

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
March 30 and 31, 2009**

Special Meeting – Monday, March 30, 2009 – Fire Protection District No. 2, Orcas Island
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10:00 AM CALL TO ORDER

Council Chair Peterson called the Staff Meeting/Work Session to order at 10:12 a.m. at the Orcas Island Transfer Station. Council members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerk Lisa Brown; Public Works Director, Jon Shannon; George Post, Exchange Manager; and interested members of the public were present. After a tour of the Transfer Station facility, the Council toured Judd Cove with Lincoln Bormann, Land Bank Director; and Ruthie Dougherty, Preserve Steward; and interested members of the public; and the tour concluded with a visit to the Village Green.

12:30 PM CITIZEN ACCESS TIME

Steve Ludwig addressed the Council regarding the Cell Phone Ordinance and the negative implications of cell tower sites. He stated the Council is not entitled to violate an existing Ordinance to expediently introduce a new one. Mr. Myhr noted that this is the first formal Council discussion of a working paper and that there would be a series of steps yet to be taken. Mr. Knapp and Mr. Peterson concurred.

Kathleen Speed addressed the Council regarding fire and safety inspection fees and the discrepancy between some businesses that are being inspected annually while others, and possibly some that are more hazardous, have not been inspected at all, stating that she felt as if her business had been unfairly singled out under "selective enforcement."

George Post, Orcas Island citizen, implored the Council to consider waste reduction and waste management policy in their decision regarding the Transfer Station.

John Evans, on behalf of San Juan Building Association, informed the Council that, on advice of an attorney, the 15% building permit surcharge on residences over 3,500 square feet is not legal under State law. He asked if the County had stopped making the surcharge and if steps had been taken to refund amounts collected under it. He requested information regarding accessory structure permits and reported that Homes for Islanders had been waiting for building permits since November, 2008. Mr. Evans also spoke in favor of the proposed Cell Phone Ordinance.

12:45 PM CLERK UPDATE & ADMINISTRATIVE MATTERS: Ann Larson, Clerk to the Council.

Ms. Larson requested approval on letters to legislators regarding House Bill 1287 and Senate Bill 8358 to be placed on Consent. The Council concurred. She also reported that a quarterly meeting with the Town of Friday Harbor had been scheduled for June 9, 2009. Revisions to the minutes, agendas, and Council calendar items were discussed.

1:00 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported on the inaugural run of Anacortes/SJIs/Sidney run, noting that an estimated 400 people were on board, and reported on conversations he had with Legislators. He reported on the deteriorated state of the fleet and that Senator Ranker (who was not present, but submitted a statement) indicated that construction on the 144 car ferry would take place in 2013 and that Representative Morris is working to push this ahead even sooner to 2011. There was even talk of buying a ferry. Mr. Rosenfeld said he thanked Senator Haugen for her work on keeping the Sidney run and maintaining a 2.5 percent fare increase. He also offered copies of a letter from Senator Cantwell to Homeland Security Director, Napolitano, and Senator Ranker's statement to the Council and any interested parties. Mr. Rosenfeld reported that some members of the FAC had requested that the Council send more letters regarding the construction schedule of the fleet, but expressed concern that it may be counterproductive at this time. He asked Mr. Rose to comment. He suggested

asking the legislators during their bi-weekly teleconference how the Council could be of use in making good fleet decisions.

Budget Subcommittee: Mr. Fralick explained that the Budget Subcommittee had not had an opportunity to meet, but that they would reconvene April 6, 2009.

Legislative Priorities & Lobbying Efforts: Mr. Myhr reported that he would be attending a rural counties meeting and a Washington State Association of Counties Legislative Steering Committee. He reported on progress regarding removal of derelict fishing gear and shoreline restoration on Thatcher Pass (Blakely Island) and that the conference call scheduled for this morning did not take place.

General Government Subcommittee: Mr. Knapp explained that the GG meeting schedule coincides with the Budget Subcommittee Schedule and they too had been unable to meet due to increased Council session time, but that he would have a report after the April 6, 2009 meeting.

Agenda Discussion Items: Mr. Knapp commented on the increase in Council business and its impact on Council Staff. Ms. Pratt noted that the Council set aggressive goals at the beginning of the year, and suggested pacing themselves. Mr. Peterson asked Ms. Larson to add this item to a future agenda. Mr. Knapp also commented unfavorably on having an Ordinance introduced for adoption without having been before the Council for discussion, noting that the Council should not allow this in the future.

Response to Citizen Access regarding Fire Inspections: Mr. Peterson invited Fire Marshal, Bob Lowe, to report. Mr. Lowe explained how he manages his annual inspections and the varying considerations related to higher risk environments. He assured the Council that there was no other agenda. Mr. Lowe and Mr. Marler, Fire Chief, explained how the Fire Marshal office is organized and they answered questions from the Council regarding fees, which are set by County Ordinance, with inspections being conducted per State law.

1:30 PM **DISCUSSION:** Consideration of Preliminary Draft Cell Phone Ordinance – Patty Miller, Cell Phone Task Force; Randall Gaylord, SJC Prosecuting Attorney; and interested members of the public were present.

Mr. Myhr inquired whether there would be a comparison between the existing and proposed Cell Phone Ordinances. Ms. Miller said there was and explained that the goals for the meeting today were to share the draft Ordinance, hear public input, identify outstanding issues, and obtain feedback and policy guidance from the Council. She provided background information, including a number of requests from law enforcement and citizens. Ms. Miller provided a PowerPoint presentation that covered impediments of the existing ordinance, which is locked in a subarea plan, and local guidelines that could be implemented that would allow providers to locate in SJC more readily. Council discussion took place and Ms. Miller answered questions from the Council. Ms. Pratt inquired whether a new ordinance was the appropriate means to increase cell phone service. Questions were raised regarding what this committee was mandated to do by the Council. Mr. Peterson read a verbatim account from the August 18, 2008, meeting, when the committee was tasked with coming back to the Council by the end of September with a recommendation on an Ordinance. He stated it was their intent to create legally defensible regulations while being sensitive to issues raised by citizens. Ms. Miller presented three different options for consideration and answered additional questions from the Council. Mr. Gaylord provided guidance on procedure and policy related to developing ordinances such as this. Mr. Peterson then invited public comments. The following individuals provided input: Bill Griswold, Pierette Guimond, Michael Peterson, Charles Richardson, Larry McNair, Paul Barger, and Bill Wertz. Mr. Peterson then requested time on a future agenda to continue the discussion. Ms. Larson added this item to the April 6, 2009 agenda at 1:00 p.m.

2:30 PM **COUNTY ADMINISTRATOR ITEMS:** (Commenced at 3:01 p.m. due to time constraints.) Present: Pete Rose, County Administrator; Dona Wuthnow, Parks Director; Gilbert Blinn, Parks Committee Representative; Charly Robinson, Orcas Island Farmers Market Director; and interested members of the public.

1. Letter of Support for the UGA Planning Grant: Mr. Rose explained the Smart Growth Implementation Assistance Grant for 2009 and offered to draft a letter on behalf of the Council in support of the Friday Harbor and Eastsound applications.

2. Farmers' Market Permitting / Orcas Farmer's Market grant discussion: Ms. Wuthnow provided information regarding the Park Department's fees and revenue, and provided history regarding fees for the Orcas Island Farmers Market (OIFM). Ms. Wuthnow and Mr. Blinn answered questions from the Council. Ms. Wuthnow recommended retaining the current fee schedule and suggested considering alternative funding sources for the OIFM. Mr. Knapp suggested following up on the notion of Eastsound Sewer and Water District (ESWD) maintaining the Eastsound restrooms and Mr. Peterson asked if the money saved there could offset the OIFM fee. Ms. Wuthnow said she would revisit this idea. Mr. Knapp referenced year-end figures he had for the Parks Department and questioned why it was necessary to make an increase to the Farmers when Parks had a good year. Ms. Wuthnow explained that when the fee schedule was made in the fall they didn't know what the year end results would be. Discussion took place regarding a current solution and timely grant applications for the Farmers Market in the future. Ms. Robinson also reported. Mr. Myhr asked if \$2,500 would be sufficient. Ms. Robinson said the OIFM would be grateful with any help that could be made available by the Council. Mr. Myhr said he would hope that the Farmers Market would apply to the LTAC for grant support in the future and made the following motion:

Moved by Myhr, seconded by Knapp, to provide \$3,000 to the OIFM to lower the cost to local farmers for this year's market. Mr. Peterson inquired where the additional \$500 came from. Mr. Myhr responded that he wanted to provide them with a contingency this year and then not have the Council look at this again. Mr. Knapp said he had trouble not seeing this as the Park's Board balancing their budget on the Farmers' Market. Mr. Fralick asked if he would amend the motion to \$2,500. Mr. Myhr declined. **Motion carried with Fralick and Peterson opposed.** Mr. Peterson expressed his reason for opposing the motion, noting that he felt \$2,500 was adequate. Mr. Fralick concurred.

3:45 PM

ADJOURN: Chair Peterson adjourned the meeting at 3:41 p.m.

Tuesday, March 31, 2009 - Council Hearing Room, Legislative Building, Friday Harbor
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10:00 AM

CALL TO ORDER

Council Chair Peterson called the meeting to order at 10:00 a.m. and the flag salute was conducted. Council members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

NEW EMPLOYEE INTRODUCTIONS: Superior Court Judge, John Linde, introduced Anita Lopez, the new Superior Court Reporter/Court Administrator; and Milene Henley, Auditor, introduced Jessica Peacock, new Customer Service Specialist.

CITIZENS' ACCESS TIME: No public comments were submitted.

COUNCIL ADMINISTRATIVE MATTERS:

Minutes of March 23, 24, 2009: Motion to approve by Myhr, seconded by Knapp, carried unanimously.

Consent Agenda: Moved by Myhr, seconded by Knapp, to approve as follows:

A. Resolutions/Ordinances: (No items.)

B. Contracts/Agreements:

1. An Interlocal Agreement between San Juan County and San Juan Island Emergency Medical Services for Provision of Dispatching Services.
2. An Interlocal Agreement between San Juan County and the San Juan County Fire Protection District No. 4 for Provision of Dispatching Services.
3. An Interlocal Agreement between San Juan County and San Juan Fire Protection District No. 5 for Provision of Dispatching Services.

C. Budget Items: (No items.)

D. Personnel: (No items.)

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E. Appointments: (No items.)

F. Correspondence:

1. A letter to Ms. Deloris Wingo-Huntly in support of the Smart Growth Implementation Assistance 2009 Grant.
2. A letter to Senator Kevin Ranker in support of House Bill 1287.
3. A letter to Senator Lisa Brown in support of House Bill 1287.
4. A letter to Senator Margarita Prentice in support of House Bill 1287.
5. A letter to Senator Rodney Tom in support of House Bill 1287.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

COUNCIL MEMBER UPDATES:

WSF: Mr. Rosenfeld reported on information ascertained from WSF crew, that SJC will have the HiYu for an extended period of time.

Broadband: Mr. Fralick inquired about the registration process for federal stimulus funding for broadband and Mr. Rose said this was being handled by Mr. Johnson.

Public Hearings: Mr. Peterson briefed those in attendance on hearing procedures, protocol, and decorum. The Council also discussed participant disclosures.

10:20 AM

CONTINUED PUBLIC HEARING: An Ordinance Amending the Comprehensive Plan regarding the Housing Element & Changes to Appendix 1 – Population. Present: Full Council; County Administrator, Pete Rose; County Clerk, Ann Larson; Public Hearings Specialist, Lisa Brown; CD&P Director, Ron Henrickson; Senior Planner, Colin Maycock; Health & Community Services Director, John Manning; and interested members of the public.

Mr. Henrickson referenced his staff report and provided a brief summary of the proposed amendment and projections. Mr. Henrickson and Mr. Maycock reported on revisions and follow-up questions posed by the Council during the prior hearing on March 24, 2009, and answered additional questions from the Council. Mr. Henrickson confirmed that the 90 day extension had been requested. Mr. Manning reported on the homeless in SJC, the mandated annual point-in-time homelessness count done state-wide on January 29, 2009, which indicated 73 SJC residents as homeless, resources, and funding. Public Testimony was opened and submitted by the following individuals:

Jack Cory explained Veterans' Advisory Board assistance.

Joyce Sobel reported on assistance provided through the SJI Family Resource Center, agencies she works in conjunction with, funding, how assistance determinations are made, and provided information related to the homeless population. Ms. Sobel encouraged the Council to assist in whatever way they can in obtaining more resources.

Laura Tuttle was present to read a letter at the request of Ellen Roberts, Division of Child and Family Services (Washington State Department of Social and Health Services Friday Harbor Office), who was unable to attend, in support of a Housing Authority.

Sharon Kivisto addressed the Council regarding rental housing and the necessity of a Housing Authority.

Anita Castle, Director of the Domestic Violence and Sexual Assault Services (DVSAS), spoke in support of a Housing Authority. She also explained her services and provided anonymous information on housing needs presented through them.

Charles Anderson, SJI Community Foundation Chair, stated he would supply data on housing needs and homelessness. He also said he is receiving unsubstantiated reports on a growing wave of home foreclosures in

SJC. He spoke about potential support for affordable housing through the Critical Needs Task Force, which is addressing issues and solutions and are in a position of strong support of a combination of a Housing Authority in conjunction with Community Development Corporation assistance. He said they have looked at LID issues with the Town and County and strongly support a creative solution through that interface as well.

HEARING CONTINUATION:

Mr. Peterson suggested the Council get their comments to Staff in writing regarding this proposal and proposed posting them on the County Website for the public as well. **Moved by Myhr, seconded by Knapp, to continue the Hearing to April 14, 2009 [10:50 a.m.]. Motion carried unanimously.**

Mr. Myhr noted that a public workshop was scheduled for April 7, 2009, regarding the Housing Element & Changes to Appendix 1 – Population, and Mr. Peterson announced that public testimony would be continued to April 14, 2009.

11:00 AM DISCUSSION: Fair Board Work Plan – Present: Rev Shannon, Fair Director; and interested members of the public.

Mr. Shannon provided an overview of Fair Board membership, noting that he is seeking a candidate from Lopez and two candidates for at-large positions. He reviewed his plan, noting that staff time was better spent on developing better programs than grants for free gate for kids. He also reported on programs, gate fee, attendance, revenue, facilities plans, and grant funding possibilities. Mr. Shannon answered questions from the Council. Ms. Henley offered to follow up with contacts regarding donations for free gate for kids. After discussion the following action took place: **Moved by Fralick, seconded by Rosenfeld to approve the Fair Board Work Plan.** Discussion regarding the motion took place. **Motion carried unanimously.**

Mr. Rose added that a land use map re-designation for the Fair Grounds would appear on the upcoming annual docket. He also noted that the Fair Program was removed from the General Fund this year due to the budget crisis, thus increasing the challenge that Mr. Shannon faces in balancing his first annual budget.

11:20 AM PUBLIC HEARING: An Ordinance to create a Special Revenue Fund for the Mental Health Tax. Present: Full Council; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; Milene Henley, SJC Auditor; Jose Domenech, Accounting Supervisor; and interested members of the public.

Ms. Henley reviewed the material related to this fund, necessary to facilitate the .01 Mental Health Tax passed in December. She noted that SJC sales tax remains lowest in the State, even after enacting this tax. Ms. Henley answered questions from the Council. Public testimony was opened, none submitted, and closed. **Moved by Fralick, seconded by Myhr to adopt an Ordinance creating a Mental Health Tax Special Revenue Fund and designating the Director of Health and Community Services as the Fund Manager. Motion carried unanimously.**

11:30 AM PUBLIC HEARING: Three Ordinances Amending the San Juan County 2009 Budget for Emergency Appropriations, Supplemental Appropriations, and Beginning Cash Balance. Present: Full Council; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown, Public Hearings Specialist; Milene Henley, SJC Auditor; Jose Domenech, Accounting Supervisor; and interested members of the public.

Ms. Henley reviewed the information presented to the Council on March 10, 2009, regarding the amendments proposed. Ms. Henley and Mr. Domenech answered questions from the Council. Public testimony was opened, none submitted, and closed. The following action then took place:

Moved by Myhr, seconded by Knapp to adopt an Ordinance Amending the SJC 2009 Budget for Supplemental Appropriations as advertised. Motion carried unanimously.

Moved by Myhr, seconded by Rosenfeld, to adopt an Ordinance Amending the SJC 2009 Budget for Emergency Appropriations as advertised. Motion carried unanimously.

Moved by Myhr, seconded by Rosenfeld, to adopt an Ordinance Amending the SJC 2009 Budget for Beginning Cash Balance as advertised. Motion carried unanimously.

REVENUE UPDATE:

Ms. Henley provided a PowerPoint showing projections and year-to-date information. She stated that real estate excise tax (REET) for February came in slightly higher than January, and that sales tax is following the trend from last year. She noted that cumulative information collected over the next few months will provide more telling information, but indicated that if present trends continue, interest revenue will be 30% of the \$915,000 forecast for 2009. Ms. Henley answered questions from the Council.

1:30 PM

PUBLIC HEARING: A public hearing was held to consider a possible alternate location for the San Juan Island Transfer Station. Present: Full Council; Pete Rose, County Administrator (CA); Ann Larson, Clerk to the Council; Lisa Brown; and interested members of the public. Mr. Peterson reviewed hearing protocol, noting that members of the public would be allotted three minutes and then be allowed to speak again if time permitted.

Mr. Rose provided an introduction and the Council chose to reserve their questions until after public testimony was submitted. Public testimony was then opened and submitted by the following individuals, some offering additional testimony as time allowed: Barbara Marrett, Lee Brooks, Mike Kaill, Sandra Harold, Jean Shreve, Bill Engle, Lauren Jawer, Mitzi Johnson, Claudia Mills, Mike McDonald, James Moe, Juniper Maas, Sean Mercer, Bill Hamilton, Dave Cable, John Gauthier, Tom Doenges, Sharon Kivisto, Jenny Roberts, Terry Lush, and Jane Cable.

After everyone wishing to present testimony was heard, Mr. Peterson concluded the hearing, noting that there are two work sessions scheduled on April 14 and 27, and another opportunity for public input at the continuation of the public hearing proposed for April 28, 2009. **Moved by Myhr, seconded by Knapp, to continue the hearing to April 28, 2009 [2:00 p.m.]. Motion carried unanimously.** The Council members individually expressed their gratitude for the serious and passionate participation of the many community members present and those involved in this process.

3:45 PM

ADJOURN AND SIGN DOCUMENTATION: Chair Peterson adjourned the meeting at 3:07 p.m. A meeting was scheduled for Monday, April 6, 2009, and the next regular meeting was scheduled for Tuesday, April 7, 2009.

APPOINTMENTS: (No items.)

BUDGET ITEMS/WARRANTS: (No items.)

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS:

1. See Consent Agenda, Section B.

CORRESPONDENCE:

1. See Consent Agenda, Section F.

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

ORD. NO. 7-2009- (Refer to PUBLIC HEARINGS, 11:20 a.m., for details of action taken.)

ORD. NO. 8-2009- (Refer to PUBLIC HEARINGS, 11:30 a.m., for details of action taken.)

ORD. NO. 9-2009- (Refer to PUBLIC HEARINGS, 11:30 a.m., for details of action taken.)

ORD. NO. 10-2009- (Refer to PUBLIC HEARINGS, 11:30 a.m., for details of action taken.)

PERSONNEL ITEMS:

1. Hire: Anita Lopez, Superior Court Reporter/Court Administrator
2. Hire: Jessica Peacock, Customer Service Specialist, Auditor's Office

These Minutes were approved and signed on Tuesday, April 7, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.