

**SAN JUAN COUNTY (SJC), WASHINGTON  
SPECIAL MEETING MINUTES – EARLY START  
COUNTY COUNCIL  
September 11, 2012**

Tuesday, September 11, 2012 – Legislative Hearing Room, Friday Harbor, WA

**9:01 AM**                    **CALL TO ORDER OF SPECIAL MEETING  
FLAG SALUTE  
MOMENT OF SILENCE IN MEMORY  
EXCUSED ABSENCES**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to excuse Interim County Administrator Pro Tem Bob Jean from Council meetings for the month of September. ALL AYES, MOTION CARRIED**

**9:04 AM**                    **DISCUSSION:** Participants in San Juan Solid Waste Site Vendor Selection Committee – Rich Peterson, Committee Chair; Frank Mulcahy, Public Works Director

Mr. Peterson announced the following nominees for Council approval: Jeremy Talbot and Ed Greub. Mr. Mulcahy announced the following nominees from the Public Works staff: Ed Hale and Jeff Clark.

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, that the San Juan Solid Waste Site Vendor Selection Committee will be Rich Peterson, Ed Greub, Jeremy Talbot, Ed Hale and Jeff Clark. ALL AYES, MOTION CARRIED**

**9:15 AM**                    **PUBLIC HEARINGS (public comment accepted):**

1. To adopt an Ordinance Regarding Critical Area Regulations for Wetlands, Amending San Juan County Code Sections 18.10.040, 18.20.010, 18.20.020, 18.20.040, 18.20.080, 18.20.090, 18.20.120, 18.20.130, 18.20.140, 18.20.170, 18.20.180, 18.20.190, 18.20.200, 18.20.230, 18.30.150, and 18.60.170; and repealing appendices A-C of SJCC 18.30.150 - Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

**Present:** Full Council, Administrator Pro Tem Frank Mulcahy, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller opened the public hearing which was continued from August 28 and asked for Council discussion on the responses from Dr. Paul Adamus dated September 4, 2012

Ms. Hale and Mr. Cain reviewed the Dr. Adamus responses and answered questions from the Council.

Public comments were offered by: Bill Wright, Don Pollard, Tim Blanchard, Sam Buck, Hec Cyre, Jane Cable, Deborah Strasser, Deirdra Morris, Bob Levinson, Steve Buck, Betty Cantrell, Theresa Strong, Harold Harrelson, Steve Belluomini, Ed Kilduff, Kyle Loring, Lisa Michaelson

Ms. Miller closed public testimony with the right to reopen.

Council then began discussion on the Department of Ecology letter dated August 20, 2012.

**Moved Ms. Pratt, seconded by Ms. Miller, to continue this public hearing on the Wetlands Section of the Critical Areas Ordinance till 11:45 am. ALL AYES, MOTION CARRIED**

**11:20 AM**                    2. Uplands Fish and Wildlife Habitat Conservation Areas Section and Marine Fish and Wildlife Habitat Conservation Areas, (FWHCA) amending San Juan County Code Sections 18.10.040, 18.20.101, 18.20.080, 18.20.110, 18.20.140, 18.20.170, 18.20.190, 18.20.230 and 18.30.160 – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney  
**Present:** Full Council, Administrator Pro Tem Frank Mulcahy, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller opened the public hearing which was continued from August 28.

Public comments were offered by: Bill Wright, Shari Harrelson, Dave Cable, Francine Shaw, Sandy Mackie, Marianne Simonson, Craig Dorsey, Gordy Petersen, Bob Levinson, Ed Kilduff, Tim Blanchard, Sandy Mackie, Kyle Loring

Ms. Miller closed public testimony with the right to reopen.

**12:14 PM                    RECESS FOR LUNCH**

**1:18 PM                    RESUME PUBLIC HEARINGS**

Ms. Miller re-opened the public hearing on the Wetlands Section of the Critical Areas Ordinance from this morning.

**Moved by Mr. Fralick, seconded by Ms. Pratt, on page 41 of 65, under 18.30.150 Wetlands., to change the order of B and C. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, on page 42 of 65, under the Habitat Importance-Sensitivity Rating category, to add small pond wetland from low to medium. VOTE: 1-3 (Peterson, Stephens, Miller) (Rosenfeld and Fralick abstained) MOTION NOT CARRIED**

**Moved by Ms. Miller, seconded by Mr. Peterson, on page 44 of 65, under D. Protection Standards, to delete the first two sentences in the paragraph. ALL AYES, MOTION CARRIED**

**Moved Mr. Fralick, seconded by Mr. Stephens, on page 45 of 65, to add an appropriate header to the flow chart and where appropriate add the step numbers to the flow chart. ALL AYES, MOTION CARRIED**

Ms. Miller asked the Council to consider in Table 3.8, page 52 of 65, to add a new Item a., that says “continuation of legal uses in/or development established and in place prior to the adoption of the CAO” and to put Yes Yes in the right column.

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to continue the hearing on the Wetland Section of the Critical Areas Ordinance to Thursday, September 20, 2012, at 9:00 am. ALL AYES, MOTION CARRIED**

Ms. Miller opened the public hearing on an Ordinance regarding Critical Area Regulations for Fish and Wildlife Habitat Conservation Areas, Amending San Juan County Code Sections 18.10.040, 18.20.010, 18.20.070, 18.20.110, 18.20.140, 18.20.170, 18.20.190, 19.20.230, and 18.30.160.

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to continue the hearing on the Fish and Wildlife Habitat Conservation Area of the Critical Areas Ordinance to Thursday, September 20, 2012, at 9:00 am. ALL AYES, MOTION CARRIED**

**2:20 PM**                      **DISCUSSION:** Direction to Staff Regarding Consistency Review Process – Shireene Hale, Planning Coordinator; Jon Cain, Deputy Prosecuting Attorney

Council reviewed the consistency issues as presented by Ms. Hale. Mr. Cain and Ms. Hale answered questions from the Council.

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to direct staff to make changes as outlined in Ms. Hale’s September 7, 2012 memo with the exception of General Section Items # 3, 7 and 11. ALL AYES, MOTION CARRIED**

Council agreed by consensus to decide on what the scope of the consistency review of the draft Critical Areas Ordinance should be, and that the Council will be prepared to discuss this matter at the September 20 meeting.

**2:35 PM**                      **REGULAR MEETING**

**Approval of Minutes (August 27 & 28, 2012):**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the Minutes of August 27, 2012. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the Minutes of August 28, 2012. ALL AYES, MOTION**

**Approval of Consent Agenda for September 11, 2012:**

- A. Resolutions:
- B. Ordinances
- C. Contracts/Agreements :
- D. Budget Items:

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

- Warrants 114866-114965 in the amount of \$94,848.86
- EFT #82220122 in the amount of \$5,851.10 for Public Works EFT
- Warrants #114966-115009 in the amount of \$252,063.78 for Public Works Claims
- Warrants #115238-115262 in the amount of \$14,588.57 for Public Works
- Warrants #115161-115237 in the amount of \$86,806.94 for County Claims
- Warrants #115269-115274 in the amount of \$2,291.54 for Veteran's Assistance
- Warrants #115323-115353 in the amount of \$15,445.71 for Public Works
- Warrants #115275-115322 in the amount of \$58,974.07 for County Claims
- Payroll expenditures for pay period ending 8/24/2012

**D. Personnel**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

**H. Bid Openings:**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to approve the Consent Agenda of September 11, 2012. ALL AYES, MOTION CARRIED**

**Approval of Correspondence**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to approve a letter to the Puget Sound Marine and Nearshore Grant Program in support for Oil Spill Preparedness and Response proposals. ALL AYES, MOTION CARRIED**

**Citizen's Access Time:** The following citizens offered comments: Sadie Bailey, Ben Shepard, Rick Hughes, Errol Speed, Richard Civile, Mike Carlson, Sharon Kivisto, Michael Greenberg, Jared Lovejoy, Suzanne Chang, Norm Weitting

**3:05 PM PUBLIC HEARINGS (continued):**

There will be an additional item added to the agenda for discussion during Council Member Updates. This is a request for emergency funding for electrical repairs in the Elections Office.

3. To Approve a San Juan County Solid and Hazardous Waste Management Plan Resolution – Ed Hale, Utilities Manager; Elizabeth Anderson, Solid Waste Planner

**Present:** Full Council, Pro Tem Stan Matthews, Clerk to the Council  
Ingrid Gabriel, Deputy Clerk Maureen See

Mr. Hale reviewed the additional edits to the final draft plan and answered questions from the Council.

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, on #5 of the memo by Mr. Hale, to amend as follows: "However, the Lopez District is pursuing an excise tax similar to the General District excise tax currently set at the 16% tax rate" and "The governing body of the Lopez District has directed the district to pay the County a fixed fee to fund services that benefit both Districts." ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to approve the additional minor edits to the final draft plan as amended in Mr. Hale’s memo. ALL AYES, MOTION CARRIED**

Ms. Miller opened for public testimony, and comments were offered by: Sharon Kivisto, Errol Speed, Sadie Bailey, Jared Lovejoy, Kay Wilmerding, and Tim Blanchard. Public testimony was closed with the right to reopen.

**Moved by Mr. Peterson, seconded by Mr. Stephens, to approve a Resolution adopting the Final Draft of the San Juan County Solid and Hazardous Waste Management Plan as amended. ALL AYES, MOTION CARRIED**

**3:49 PM**

4. To adopt an Ordinance Amending Ordinance W-1-1996 and Increasing the Excise Tax and Amending the Use of the Excise Tax for the Solid Waste District Purposes (San Juan County General Solid

Waste

Disposal District) – Ed Hale, Utilities Manager; Randall Gaylord, Prosecuting Attorney

**Present:** Full Council, Pro Tem Stan Matthews, Clerk to the Council  
Ingrid Gabriel, Deputy Clerk Maureen See

Ms. Miller recessed the County Council meeting and called to order the San Juan County General Solid Waste Disposal District Governing Board.

Mr. Gaylord reviewed the proposed Ordinance for Council approval and answered questions from the Council.

Ms. Miller opened public testimony, and no comments were offered. Public testimony was closed with the right to reopen.

**Moved by Mr. Peterson, seconded by Mr. Stephens, to adopt an Ordinance Amending Ordinance W-1-1996 and Increasing the Excise Tax and Amending the Use of the Excise Tax for the San Juan County General Solid Waste District Purposes amended to change the effective date of the Ordinance to October 1, 2012. ALL AYES, MOTION CARRIED**

Ms. Miller adjourned the meeting of the San Juan General Solid Waste Disposal District Governing Board.

Ms. Miller opened the meeting of the Lopez Solid Waste Disposal District. Ms. Miller opened for public testimony and comment was offered by Sadie Bailey. Public testimony was closed with the right to reopen.

5. To Adopt an Ordinance Amending Ordinance W-1-1996 and Increasing the Excise Tax and Amending the Use of the Excise Tax for the Solid Waste District Purposes (Lopez Solid Waste Disposal District) – Ed Hale, Utilities Manager; Randall Gaylord, Prosecuting Attorney

**Present:** Full Council, Pro Tem Frank Mulcahy, Clerk to the Council  
Ingrid Gabriel, Deputy Clerk Maureen See

Mr. Gaylord reviewed the proposed Ordinance for Council approval and answered questions from the Council.

Ms. Miller opened for public testimony and comment was offered by Sadie Bailey. Public testimony was closed with the right to reopen.

**Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to adopt an Ordinance Amending Ordinance W-1-1996 and increasing the Excise Tax and Amending the Use of the Excise Tax for the Lopez Solid Waste Disposal District Purposes as amended to change the effective date of the Ordinance to October 1, 2012. ALL AYES, MOTION CARRIED**

**4:07 PM                   DISCUSSION:** Orcas Solid Waste Site Request for Proposal (RFP) Update – Frank Mulcahy, Director Public Works; Ed Hale, Utilities Manager; Russ Harvey, Operations Manager

Mr. Hale reviewed his staff report of September 11, 2012 regarding the authorization of solid waste services between Orcas Recycling Services and Cimarron Enterprises contracts for services at the Orcas Transfer Station.

After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Peterson, that staff negotiate economically viable contracts with Cimarron Enterprises and Orcas Recycling Services that includes a division of services as modified in the staff recommendation with the addition of adding under A. (Cimarron Enterprises) a new #3. “Help fund community outreach services”; staff should conclude contract negotiations in time to allow for a transition of site operation by December 15, 2012; staff may choose to reallocate some services if deemed necessary to avoid service interruption; approval of this motion is subject to satisfactory review of any outstanding legal issues that have not yet been addressed to date relative to past lawsuits. VOTE: 5-1 (Rosenfeld opposed), MOTION CARRIED**

**4:15 PM                   COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve Emergency Funding for Electrical Repairs in the Elections Office, the amount not to exceed \$2,500 and the funds to be paid out of the contingency money in the General Administration Fund. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Ms. Pratt, to appoint Town of Friday Harbor Administrator Duncan Wilson to the San Juan Island Vendor Selection Committee as a voting member. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to reconsider the motion made at the Council’s previous regular meeting on August 28, 2012 to approve an Ordinance relating to Land Use Designations and Clarification of terms including provisions for Agricultural Sales and Recycling; Amending San Juan County Code Sections 18.20.010, 18.20.030, 18.20.180, 18.30.010, 18.30.020, 18.30.030, 18.30.040, 18.30.050, 18.30.060,**

**18.30.070, 18.30.080, 18.30.090, 18.30.100, 18.30.170, 18.30.180, 18.30.190, 18.30.200, 18.30.210, 18.30.230, 18.30.290, 18.30.300, 18.30.310, 18.30.450, 18.40.020; Adding a New Section to SJCC Chapter 18.30 Listing Activity Center Plans; and Repealing SJCC Sections 18.30.240 and 18.40.340. ALL AYES, MOTION CARRIED**

**COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:**

**Legislative Priorities:** Ms. Pratt asked the Council for confirmation that no changes are needed to the revised draft Exhibit A of the 2013 Legislative Priorities Resolution.

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported that Washington State Ferries (WSF) sent out a press release regarding the Orcas ferry dock closures.

**CLERK UPDATE & ADMINISTRATIVE MATTERS:**

Ms. Gabriel had nothing to report at this time.

Ms. See reported there was no activity on committees at this time.

**5:17 PM                      ADJOURNED**

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on September 25, 2012. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**