporting and/or collecting sales tax. He stated he has one person interested in using his old building on Carlson Road as an auction house, but would then also be utilizing the swap meet area, but he may want to do that more than just on the weekends. He stated that if things go well at the swap meet this year, he may want to start constructing the small buildings in the next year or so. He stated right now this is his proposal and he is not sure if the temporary use is the correct path and maybe the town could call it something other than temporary.

Ginger Kyritsis asked about the sales tax reporting and if there was documentation stating that George would not be responsible for this. Marianne provided a handout stating that George as the promoter, who does not charge more than \$200 for a space, would not be responsible for collecting sales tax. She stated this does not mean sales tax is not due from the vendors, but that George would not be responsible for the reporting or collecting it from the vendors. She stated George, in good faith, would make sure the vendors know they are responsible for sales tax reporting and collecting, and that's what he was talking about when he said he needed to add that rule to the vendor forms.

George stated that casual sales, for example garage sales-type items, are exempt from sales tax reporting and/or collecting.

Marianne stated that she wanted to discuss the temporary use item. She stated that in the commercial light industrial zone, there is a list of allowed uses and there is a set of development standards that goes along with that. She stated in the development standards it clearly states that all activities in the commercial light industrial zone are required to be located within a building, with several exemptions. She stated one of the exemptions is a temporary use and that is something the planner, Public Works and the council has the ability to allow for the outdoor sales. She stated this is the category the swap meet falls under. She stated it is temporary in nature because it is not occurring 24/7, but is seasonal. She also stated the wording could be changed to read as a seasonal use instead of temporary use, but the intent would be the same.

Marianne stated the council has the option to amend the code to allow swap meets to operate on a full-time basis or it can go through the procedure that is currently being gone through. She stated it is up to the council, but as the code is written today the swap meet would be considered a temporary use.

George referred the council to town code section 19.33.040 and discussed the language under this code. He stated his understanding of this section is that the town planner can use their discretion to determine whether a business meets the requirements for similar businesses allowed in that zoning or if it is considered a temporary use. George stated that he has spent a lot of money on this and for it to be referred to as a temporary use makes him nervous.

Mayor Miller stated the definition of temporary the town would be using is seasonal and believes George is hung up on the word temporary.

Mayor Miller stated that right now what is in front of council is the swap meet duration and the overnight camping item. He stated the proposal is for April through October between Thursdays and Sundays and to allow for up to six RVs on the site overnight.

Rob Thomas stated that he thought Thursday would be a set up day and not a sales day. Mayor Miller stated George is proposing if vendors are setting up on Thursday and approached for sales that they are allowed to also sell on Thursdays. He stated technically that turns Thursday into a possible selling day. He also stated that George is requesting provisions for holidays.

Corey Ruiz asked how it would work if a holiday fell in the middle of the week. Mayor Miller stated that is off the table because the proposal is focused on weekends and the middle of the week would be a no go.

Rob Thomas asked about reservations and how spots are being marked in advance with names and phone numbers. George stated this is usually done with a temporary sign or card board box that is placed on the space. Discussion ensued on the different types of signs/notices used in the past. Rob stated he is concerned on how the property will look during the rest of the week when reservations are made in the middle of the week and signs placed throughout the property. Discussion on options for signage and other options for how to reserve spots ensued.

Ginger Kyritsis stated that she would like to hear from the residents on Pine Street. She stated that three of the residents in that area have either spoken to her directly or have come to a council meeting to express concerns. She stated the swap meet impacts these residents. She also reported on people using the woods and trees in the swap meet area as a restroom facility. Ginger stated that she wants to know what George's enforcements options will be when a vendor does not follow the rules.

George stated that other vendors help him monitor. He stated that vendors have been doing a good job helping and keeping the area clean. He stated that he has had this piece of commercial property for approximately 40 years and has been paying taxes on it and it's time that he got something in return. He stated that nobody is putting in commercial businesses up here. He stated he has had vacant office space in the real-estate building for over a year now. He also stated there is not demand for commercial up here and that Main Street is dead, there's nothing up there.

Mayor Miller stated there is stuff on Main Street and it is not dead. He stated it is being worked on and certainly, Main Street is not dead.

Marianne stated for the end result she would like to have a resolution passed that includes all of the requirements and conditions for the swap meet. She stated that after tonight's meeting and council discussion, she will develop the resolution to include all the items discussed and then will bring it back before the council for final approval.

George stated the days of operation in April and October could vary, depending on weather. Marla stated that she does not believe this is so much about the days as the other items discussed and that's what needs to be sorted out.

Mayor Miller stated let's go back to the top. He stated right now the proposal is for April through October duration. Marla, Rob and Corey all stated they do not see a problem with this.

Marla stated that she is disappointed that John Boggs' email was not included in the packet of information. She stated he discussed business licenses and that people who are at the swap meet every weekend should be required to have a business license the same as those businesses located on Main Street. She stated that she believes this needs to be looked into. Corey Ruiz suggested that if a vendor is at the swap meet more than three times in a season than they should be required to get a business license. Marla Reed stated that she believes if the town is going to require this of other businesses in town, then the swap meet vendors who are there every week should also have to get a town business license. Ginger Kyritsis asked about a punch card type system, where George could punch a card for each visit by a vendor and when they have so many punches they have to come to the town for a business license. Rob Thomas stated with a seven-month season, four weekends a month and three to four days a week, vendors are bringing in enough revenue to purchase a town business license and this would make it fair and consistent. Ginger Kyritsis asked how this would be monitored or would the town have to rely on George for how often a

vendor is at the swap meet. She also asked how the town could enforce this and what the town can do if a vendor does not come and get a license. George stated that he believes requiring business licenses will kill the swap meet. Corey Ruiz stated that he disagrees and that a lot of the vendors at the swap meet have actual businesses already.

Audience member Don Payne stated that he believes if the town makes this too restrictive, it will push vendors away from the swap meet. He stated he believes the swap meet is helping local businesses like Cascade Burgers, Loggers, and even the Saturday Market. He stated the town needs to give a little to get a little. He also stated that businesses on Main Street are all in buildings that their license is good for. He stated he believes the town and uptown businesses will suffer if the swap meet requirements become too restrictive. He also asked if the Saturday Market vendors are required to get businesses licenses. Discussion ensued regarding vendors and those at the swap meet that operate actual businesses.

Rob Thomas requested more information on the business license issuance and requirements and how the Saturday Market is licensed. He stated tonight the council needs to get Marianne the information that she needs on the days of operation and overnight camping.

It was the consensus of the council for the swap meet to operate April through October on Thursday through Sundays as well as a Monday if it happens to fall on a holiday.

Marla Reed stated that RV camping goes against town code. Marianne stated that is why she did the research and included the code section that discusses the temporary visitor permit. She stated this has been used several times in town in the residential area, so there is precedent that has been set. She stated the parameters for overnight camping can be included in the resolution and be part of the temporary use requirements. She stated that George has requested that a maximum of six RVs be allowed.

Ginger Kyritsis stated that she believes six is too many and three would be sufficient. Marla Reed stated that she agreed that three or four would be sufficient and that six was too many. Corey Ruiz stated that he is okay with four. Marla Reed stated that she would like George to track who is staying overnight in the RVs.

It was the consensus of the council to allow up to a maximum of four RVs for overnight camping.

Marianne will draft a resolution that states the conditions discussed tonight and will bring this back to the council for its final review and approval.

Administration/Finance Report: Andrea Fichter: In Andrea's absence Mayor Miller reported the treasurer's report and working items are included in their packets.

Public Works: Alan Wilkins: Alan reviewed the street lights on which he and Andrea have been working with Intolight for the bridge. He reported the lights that are currently there are not being stocked anymore and they will have to choose different lights. He stated they want to go with the same type of lights that are currently on Main Street.

Consensus of the council to proceed as stated above.

Imagine Concrete: Mayor Miller: Mayor Miller reported the next meeting is scheduled for March 15 at 6:00 p.m. at the Pilots' Lounge, and is open to the public.

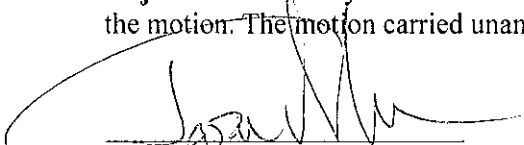
Mayor's Report: Mayor Miller reported that Sunrise Services will hold its grand opening and ribbon cutting on Tuesday, April 5.

He also reported on a meeting he attended regarding the reintroduction of grizzly bears into the North Cascade National Forest and the North Cascades ecosystem that surrounds it. He reported it was very informational and they will be holding a public comment period on these in the near future.

Announcements: Mayor Miller introduced Claudia Marken as the new coordinator for Community Action at the Resource Center. Claudia stated that she began at her position on March 1.

Executive Session: None.

Adjournment: Corey Ruiz made a motion for adjournment at 9:04 p.m. Rob Thomas seconded the motion. The motion carried unanimously.



Jason Miller, Mayor



Attest: Andrea Fichter, Clerk Treasurer