

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
December 15, 2009**

Tuesday, December 15, 2009 - Legislative Hearing Room, 55 Second Street, Friday Harbor, WA

9:31 AM SPECIAL MEETING

Hearing Examiner Interview – Senior Planner, Planning Coordinator Shireene Hale introduced Hearing Examiner candidate, Phil Olbrechts of Ogden, Murphy and Wallace, to Council. Mr. Olbrechts told Council about his experience and expertise, particularly in the area of shoreline management. Council asked several questions about site visits. Stephanie O'Day, local attorney, answered Council's questions regarding Hearing Examiner Rules.

Vice-Chair Fralick suggested that an Executive Session was appropriate to discuss Mr. Olbrecht's qualifications during the Regular Meeting. Council agreed to consider it.

Mr. Fralick adjourned the Special Meeting at 9:46 AM and called a recess until 10:00 AM.

10:00 AM CALL TO ORDER

Vice-Chair Fralick called the Regular Meeting to order at 9:59 a.m. and the flag salute was conducted. Council Members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt were present; acting County Administrator, Milene Henley; Clerk to the Council, Ingrid Gabriel; Deputy Clerk, Maureen See; and interested members of the public were present.

Excused Absences:

Mr. Myhr moved to excuse Rich Peterson from the Meeting for personal reasons; Mr. Knapp seconded. Motion passed.

Vice-Chair Richard Fralick acted as Chair; Milene Henley, Auditor was recognized as acting administrator in County Administrator Pete Rose's absence.

New Employee Introductions: Ed Hale, Utility Manager, introduced new storm water engineer, Tom Sage.

CITIZENS' ACCESS TIME: No citizens addressed Council.

CLERK UPDATE & COUNCIL ADMINISTRATIVE MATTERS: Ingrid Gabriel, Clerk; and Maureen See, Deputy Clerk.

Ms Gabriel reported to the Council and asked that any recommendations regarding the 2010 Council Calendar be finalized. She also asked Council to consider a date for the quarterly Joint Council/Town Meeting. Council agreed to suggest meeting with the Town Council of Friday Harbor at noon on January 12, 2010.

Ms. See reported on the advisory committee vacancies:

Deer Harbor Plan Review Committee (DPRC) has two new applicants, Steven Spence and Pamela Kyle. Mr. Fralick asked that he and Mr. Knapp be given the opportunity to meet with the applicants prior to the appointment.

Ms. See reported that she is waiting for Eileen Unruh's application for the Lopez Library Board.

Marine Resources Committee (MRC) positions #4 and #10 are vacant.

Mr. Myhr moved to appoint John Aschoff to the MRC; Mr. Knapp seconded. Motion passed..

Ms. Pratt moved to appoint Mr. Val Kiers to the Marine Resources Committee; Mr. Myhr seconded. Motion passed.

Ms. Pratt moved to appoint Alison Engle to the Solid Waste Advisory Committee (SWAC), Mr. Rosenfeld seconded. Motion passed.

Ms. See is holding applications for the Veterans Advisory Board until Chair Allan Lichter is available to make a recommendation.

Mr. Myhr moved to reappoint Patricia MacKay to the Ferry Advisory Committee (FAC); Mr. Rosenfeld seconded.

Mr. Myhr moved to reappoint Julie Van Camp to the Lodging and Tax Advisory Committee (LTAC); Mr. Rosenfeld seconded. Motion passed.

Minutes:

Mr. Myhr moved to approve the minutes of December 8, 2009; Mr. Knapp seconded. Motion passed.

Agendas: Upcoming Agendas were reviewed. It was noted that Discussion on the Critical Areas Ordinance (CAO) scheduled for 3:00 PM on Jan 5th, 2010 could be moved to 2:45 PM as the EPRC Discussion may be postponed.

Mr. Fralick announced that the Orcas Council Meeting previously scheduled on Jan 4th, 2010 was cancelled due to postponement of the Country Corner LAMIRD. The next Council meeting will be held in the Legislative Hearing Room, Friday Harbor on January 5th, 2010.

Following the review:

Mr. Myhr moved, Mr. Rosenfeld seconded to approve the Consent Agenda of December 15, 2009 as follows:

A. Resolutions:

1. Resolution to Allow Subordination of Reserved Mineral Rights to a Conservation Easement on the Strachan Property on Lopez Island.
2. A Resolution Adopting Procedures to be Used by the San Juan County Community Development and Planning Department for Lottery Issuance of Accessory Dwelling Unit (ADU) Permits
3. A Resolution Granting the Hay Open Open Space, File No. 09OS004, Orcas Island

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #72315-72444 in the amount of \$165,975.73 for County Claims
- Warrants #72445-72496 in the amount of \$66,139.51 for Public Works
- Warrants #72600-72602 in the amount of \$134.07 for Elections Mailing

D. Personnel:

E. Appointments:

F. Correspondence:

G. Miscellaneous:

H. Bid Openings:

Motion passed.

Mr. Myhr moved that thank you letters be sent to those who participated in the San Juan Initiative; Ms. Pratt seconded.

Motion passed.

COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported that Washington State Ferries is discussing a pilot reservation system for the San Juan ferry service by the summer of 2012.

Budget Subcommittee: Mr. Fralick reported on completion of a letter and questionnaire that will be transmitted to elected officials and department heads on December 16. One-on-one discussions will be scheduled the first and second weeks of January, 2010. Mr. Fralick will meet with elected officials; Mr. Rose will meet with department heads, to discuss improved ways of doing business, delivering services and realizing savings.

Legislative Priorities & Lobbying Efforts: Mr. Myhr introduced a document generated by a group of Kitsap County Planners asking that the confusing legislative language regarding the Growth Management Act and the Shoreline Management Act be clarified. He suggested adding it to the list of Legislative Priorities. Ms. Pratt suggested formatting it into a white paper. Mr. Myhr agreed to do so and forward it to Council when completed.

General Government Subcommittee: Mr. Knapp reported that the Prosecuting Attorney's office is still heavily overloaded. Therefore, the Subcommittee is not introducing anything new at this time.

ADDITIONAL UPDATES AND DISCUSSION ITEMS:

Mr. Rosenfeld reported that he received a response from the Governor regarding the Council letter requesting enhanced enforcement for orca protection. The Governor directed Phil Henderson to work with the Puget Sound Partnership and NOAA to respond directly to Council's concerns.

Mr. Myhr added that he will be meeting with Representative Larsen's aide on December 16, in the event Council members want to add to the Priority List.

Mr. Fralick announced that the San Juan Local Integrating Organization (LIO) steering committee is scheduled to meet December 16, 2009. The committee will incorporate community suggestions into the organization document before Council votes on it.

10:20 AM DISCUSSION:

1. Deliberation and Selection of Hearings Examiner for 2010 –

The Council did not hold an Executive Session.

Mr. Myhr moved to select Phil A. Olbrechts as San Juan County Hearings Examiner and to direct the County Administrator to negotiate a personal service contract and administer it; Mr. Knapp seconded. No discussion.

Motion passed.

2. Introduction of Polystyrene Ban Ordinance (2nd Touch) – The Town of Friday Harbor is enacting the effective date of their Polystyrene Ban Ordinance on April 22, 2010 (Earth Day). Mr. Rosenfeld suggested using the same effective date as the Town. Stephanie Buffum addressed Council in support of the Ordinance.

Ms. Pratt moved the Ordinance to Public Hearing on January 5, 2010 at 10:45 AM and included an amendment implementing the effective date as April 22, 2010; Mr. Rosenfeld seconded. No further discussion.

Motion passed.

Mr. Fralick recessed the Meeting until 10:50 AM.

10:51 AM PRESENTATION: Final Agricultural Resources Committee (ARC) Report and Introduction of New Coordinator, Peggy Bill - Eliza Buck, Coordinator

Ms. Buck introduced Ms. Bill to Council and presented the Final ARC Report.

11:00 AM PUBLIC HEARINGS: Council Vice-Chair Richard Fralick announced public hearings to be held to consider the following matters: 1) An Ordinance Creating a Fee Ordinance for Services Provided by the San Juan County Public Works Department 2) An Ordinance Extending an Existing Moratorium on Subdivisions which Create Parcels Smaller than Five Acres in Size in the Country Corner Limited Area of More Intense Rural Development (LAMIRD) Study Area. **Present:** Council Members Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt and Vice-Chair Richard Fralick; Chair Rich Peterson was absent (excused); Milene Henley, acting County Administrator; Ingrid Gabriel, Clerk to Council; Maureen See, Deputy Clerk; Jon Shannon, Public Works Director; Colin Maycock, Senior Planner; including staff and interested members of the public.

1. An Ordinance Creating a Fee Ordinance for Services Provided by the San Juan County Public Works Department - Jon Shannon, Director of Public Works

Mr. Shannon asked Council if they had questions.

Mr. Fralick opened discussion to public comment. No comment.

Council had no further follow-up questions.

Ms. Pratt moved to adopt an Ordinance Creating a Fee Ordinance for Services Provided by the San Juan County Public Works Department; Mr. Rosenfeld seconded.

Adoption passed unanimously.

- 2) An Ordinance Extending an Existing Moratorium on Subdivisions which Create Parcels Smaller than Five Acres in Size in the Country Corner Limited Area of More Intense Rural Development (LAMIRD) Study Area

Colin Maycock, Planner, introduced the Ordinance asking that the extension continue to the end of March, 2010. Mr. Fralick suggested making the moratorium part of the docket adoption. Opened to public comment. No public comment.

No further questions of Staff by Council.

Mr. Myhr moved to adopt an Ordinance Extending an Existing Moratorium on Subdivisions which Create Parcels Smaller than Five Acres in Size in the Country Corner Limited Area of More Intense Rural Development (LAMIRD) Study Area; Mr. Knapp seconded.

Adoption passed unanimously.

11:10 AM DISCUSSION: Lincoln Bormann, Land Bank Director

(During pause, Mr. Fralick added the Draft Letter to NOAA to Consent Agenda for January 5th, 2010)

Mr. Bormann presented

1. Judd Cove Management Plan Amendment – Adjacent Carlson property was added to the Judd Cove management plan. The amendment includes the additional property.
2. Acceptance of a Deed for Property donation from San Juan Preservation Trust (SJPT) (Gieling) –

Mr. Bormann asked Council to approve Judd Cove Management Plan and accept Deed for Property Donation from the San Juan Preservation Trust.

Mr. Myhr moved to approve a Resolution to accept the deed for the Geiling property on Lopez Island and authorize the Land Bank Director to sign all other closing documents; Mr. Knapp seconded. No discussion.

Motion passed.

Mr. Myhr moved to approve the Judd Cove Revised Stewardship and Management Plan; Mr. Knapp seconded. No discussion.

Motion passed.

11:22 PM RECESS FOR LUNCH

1:01 PM Mr. Fralick reconvened the meeting. Council was present with the exception of excused Chair Peterson.

Mr. Fralick asked to rescind the earlier action regarding the Marine Resources Committee (MRC) appointment as only one position is open on the Committee, not two.

Mr. Myhr moved to rescind the action; Mr. Rosenfeld seconded.

Motion passed.

Mr. Fralick suggested interviewing the applicants. Mr. Rosenfeld, Ms. Pratt and Mr. Myhr indicated that they want to participate in the interview.

1:04 PM DISCUSSION: Real Estate Excise Tax (REET) 2nd 1/4% - Milene Henley, Auditor

Ms. Henley described parameters of tax and gave a brief history.

Mr. Myhr moved to Request the Auditor and Prosecutor Draft an Ordinance which Adopts the Additional Tax on Real Estate Sales authorized by RCW 82.46.035 and that a Public Hearing be set for Consideration of Such an Ordinance; Mr. Rosenfeld seconded.

Motion passed.

1:20 PM WORKSHOP: With San Juan Sanitation to discuss private options for local solid waste Management - Jon Shannon, Director of Public Works

Mr. Fralick stated: “Due to the unprecedented downturn in economic conditions, the Council must explore all aspects of how we deliver services. The purpose of the workshop is only to explore whether it is feasible, from an operational or a financial standpoint, to contract out, or not to contract out, some aspects of solid waste management. It may not be a good idea to contract out this work. This decision is subject to collective bargaining, and we are not here today to make a decision. We are only doing some fact finding and exploring some options for cost savings, service delivery, or both.”

Mr. Fralick invited the audience to feel free to ask questions and make comments during the workshop.

Jon Shannon introduced Dan Leydecker of San Juan Sanitation. Mr. Leydecker presented his company's capabilities and potential service/cost advantages to privatizing.

Mr. Shannon presented issues related to the privatization of the solid waste transfer system. Both Mr. Shannon and Mr. Leydecker answered Council's questions. Mr. Leydecker recommended leaving the operation of the transfer station under the management of the County.

Mr. Shannon reminded Council during their deliberations to consider that Public Works provides services that government subsidizes (i.e., disposing of household hazardous waste) that a business would not, because the service would not be profitable, or even cover the costs.

2:49 PM ADJOURN AND SIGN DOCUMENTATION:

COUNTY COUNCIL, SAN JUAN COUNTY, WASHINGTON

These Minutes were approved and signed on Tuesday, January 12, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.