

SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES
COUNTY COUNCIL
February 15, 2011

Tuesday, February 15, 2011 – Orcas Meeting, Eastsound Fire Station, Eastsound, WA

10:00 AM CALL TO ORDER

Council Chair Lovel Pratt called the meeting to order at 10:00 a.m. Council members present: Howard (Howie) Rosenfeld, Rich Peterson, Richard Fralick, Jamie Stephens, and Patty Miller; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, and interested members of the public were present.

Ms. Pratt notified the public that the meeting was being audio recorded and would be available by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab.

New Employee Introduction: none

Citizens Access: The following citizens submitted comments: Merri Ann Simonson, Tim Gembrill, Dave Cable, Alexandra Gabora, Tim Blanchard, Janet Alderton, Kim Secunda, John Evans, George Post, Bill Wright, Sam Buck, Sadie Bailey, and Sharon Kivisto.

10:55 AM PUBLIC HEARING:

1. To Consider Vacation and Abandonment of Deer Harbor County Road Right of Way (Sommerville) – John Van Lund, County Engineer
Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel and interested members of the public.

Mr. Van Lund presented the Staff recommendation that the County Council adopt a Resolution to vacate a portion of Deer Harbor County Road right-of-way in Section 17, Township 36 North, Range 2 West, W.M.

Mr. Van Lund explained how the County acquires right-of-way. No questions were asked by the Council. Ms. Pratt opened for public testimony and comments were taken from: Steven Goddu, Marion Goheen, Tad Sommerville and Bruce Wiscomb. Public Testimony was closed with the right to reopen. Staff returned to table for further discussion.

After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, to approve the Resolution to vacate a portion of opened Deer Harbor Road Right-Of-Way, with the following conditions:

- 1. Declaration of Easement to provide access to impaired Sommerville parcels**
- 2. Easement for the public turnaround**
- 3. Accounting of petition bond amount of \$2,200 and payment or reimbursement if necessary.**

ALL AYES, MOTION CARRIED

- 1:25 PM** 2. Health Dept Community Services Division, Annual Report –
Community Services Manager Joyce Rupp Senior Services Manager,
Barbara LaBrash Human Services Manager, Sage MacCleod
Early Childhood Education and Assistance Program (ECEAP)
Coordinator

John Manning, Director of the Health Department introduced Ms. Rupp, Ms. LaBrash and Ms. MacLeod.

Ms. MacCleod presented a report on the importance and status of pre-school programs and (ECEAP) in San Juan County.

Ms. LaBrash presented the Human Services Program Annual Report and answered Council's questions.

Ms. Rupp presented the Senior Services report including: status, funding sources and types of care-giving, transportation and meals provided to seniors in San Juan County.

- 1:55 PM** 2. Resolution to Adopt Reference Line for Mt. Baker Right-of-Way
(3rd Touch) – Jon Shannon, Public Services Director

Mr. Shannon presented the Staff recommendation to adopt a Resolution for the reference line for County Road Right-of-Way and approve the typical road/trail section for the Mt. Baker Road Number 58 (MP 0.00 – MP 1.10) Trail improvement projects. Mr. Shannon answered the Council's questions and after discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, to approve the Resolution to: 1. Adopt the Reference Line for the Mt. Baker Road Number 58 (MP 0.00 – MP 1.10) Trail Improvement Projects Right-of-Way, described in Attachment "A" and shown on Attachment "B", and 2. Approve the typical Road section for the Mt Baker Road Number 58 (MP 0.00 – MP 1.10) Trail Improvement Projects as shown in Attachment "C."
ALL AYES, MOTION CARRIED

- 2:05 PM** 3. Boundary Line Modification at Judd Cove Preserve, Orcas Island (3rd
Touch) – Ruthie Dougherty, Preserve Steward

Mr. Rose introduced the Modification that accepts and conveys quit claim deeds on adjacent parcels along the southern boundary of Judd Cove Preserve, Orcas Island. Ms. Dougherty presented a PowerPoint showing affected parcels and answered Council's questions. After discussion, the following action took place:

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the Resolution to accept a quit claim deed from Steve Cohan and Peggy Randall and to convey adjacent property to the same. ALL AYES, MOTION CARRIED

- 2:10 PM** 4. Discussion of an Ordinance to Modify Essential Public Facilities (EPF) Ordinances to respond to Growth Management Hearings Board Decision
(2nd Touch) – Jon Cain, Deputy Prosecuting Attorney

Mr. Cain explained the draft ordinance to modify Essential Public Facilities and answered Council's questions. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Stephens, to schedule a public hearing on March 8, 2011 at 10:15 am to consider an Ordinance regarding modifications to Essential Public Facilities. ALL AYES, MOTION CARRIED

- 2:28 PM** 5. Discussion of an Ordinance Amending Procedures for Site-Specific Redesignations (2nd Touch) – Jon Cain, Deputy Prosecuting Attorney

Mr. Cain explained the draft ordinance amending the County's procedures for amendments to the Comprehensive Plan Official Maps, answered Council's questions and made requested changes. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Peterson, to schedule a public hearing on March 8, 2011, at 10:15 AM to consider an Ordinance regarding procedures for amendments to the Comprehensive Plan Official Maps, Amending San Juan County Codes Sections 18.90.010 and 18.90.030 including additional reference to the appropriate RCW in section 1 D-3 on page three (3) in regard to resource land designation. ALL AYES, MOTION CARRIED.

- 2:50 PM** 6. Discussion of Mini-Initiative on an Ordinance Vesting Property Owners with the Right to Plan and Build Under Existing Regulations (Initiative 2010-3) (2nd Touch) – Jon Cain, Assistant Prosecuting Attorney

Mr. Cain reviewed the procedures for the consideration of Mini-Initiative 2010-3. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Fralick, to schedule Mini-Initiative 2010-03 for public hearing on March 1, 2011, at 10:15 am. ALL AYES, MOTION CARRIED

- 2:53 PM** 7. Report on Transportation Element Grant – Pete Rose, County Administrator

Mr. Rose opened the discussion regarding acceptance of a Washington State Department of Transportation grant to produce a draft of an updated Comprehensive Plan Transportation Element. Mr. Rose and Mr. Shannon answered Council's questions. After discussion, the following action took place,

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve the grant with the State Department of Transportation in the amount of \$40,000 for the purpose of developing an

update to the Comprehensive Plan Transportation Element. ALL AYES, MOTION CARRIED

3:10 PM DISCUSSION: Eastsound Planning and Review Committee (EPRC)
Report – Bob Connell, Vice Chair

Mr. Connell, joined by Terry Williams, Clive Duke and Fred Kline addressed the Council and gave a status report on the EPRC.

3:30 PM Clerk Update and Administrative Matters – Clerk Ingrid Gabriel

Ms. Gabriel reminded the Council that a Best Available Science and Solid Waste Workshop will be held on February 28 at the Council building in Friday Harbor beginning at 8:30; the next regular Council meeting is on March 1 in the Legislative Hearing Room, and the next available date for a public hearing is March 8, 2011. She also noted that a written committee report was provided by Deputy Clerk Maureen See for the Council.

After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to reappoint David Perera to the Board of Health, Position #1. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Ms. Miller, to appoint Evelyn Fuchser to the Planning Commission, Position #8, Orcas Island. ALL AYES, MOTION CARRIED

Review and Approve Minutes of January 25, 2011:

Moved by Ms. Miller, seconded by Mr. Fralick, to approve the Minutes of January 25, 2011, with a correction on line 123 to remove the dollar sign. ALL AYES, MOTION CARRIED

Review agendas:

Review and approve Consent Agenda:

A. Resolutions:

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

The Auditor's office requests approval for the following warrants:
2010:

- Warrants #90108-90163 in the amount of \$115,543.16 for County Claims
- Warrants #90164-90170 in the amount of \$3,072.56 for Public Works
- EFT #01202011 in the amount of \$5,540.78 for Public Works Excise
- Warrants #90042-90066 in the amount of \$9,105.17 for Medical Reimbursements
- Warrants #90525-90537 in the amount of \$73,377.73 for Public Works
- Warrants #90486-90524 in the amount of \$98,914.16 for County Claims

2011:

Warrants #90171-90216 in the amount of \$18,333.18 for County Claims
Warrants #90217-90235 in the amount of \$3,929.88 for Public Works
Warrants #90236 in the amount of \$400 for Veteran's Assistance
Warrants #90538-90598 in the amount of \$52,141.26 for County Claims
Warrants #90599-90627 in the amount of \$10,559.50 for Public Works
Warrants #90672-90749 in the amount of \$42,042.22 for County Claims
Warrants #90669-90671 in the amount of \$1,106.00 for Veteran's Assistance
Warrants #90750-90791 in the amount of \$34,072.54 for Public Works
Payroll Expenditures for period ending January 24, 2011

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Peterson, seconded by Mr. Stephens, to approve the Consent Agenda of February 15, 2011. ALL AYES, MOTION CARRIED

Mr. Fralick announced he and Ms. Miller would be holding a Town Hall meeting on March 10 from 4 – 6:00 PM at the Eastsound Fire Station, and asked the Clerk to post the notice.

Mr. Peterson reported that the Lodging Tax Advisory Committee (LTAC) meeting was cancelled for February 23 and will meet on March 2 instead.

3:40 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Legislative Priorities:

Ms. Pratt postponed the Legislative Priority Update to the next meeting due to time considerations. She brought forward the following correspondence:

1. Letter to Tom Cowan

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to send a letter of congratulations to Tom Cowan for his appointment to the Washington State Transportation Commission. ALL AYES, MOTION CARRIED

2. Letter to Representative Jeff Morris

Moved by Ms. Miller, seconded by Mr. Rosenfeld, to send a letter thanking him for his support of HB 1186 regarding the State's Oil Spill Program. ALL AYES, MOTION CARRIED

3. Letter to Senator Jeanne Kohl-Welles, Chair and Members of the Senate Labor, Commerce and Consumer Protection Committee

Moved by Ms. Miller, seconded by Mr. Rosenfeld, to send a letter to Senator Kohl-Welles regarding support for SB 5285 concerning the issuance of liquor licenses for businesses located near schools. ALL AYES, MOTION CARRIED

4. Letters to Senator Patty Murray, Representative Rick Larson and Senator Maria Cantwell

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to send letters to Senator Patty Murray, Representative Rick Larson and Senator Maria Cantwell asking for their support of long-term protection of Bureau of Land Management properties in San Juan county through a National Conservation Area designation. ALL AYES, MOTION CARRIED

3:45 Ferries/FAC/Intermodal: Mr. Rosenfeld reported on ferry issues and gave a Ferry Executive Committee update. He also proposed that the Council sign a group letter from Ferry Served Communities to

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, for the Council to become signators on the Position Statement from the Leadership of the Ferry-Served Communities. ALL AYES, MOTION CARRIED

Budget Subcommittee: Mr. Fralick reported that the Subcommittee is developing a work plan to be reviewed by Council for approval.

General Government Subcommittee: Mr. Peterson reported that there will be three items on the March 1 agenda: 1) the General Government Subcommittee Work Plan 2) the second touch on creating a districting committee and 3) a Land Bank Conveyance Process Resolution.

Solid Waste Subcommittee: Ms. Miller reported that primary goals for the Feb 28 Solid Waste Workshop is to gain understanding on the financial analysis of the historical Solid Waste funding structure and to map a matrix for various service delivery models. Mr. Stephens is the newly appointed Council representative to the Solid Waste Advisory Committee.

Additional Updates & Discussion Items:

Ms. Pratt reported on the Law Library Board meeting held on February 10th. Ms. Pratt reported that she appreciates the opportunity to serve on the Law Library Board and learn more about the Law Library, and she encouraged Council Members to make use of this County resource. Ms. Pratt provided copies of Chapter 27.24 of the RCW to the Council. Ms. Pratt also reported that Judge Eaton was elected President of the Law Library Board.

1. Retreat Outcome Documents (1st Touch) – Ms. Pratt introduced the documents and recommended keeping them on the Council's K: network drive.

2. Best Available Science (BAS) Adoption Process – Ms. Pratt stated that the Critical Area Ordinance Update Implementation Committee determined that the 1st Touch on the BAS Resolution scheduled for the February 28 Workshop will also include Staff providing an updated CAO Update work plan and timeline and a written draft of final directions from the council to staff and scientists for the BAS document. At the workshop, the council will clarify these final directions. A conference call with the scientists has been postponed until the revised BAS document is completed.

4:15 PM FIELDTRIPS

Due to time and weather, Staff provided Council with maps and information on Constructed Wetlands and the Mt. Baker Road Project and answered questions.

4:25 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on March 1, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.