

SAN JUAN COUNTY (SJC), WASHINGTON
MEETING MINUTES

COUNTY COUNCIL
March 1, 2011

Tuesday, March 1, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

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, Deputy Clerk Maureen See, and interested members of the public were present.

Ms. Pratt reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing via live-streaming on the day of the meeting and can be viewed the following day on the Council website. The current video and three months of prior videos can be accessed by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab.

Citizens Access: The following citizens submitted comments: Sharon Kivisto, Greg Hertel, Zenia Salvani, Peter Goddu, Tadd Sommerville

Further discussion on the Deer Harbor Road vacation will be continued to the afternoon at 1:00 PM.

10:21 AM PUBLIC HEARING:

1. To Consider an Ordinance Authorizing the County Administrator to Open Bid Proposals, Accept Bids, Execute Construction Contract Documents and Change Orders, and Accept Completed Work for 2011 County Construction Projects – Pete Rose, County Administrator

Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Rose explained the ordinance that would authorize the County Administrator to open bids, accept bids, execute contract documents and change orders, and accept completed work for approved and budgeted County construction projects.

Ms. Pratt opened for public testimony, and no comments were offered. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve an ordinance authorizing the County Administrator to accept bids, execute construction contract documents and change orders, and accept completed work for Public Works projects within the County budget. ALL AYES, MOTION CARRIED

2. To Consider an Ordinance Vesting Property Owners with the Right to Plan and Build Under Existing Regulations (Initiative 2010-3) – Randall Gaylord, Prosecuting Attorney

Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Mr. Gaylord explained the background and processing of the Mini-Initiative 2010-3 which is concerned with the subject of vesting rights. Mr. Gaylord answered questions from the Council.

Ms. Pratt opened for public testimony, and comments were offered by: Janet Alderton, Jack Cory, Angela Menjevar, Steve Buck, Stephanie Buffum, Tim Gambrell, Sam Buck, Kyle Loring. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Stephens, to approve an ordinance vesting property owners with the right to plan and build under existing regulations, Initiative 2010-3. VOTE: 1 AYE (Peterson), 5 OPPOSED, MOTION NOT CARRIED

Moved by Mr. Peterson to move this ordinance as drafted forward to the Planning Commission. NO SECOND

Moved by Ms. Miller, seconded by Mr. Peterson, to place the item of considering a vesting ordinance on the prioritized planning task list. MOTION WITHDRAWN

Moved by Mr. Peterson, seconded by Ms. Miller, that the vesting matter be forwarded to General Government Subcommittee for evaluation with respect as to how to move it forward. Moved by Mr. Fralick, seconded by Mr. Stephens, to table the motion on the table. VOTE: 5-1 (Peterson opposed) MOTION CARRIED

3. **Continued Hearing** from January 25, 2011 on an Ordinance amending the San Juan County Code Chapter 16.50 Current Use Program, Adding a Public Benefit Rating System for Farm and Agricultural Conservation Land and Updating Terminology to be Consistent with the County Charter and State Law – Karen Vedder, Deputy Prosecuting Attorney

Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Vedder reviewed the Ordinance amending the Open Space Plan and Public Benefit Rating System with amendments made by Council, and a change suggested by Ms. Miller on the conservation easement, page 5 of 16. Ms. Vedder answered questions from the Council.

After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve an Ordinance Amending the Provisions of the Open Space Plan and Public Benefit Rating System Regarding

Farm and Agricultural Conservation Lands, with the provision of amending page 15 of 16, under Removal from classification. C, removing the word “assist.” VOTE: 5-1 (Peterson opposed) MOTION CARRIED

4. **Continued Hearing** from February 15, 2011 to Consider Second Quarter Percent Real Estate Tax (REET 2) – Milene Henley, Auditor
Present: Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Henley offered a PowerPoint presentation regarding the proposed Ordinance that would add real estate tax on the sale of real property in San Juan County. Ms. Pratt read from the REET 2 bill currently before the legislature.

Ms. Pratt reopened for public testimony, and comments were offered by: Merri Ann Simonson, Tim Gambrell. Public testimony was closed with the right to reopen. After discussion, the following action took place:

Moved by Ms. Miller, seconded by Ms. Stephens, contingent upon approval of an Ordinance imposing an Additional One Quarter of One Percent Real Estate Tax (REET 2), to request the Auditor to bring forth a revised Reserve Policy ordinance that includes providing for additional reserves for capital in addition to modifications to clean up the existing ordinance. ALL AYES, MOTION CARRIED

Moved by Mr. Fralick, seconded by Mr. Stephens, to adopt an Ordinance imposing an Additional One Quarter of One Percent Real Estate Excise Tax (REET 2). VOTE:5-1 (Peterson opposed) MOTION CARRIED

12:00 PM Recess for Lunch

1:00 PM Reconsideration of Deer Harbor Road Vacation:

Mr. Fralick acknowledged that the turn-around as developed provides public benefit and that the vacation is warranted without re-opening discussion. He encouraged all parties to reach a satisfactory solution and for the County Road Department to assist in discussions as appropriate. No action was taken.

1:05 PM COUNTY ADMINISTRATOR ITEMS:

1. Adopting a Resolution for the Shoreline Master Program Public Participation Plan {public comment accepted} (3rd Touch) – Colin Maycock, Senior Planner

Mr. Maycock provided background information on the draft Shoreline Master Program update of the Public Participation Plan and answered Council's questions. Dan Nichol, Watershed commission Project Director and Bob Fritzen, Department of Ecology Project Manager, also answered questions.

After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to adopt the Proposed Shoreline Master Program Update Public Participation Plan subject to updating as appropriate. ALL AYES, MOTION CARRIED

2. Adopting a Resolution re: Interfund Loan for Odlin Park Renovation Project (2nd Touch) – Dona Wuthnow, Parks and Fair Director

Ms. Wuthnow explained the inter-fund Loan for Odlin Park Construction. Milene Henley, Auditor, reported on results from the Finance Committee meeting, which supported the loan from ER&R.

After discussion, the following action took place:

Moved by Mr. Peterson, seconded by Mr. Stephens, to direct staff to proceed with the inter-fund loan process including drafting a resolution for Council approval based on the Finance Committee recommended funding source for an inter-fund loan in the amount of \$350,000 to the Parks and Fair Fund. VOTE: 5:1 (Miller opposed) MOTION CARRIED

3. Board of Health (BOH) Appeals Referral to Hearing Examiner (2nd Touch) – Karen Vedder, Deputy Prosecuting Attorney

Ms. Vedder reviewed the proposed Ordinance that would give the Hearing Examiner the authority to hear appeals from the Health Officer Decisions provided in San Juan Code Chapter 8.22.

After discussion, the following action took place:

Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to move the public hearing on an ordinance referring Board of Health Appeals to the hearing examiner to March 22, 2011 at 10:15 am. ALL AYES, MOTION CARRIED

4. Conveyance of Buck Property, Beaverton Marsh, San Juan Island to San Juan Preservation Trust (3rd Touch) – Lincoln Bormann, Land Bank Director

Mr. Bormann summarized the property conveyance to the San Juan Preservation Trust and subsequent acceptance of a Conservation Easement Deed from the San Juan Preservation Trust for the 40 acre property previously purchased from the Buck Family, Beaverton Valley, San Juan Island.

After discussion, the following action took place:

Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to approve a Resolution to convey the fee title of the Buck Tract property on San Juan Island to the San Juan Preservation

Trust and move to accept the Conservation Easement Deed on the property. ALL AYES,

MOTION CARRIED

5. Consideration of Acceptance of a Deed of Conservation Easement, San Juan Preservation Trust Property, Blakely Island (1st Touch) – Lincoln Bormann, Land Bank Director

Mr. Bormann introduced the Blakely Island Deed of Conservation Easement to the San Juan County Preservation Trust.

1:57 PM PRESENTATION: Islands Trust Land Use Approach – Mac Fraser, Islands Trust Director of Planning.

Mr. Fraser presented the Islands Trust Green Shores Development Rating System.

2:23 PM 2011 COMMITTEE REPORT & WORKPLAN:

1. Agricultural Resources Committee (ARC) – Tim Clark, Vice-Chair; Petty Bill, Coordinator

Ms. Bill presented a PowerPoint entitled “SJC Agriculture Today: a Changing Profile”; Mr. Clark presented ARC’s 2010 Accomplishments. They both presented the 2011 ARC Work Plan.

Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve the San Juan County Agricultural Resources Committee 2011 Work Plan. ALL AYES, MOTION CARRIED

2. Citizens Salary Commission – Michael Roger, Chair; Pamela Morais, Human Resources Manager

Ms. Morais and Mr. Roger outlined the Committee’s report and 2011 Work Plan.

3. SJC Fair Board – Josephine Bangs, Chair; Rev Shannon, Fair & Events Manager

Ms. Bangs and Mr. Shannon presented the 2011 Fair Board Work Plan, the 2010 Fairground Use Statistics and answered Council’s questions.

Moved by Mr. Stephens, seconded by Mr. Rosenfeld, to approve the 2011 Fair Board Work Plan. ALL AYES, MOTION CARRIED.

3:25 PM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel reminded the Council that the next meeting will be on March 8 and the next date available for Public Hearing is March 22, 2011. No Committee Report was given.

Review and Approve Minutes of February 15, 2011:
Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of February 15, 2011. ALL AYES, MOTION CARRIED

Review Agendas: no changes

Review and Approve Consent Agenda:

A. Resolutions:

A Resolution Granting Quetin Current Use Timber Classification Application No. PTOSOP-10-0002 on Lopez Island.

Ordinances:

B. Contracts/Agreements :

C. Budget Items:

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

- Warrants #90887-91008 in the amount of \$116,618.92 for County Claims
- Warrants #91009-91055 in the amount of \$49,810.70 for Public Works Claims
- EFT #01202011 in the amount of \$626.55 for Parks EFT
- Warrants 91259-91355 in the amount of \$220,134.76 for County Claims
- Warrant #91232 in the amount of \$33,000 for Housing Loan (Vinson)
- Warrants #91233-91258 in the amount \$10,553.28 for Medical Reimbursements
- EFT #02162011 in the amount of \$3,206.25 for Public Works Excise
- Warrants #91356-91399 in the amount of \$43,340.27 for Public Works
- Interfund Transfers for the months of December 2010 and January 2011

D. Personnel:

E. Appointments

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Rosenfeld, seconded by Mr. Fralick, to approve the Consent Agenda of March 1, 2011. VOTE 5:1 (MILLER ABSTAINED), MOTION CARRIED

Review Council Calendar Items:

Ms. Pratt added WSAC Ferry Conference calls on future Fridays and a Coastal Counties Caucus meeting on March 17.

Mr. Fralick announced a Town Hall Meeting at March 10, 2011 at the Orcas Fire Hall from 4:00 until 6:00.

3:25 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Legislative Priorities: Ms. Pratt reported.

Ferries/FAC/Intermodal: Mr. Rosenfeld reported.

Budget Subcommittee: Mr. Fralick reported.

General Government Subcommittee: Mr. Peterson reported on the following:

1. General Government Subcommittee (GGSC) Annual Work Plan Review

Mr. Peterson introduced the GGSC's Draft 2011 Work Plan. No action was taken.

Moved by Mr. Fralick, seconded by Mr. Stephens, to return the tabled motion back before the Council. ALL AYES, MOTION CARRIED

Moved by Mr. Peterson, seconded by Ms. Miller, that the vesting matter be forwarded to the General Government Subcommittee work plan for evaluation with respect as to how to move it forward. VOTE 3:3 (Stephens, Fralick, Pratt opposed), MOTION NOT CARRIED

2. Districting Committee Resolution (2nd Touch)

Mr. Peterson and Ms. Henley, Auditor, answered Council's questions. There were no recommended changes to the Resolution at this time.

3. Land Bank Conveyance Process Resolution (1st Touch)

Mr. Peterson outlined the issues regarding the relationship between Land Bank acquisitions and the Council.

Solid Waste Subcommittee: Ms. Miller reported.

Additional Updates & Discussion Items:

1. Interim Closure

Moved by Ms. Miller, seconded by Mr. Peterson to authorize closure of the Council office on Mondays from 1:00 to 5:00 PM through the month of March, 2011. ALL AYES, MOTION CARRIED

2. Review Agenda for March 8 Joint Meeting with Town

In reviewing the agenda for the Joint Meeting with the Town of Friday Harbor, the Council determined that discussion regarding the status of Solid Waste services would be led by Ms. Miller; Charter Review update would be led by Mr. Rose; Cattle Point Relocation Project would be led by Ms. Pratt; new legislative process would be brought up if there is anything new to report.

4:45 PM ADJOURN AND SIGN DOCUMENTATION

COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on March 8, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.

