

**SAN JUAN COUNTY (SJC), WASHINGTON  
SPECIAL MEETING MINUTES – EARLY START  
COUNTY COUNCIL  
May 22, 2012**

Tuesday, May 22, 2012 – Legislative Hearing Room, Friday Harbor, WA

**9:01 AM COUNTY ADMINISTRATOR ITEMS:**

1. Parking Code Amendments (2<sup>nd</sup> Touch) – Rachel Dietzman, County Engineer; Jon Cain, Civil Deputy Prosecuting Attorney

Ms. Dietzman reviewed the proposed ordinance that restricts parking zones on Orcas Island in Orcas Village. Ms. Dietzman and Mr. Cain answered questions from the Council.

After discussion, the following action was taken:

**Moved by Mr. Fralick, seconded by Mr. Stephens, to move the Ordinance forward for public hearing with amendments on Tuesday, June 26, 2012 at 10:15 am. ALL AYES, MOTION CARRIED**

Mr. Rose offered the Council some background on its role and the purpose for regulating parking.

2. Water Resources Management Committee (WRMC) Report – Vicki Heater, Water Specialist in Environmental Health Department

Ms. Heater provided an Annual Report for 2011 specifying last year's achievements. She also offered a WRMC Work Plan for 2012. She was joined by Paul Kamin, Eastsound Water Association and member of the WRMC. Ms. Heater and Mr. Kamin answered questions from the Council.

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve the Water Resources Management Committee's Work Plan for 2012 as presented. ALL AYES, MOTION CARRIED**

3. Solid Waste Excise Tax (2<sup>nd</sup> Touch) – Ed Hale, Utilities Manager; Frank Mulcahy, Director Public Works

Mr. Hale reviewed prior ordinances regarding the levy and collection of excise tax for district purposes. Mr. Hale and Mr. Mulcahy answered questions from the Council. They were requested by the Council to find out if a draft ordinance can be made ready for advertising this week. The excise tax will be for garbage only, applied to all waste disposed of in San Juan County, and will be set at 16%.

**10:19 AM REGULAR MEETING - CALL TO ORDER**

**Excused Absences:** none

**New Employee Introductions:** none

**Approval of Minutes (May 7 and 11, 2012):**

**Moved by Mr. Rosenfeld, seconded by Mr. Fralick, to approve the Minutes of May 7, 2012. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Fralick, to approve the Minutes of May 11, 2012. ALL AYES, MOTION CARRIED**

**Approval of Consent Agenda for May 22, 2012:**

**A. Resolutions:**

A Resolution granting John and Bertha Posel Open Space Classification, No. POPNSP-11-0003, Lopez

**Ordinances:**

**B. Contracts/Agreements :**

**C. Budget Items:**

The Auditor's office requests approval of the following expenditures:

- Interfund Transfers for the month of April, 2012
- Warrants #110202-110321 in the amount of \$96,845.15 for County Claims
- Warrants #110196-110199 in the amount of \$5,479.04 for Veteran's Assistance
- Warrants #110322-110386 in the amount of \$91,187.65 for Public Works
- Warrant #110133 in the amount of \$140 for Veteran's Assistance

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

To approve a Proclamation recognizing May 2012 as Building Safety Month

**H. Bid Openings:**

**Moved by Mr. Rosenfeld, seconded by Mr. Fralick, to approve the Consent Agenda of May 22, 2012. ALL AYES, MOTION CARRIED**

**Approval of Correspondence:**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to approve a letter to Phyllis Davis, Executive Vice President of Islanders Bank for their assistance in developing a proposal for the 2012 Limited Tax Obligation Bond. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Ms. Pratt, to approve a Proclamation for Merritt Olsen upon his retirement as Executive Director from the San Juan Community Theatre. ALL AYES, MOTION CARRIED**

Ms. Miller read a Proclamation in Appreciation to Pete Rose for his outstanding services as County Administrator.

**Moved by Ms. Pratt, seconded by Mr. Fralick, to formally approve the Proclamation of Appreciation for Donald "Pete" Rose. ALL AYES, MOTION CARRIED**

**Citizens Access:** The following citizens offered comments: Sharon Kivisto

**10:29 AM**

**PUBLIC HEARINGS:**

1. To Amend Solid Waste Level of Service Ordinance 2-2012 – Frank Mulcahy, Director Public Works

**Present:** Full Council, County Administrator Pete Rose, Clerk to the

Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Mulcahy briefly explained the changes to the amendments in Ordinance 2-2012 for the Level of Service for the Collection of Solid Waste and Recyclable Materials in San Juan County.

**Moved by Mr. Fralick, seconded by Mr. Stephens, to continue the public hearing to June 5, 2012 at 10:15 am. ALL AYES, MOTION CARRIED**

**10:36 AM**                    2. To Consider a Broadband/Emergency Services/Wireless Ordinance  
Randall Gaylord, Prosecuting Attorney  
**Present:** Full Council, County Administrator Pete Rose, Clerk to the  
Council Ingrid Gabriel; Deputy Clerk Maureen See

Mr. Gaylord introduced the amendments to the San Juan County Code and the adoption of rules for Personal Wireless Service Facilities and Joint Use Wireless Facilities. The changes involve new language, amendments to existing definitions, changes to land use tables, and the repeal of Ordinance 15-2010. Mr. Gaylord answered questions from the Council.

Ms. Miller opened for public testimony, and comments were offered by: (Orcas) Ron Claybourn; (Lopez) Rhea Miller, Ona Blue, Cynthia Dilling, Julianne Battalia, Mara Barnett, Corsha Blough-Whitting, Sandy Bishop, Lucy Ezekiel, Kira Dyer, Becky Hellman, Michael Peterson, Jean Peterson, Neil Hanson, Angie Ponder, Greg Blomberg, Denise McDougal, Chris Gleason, (San Juan) Pierrette Guimond, Kevin O'Brien, Jim Cole, Steve Ludwig, Paul Herbert, Carol Herbert, Randy Lindsey, Barry Jacobson, Steve Marler, Mike Greene, Peter Kamin, Paul Kamin, Denny Sevier, Bob Jarman, Mike Scott, Todd Collins, Victoria Compton, Vince Daucinaus; (additional comment from Lopez) Michael Peterson, (additional comment from San Juan) Mike Greene. Public testimony was closed with the right to reopen.

**Moved by Mr. Fralick, seconded Mr. Rosenfeld, to continue the public hearing until 1:30 pm today. ALL AYES, MOTION CARRIED**

**12:38 PM**                    3. To Consider County Code 18.30 Updates – Lee McEnery, Planner II  
**Present:** Full Council, County Administrator Pete Rose, Clerk to the  
Council Ingrid Gabriel; Deputy Clerk Maureen See, and interested  
members of the public

Ms. Miller opened for public testimony, and comments were offered by David Bill (Lopez), (from San Juan Island) Nick Jones, Peggy Bill, Marilyn O'Connor, Jack Cory, Frank Bruch, Sharon Kivisto, Kyle Loring. Public testimony was closed with the right to reopen.

**Moved by Ms. Pratt, seconded by Mr. Peterson, to continue this public hearing to Monday, June 11, 2012 at 8:45 am. ALL AYES, MOTION CARRIED**

**1:05 PM                    RECESS FOR LUNCH**

**1:48 PM PUBLIC HEARING CONTINUED**

2. To Consider a Broadband/Emergency Services/Wireless Ordinance  
Randall Gaylord, Prosecuting Attorney

**Present:** Full Council, County Administrator Pete Rose, Clerk to the  
Council Ingrid Gabriel; Deputy Clerk Maureen See

Ms. Miller asked if the Council wished to go through the ordinance page by page. Mr. Peterson suggested the Council reflect on the comments received today, and asked Mr. Gaylord for clarification about some of the changes including preemption.

**Moved by Ms. Pratt, seconded by Mr. Stephens, to change the language on page 4 of 91 “R”, by replacing “while minimizing” to “and prevent,” and change “little or” to “no impact...”**

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to table the motion. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to include Option A (Planning Commission version) #21, of page 59 of 91. VOTE: 5-1 (Peterson opposed) MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to adopt Option B (Planning Commission version) #22, page 60 of 91. VOTE: 2-4 (ayes Stephens and Pratt) (opposed Peterson, Miller, Rosenfeld, Fralick) MOTION NOT CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Fralick, to accept Option A (Alternate version) #22, page 60 of 91. VOTE: 4-2 (ayes, Peterson, Rosenfeld, Miller, Fralick) (opposed Pratt, Stephens) MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to modify under Utilities, Commerical Communication, on page 55 of 91 by making a consistent “no” across the chart with the exception of leaving in C at Mt. Constitution site. ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Fralick, on page 72 of 91 New Section 24, C, to move to move “p” to permitting stage, and modify “k”to add “X in the co-location and building mounted table boxes, and add the following language to “k. For new facilities, a preliminary plan showing foundation and footings, the maximum height of Tower that application is engineered for and photo simulation of facility...” ALL AYES, MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Fralick, to delete item “m” on page 72 of 91. ALL AYES, MOTION CARRIED**

**Moved by Mr. Stephens, seconded by Ms. Pratt, on “l” on page 72 of 91 to add at the end of the sentence “and will include radio frequency of operations and planned power densities” if required by the FCC. ALL AYES, MOTION CARRIED**

Moved by Ms. Miller, seconded by Mr. Rosenfeld, to add “X” to the table under building mounted and co-location on “b” page 71 of 91. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Peterson, to accept the language on Option 2 “e” page 74 of 91. VOTE: 4-2 (ayes Peterson, Fralick, Rosenfeld, Miller) (opposed Pratt and Stephens) MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Peterson, to adopt Option 2 on page 74 of 91 with the following modifications: remove the fourth line “In no case shall facilities be installed in a manner that interrupts a ridge line” and replace it with the words “Any PWSF’s installed on a ridge line must blend with the tree cover.” VOTE: 3-3 (ayes Peterson, Miller, Fralick) (opposed Rosenfeld, Stephens, Pratt) MOTION NOT CARRIED

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to accept Option 2 on page 74 of 91. VOTE: 4-1-1 (ayes Peterson, Rosenfeld, Stephens, Pratt) (Fralick opposed) (Miller abstained) MOTION CARRIED

Moved by Ms. Miller, seconded by Mr. Fralick, on page 74, “g” to delete the sentence “Once a facility receives a provisional or conditional use permit, maintenance and repairs are allowed without additional review, including replacement of transmitters, antennas, or other components consistent with the original permit” and in last sentence replace the word “facility” with “landscaping.” ALL AYES, MOTION CARRIED

Moved by Ms. Pratt, seconded by Mr. Stephens, to modify “k” on page 74 and 75 to read as follows: “Annual certification. For each personal wireless service facility located within 100 feet of an occupied structure the owner or operator shall provide the director, during the month of January, of even numbered years, a report with the following information: (a) Current contact information (name, mail and email address and phone number); (b) Facility location; (c) A certificate from an independent third party RF engineer indicating the date of the test of RF levels at the facility in the previous 12 months; ...” A friendly amendment was offered by Mr. Rosenfeld, and approved by both first and second motion makers, to amend the motion by removing “using the Cob’s protocol.” VOTE: 3-3 (ayes Rosenfeld, Stephens, Pratt) (opposed Peterson, Miller and Fralick), MOTION NOT CARRIED

Moved by Mr. Fralick, seconded by Mr. Rosenfeld to approve “k” as written on pages 74-75, and add “the” test. VOTE: 4-2 (ayes Fralick, Peterson, Rosenfeld, Miller) (opposed Pratt and Stephens) MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Stephens to continue this hearing to Tuesday, June 11, at 8:45 am. ALL AYES, MOTION CARRIED

5:03 pm COUNTY ADMINSTRATOR ITEMS:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to revoke the appointment of David Kelly as Administrator Pro Tempore effective May 29, 2012. ALL AYES, MOTION CARRIED

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to accept the Contract with the Greg Prothman Company for the services of its employee, Robert W. Jean. ALL AYES, MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to appoint Robert Jean as Administrator Pro Tempore effective May 29, 2012. ALL AYES, MOTION CARRIED**

Surplus Equipment Auction

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld to schedule a public hearing on June 12 at 10:15 to authorize the attached list of surplus equipment to be sold at public auction, the date and mode of which will be determined by the Public Works Director. ALL AYES, MOTION CARRIED**

**5:13 PM DISCUSSION:** Lopez Solid Waste Disposal District Formation (LSWDD) and San Juan County Solid Waste Disposal District (SJCSWDD) Modification (1<sup>st</sup> Touch) – Randall Gaylord, Prosecuting Attorney

Mr. Gaylord explained the requirements of developing a managing Board for the purposes of overseeing the Disposal District board.

**5:25 PM COMMITTEE APPOINTMENT**

**Moved by Ms. Miller, seconded by Mr. Peterson, to appoint Steve Vierthaler to the Civil Service Commission. ALL AYES, MOTION CARRIED**

**5:26 PM**

Mr. Rose addressed the Council for the last time and offered some ideas for future success.

**5:29 PM ADJOURNED**

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COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on June 5, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.

