

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 27 and 28, 2009**

Monday, April 27, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

10:00 AM CALL TO ORDER

Council Chair Peterson called the Staff Meeting/Work Session to order at 10:00 a.m. Council members Howard (Howie) Rosenfeld, Gene Knapp, 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.

EXCUSED ABSENCES

Moved by Fralick, seconded by Knapp, to **excuse the absence of Bob Myhr**, away on a planned vacation. Motion carried unanimously.

10:15 AM CLERK UPDATE & ADMINISTRATIVE MATTERS: Ann Larson, Clerk to the Council (Verbal)

Ms. Larson requested an adhoc subcommittee to review the Historical Document Preservation Grant Applications and make a recommendation to the full Council. **It was decided by consensus that the committee would be comprised of Mr. Knapp, Ms. Pratt, and Mr. Myhr.** Ms. Pratt led discussion regarding a newly elected official training program being offered at the Spring WSAC Conference in Kennewick and is undecided as to whether she will attend. Ms. Larson brought additional Consent items to the Council's attention.

Ms. See provided committee updates and reported on upcoming interview appointments. The reappointments of Ed Grueb and Daniele Pinnow, to the Board of Equalization (BOE), were added to Consent by consensus of the Council. Ms. Pratt and Mr. Fralick were in agreement that the Stormwater Subcommittee, formed last year, would handle the interviews for the new Stormwater Committee (SWC). Mr. Fralick raised the issue of the Library Board appointment process, noting that a resignation has necessitated an earlier review to accommodate filling that position.

Minutes, agendas, and Council calendar items were also reviewed. Ms. Larson reported that an executive session had been added to the May 4, 2009 Agenda and that the meeting would be held in Friday Harbor rather than on Lopez.

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld reported on his meeting with Governor Gregoire and WSF officials, and reported that he spoke with her about the fact that the Anacortes/San Juan Islands/Sidney run was not scheduled to operate during the 2010 Olympics. Council discussion took place.

Budget Subcommittee: Mr. Fralick reported that the work of the Budget Subcommittee is continuing.

Legislative Priorities & Lobbying Efforts: Ms. Pratt reported that their work was done as the Legislative Session had concluded. She relayed an offer from Neil Aland, Coastal Counties Caucus, and Tom Cowan, Puget Sound Partnership (PSP) to give a presentation on the PSP. She also suggested sending a thank you letter to WSAC for their assistance through the legislative process. The Council concurred and Ms. Pratt said she would coordinate these items with Clerk Larson. She also suggested extending an invitation to SJC superintendents to present on budget shortfalls. The bi-weekly legislative conference call was discussed and Mr. Rose suggested inviting Representatives Morris and Quall, and Senator Ranker (District 40 Representatives) here to provide input on SJC's position at the end of the legislative session. Mr. Peterson announced that our State Senate had hired SJC's Clerk, Ann Larson, who is leaving to work as Senator Ranker's Aid.

General Government Subcommittee: Mr. Knapp reported on progress toward several Ordinances and noted requests regarding the accessory dwelling decision and the sign ordinance, which is part of a sub-area plan,

stating the committee is considering interim measures related to these items. He also reported on the Peddling Ordinance.

DOE Visit: Ms. Pratt reported on the DOE inspection of the Sutton Road Transfer Station and previous land fill and incinerator sites, and the subsequent afternoon meeting attended by San Juan County Council members Rich Peterson; Howie Rosenfeld; and Lovel Pratt; County Administrator, Pete Rose; Deputy Director, Adina Cunningham; Public Works Director, Jon Shannon; Solid Waste Manager, Steve Alexander; Utilities Manager, Ed Hale; and Environmental Health Manager, Mark Tompkins; Town of Friday Harbor Council members Carrie Lacher and Liz Illg; Town Administrator, King Fitch; Town Public Works Director, Mike Wilks; and Town Utility Manager, Daniel A Venchiarutti; and from the Washington State Department of Ecology, the Regional Director NWRO, Jeannie Summerhays; Solid Waste & Financial Assistance, NWRO, Peter Christiansen; Manager, Bellingham Field Office, Richard Grout; and Water Quality Specialist, Bellingham Field Office, Mak Kaufman. She reported that Ecology strongly recommends that the County and Town work together to operate one transfer station, as having one disposal site reduces the potential for environmental harm. In addition, all experts present stated that any new construction and associated excavation on the Sutton Road property (unless excavation takes place in the existing landfill and assuming that no extensive blasting is needed) will not create any environmental impacts due to the existence of the landfill, nor is there the potential for contamination of the new site from the existing landfill. Council discussion took place. Mr. Rose added that one of the measures of progress was to get a replacement facility under way.

County Administrator Work Load: Mr. Peterson stated that he and Mr. Fralick had met with Mr. Rose regarding his workload and decided that there are times when it would not be necessary for him to be present at Council sessions, allowing him more time to attend to his responsibilities. Mr. Rose commented, stating that other department heads may be in his place when pertinent and he also may be there attending to menial tasks such as signing documents or contract revisions, but noted, to provide interface between Administration and the Council fundamental to the Charter, he would oppose the chair being empty.

Broad Band Progress: Mr. Fralick explained that the Broad Band group in conjunction with the Economic Development Council (EDC) has been working to structure a grant proposal for Federal stimulus funds to improve broad band capabilities in the islands. Mr. Rosenfeld commented the SJ Community Foundation Task Force has goals of “WiFi Everywhere” and Video-Conferencing, noting the possibility of a tie-in with them.

11:00 AM COUNTY ADMINISTRATOR ITEMS: Pete Rose, County Administrator; George Johnson, Information Services Manager; Ron Henrickson, CD&P Director; and interested members of the public were present.

1. CRAB Award (Added Item): Mr. Rose announced that the County Road Advisory Board (CRAB) Rural Arterial Program awarded SJC approximately \$2.3 million for the Mount Baker Road rebuild project, with conditions to be discussed next week, noting this as a significant success for SJC in comparison to awards in other more populated counties. Council discussion took place and Mr. Shannon provided input.

2. WebEx Demonstration: George Johnson, Information Services Manager provided an internet conferencing demonstration through WebEx, which is considered the State standard in Web Conferencing and is used by the Washington State Department of Information Services. Mr. Johnson explained program costs, noting it is more feasible to connect through a conference call than the program and that when others join through conferencing, the charge is to the caller. He then telephoned Sean Bola from WebEx who joined the meeting from Santa Clara, California. Together they explained how the conferencing works and its capabilities and answered questions from the Council.

3. DISCUSSION: CD&P Amended Fees – Ron Henrickson, Director of CD&P, provided a brief overview of his staff report and submitted the following recommendations:

i. 15% Surcharge: Direct the administrator to have CD&P prepare an ordinance to repeal the fee and refund any fees collected. **Council discussion took place and consensus was reached to bring an Ordinance reflecting this forward.**

ii. **Shoreline Permit Fees:** Direct CD&P to prepare an ordinance increasing the fees associated with shoreline permits by one hundred dollars (\$100), and include a condition for inspection. **Council discussion took place and consensus was reached to bring an Ordinance reflecting this forward.**

iii. **Work Performed Without a Permit:** Mr. Henrickson explained that this was addressed in the Code Compliance Ordinance providing for stiffer penalties and will be before the Council in the coming months. Therefore he recommended no action be taken at this time. **Council discussion took place and consensus was reached not to take action at this time.**

4. **Swine Flu Pandemic (Added Item):** John Manning distributed a State Board of Health memo regarding the Swine Flu, and reported on a state-wide teleconference he attended last night. He noted that he and Karen Vedder, Deputy Prosecutor, have consulted with health care officials, including San Juan County's Health Officer, Dr. James, regarding if and when it would be necessary to declare an emergency. He gave an update on measures that would fall into place should a pandemic be declared and reported on anti-virals and supplies on hand in SJC. Mr. Manning and Ms. Vedder answered questions from the Council.

11:30 AM **DISCUSSION: Amendment to the Dog Ordinance** - Karen Vedder, Deputy Prosecuting Attorney; Bill Cumming, Sheriff; and interested members of the public were present.

Ms. Vedder stated that she had brought this before the Council preliminarily a few weeks prior and was present today to introduce the Ordinance and request it be moved forward to public hearing. She noted that several technical changes had been made subsequent to her Staff Report and reviewed them with the Council. Ms. Vedder answered questions from the Council and requested the Ordinance be heard on May 19, 2009, at 11:00 a.m. **The Council concurred.**

11:45 AM **DISCUSSION: Amendment to the Competitive Bid Ordinance**— Karen Vedder, Deputy Prosecuting Attorney; Jon Shannon, PW Director; and interested members of the public were present.

Ms. Vedder provided background information on the Competitive Bid Ordinance, noting that changes the legislature made this year related to the law governing the cost levels necessitating a bid on the small works roster, which allows awards to be made by Public Works for contracts without going through a formal bidding process if the project costs are under a certain thresholds, had increased. The ordinance she introduced reflected these increased limits. Ms. Pratt inquired if there were other changes by legislature that would require changes to SJC ordinances. Ms. Vedder and Mr. Rose provided input.

1:00 PM **DISCUSSION: Border Patrol Practices** – Barry Clement, U.S. Customs and Border Protection, Friday Harbor Port Director.

Mr. Peterson invited Mr. Clement to provide information to the Council regarding Border Patrol practices. He explained agency objectives, agent training, requirements for alien entry into the US, and new programs about to be implemented to streamline processes. Mr. Clement answered questions from the Council and the public. Robin Jacobson, Public Relations Manager for the San Juan Islands Visitors' Bureau expressed gratitude and concerns. She stated that that people felt like they would be retaliated against if they spoke up and also read an e-mail at the request of an individual who wished to remain anonymous. Mr. Clement reiterated the Border Patrol's number one concern as security and training taking place for agents to conduct themselves in a more professional manner. He suggested that if someone feels they are being mistreated that they request to speak with a supervisor and/or complete a comment card that would be reviewed and responded to by a superior.

1:30 PM **WORK SESSION: San Juan Island Transfer Station** – Jon Shannon, Public Works Director; Steve Alexander, Solid Waste Manager; and Ed Hale, Utilities Manager; Mark Tompkins, Environmental Health Manager; and interested members of the public were present.

Mr. Peterson introduced Gary Harshman, who managed the EIS effort for the SJC Transfer Station project, and John Davies, Traffic Consultant, who provided the traffic study, both joining the meeting telephonically. Mr. Rose provided an introductory statement and reviewed his Staff Report which addressed concerns raised at the prior work session. The Council worked through the documents posing questions to the experts, Mr. Rose, and Mr.

Shannon. Chair Peterson then introduced Kevin Peterson, an architect with world-wide acclaim, who lives on San Juan Island and volunteered a conceptual detailed drawing for two of the sites, Sutton Road and Beaverton Valley. Chair Peterson thanked him for his information and invited him to answer questions from the Council. Public testimony at tomorrow's hearing was discussed and reducing public comment to new testimony or testifiers was preferred by the Council to reduce redundancy. Mr. Rose stated that the hearing provides an opportunity for the public to speak, and stressed the importance of respecting their desire to put something on the record.

3:00 PM **ADJOURN:** (Time approximate) Chair Peterson adjourned the meeting at 2:47 p.m.

Tuesday, April 28, 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 Clerk, Lisa Brown; and interested members of the public were present.

EXCUSED ABSENCES

Moved by Rosenfeld, seconded by Knapp, to **excuse the absence of Bob Myhr**, away on a planned vacation. Motion carried unanimously.

10:05 AM **COUNCIL ADMINISTRATIVE MATTERS**

Minutes: Moved by Rosenfeld, seconded by Fralick, to approve the Minutes **of April 13 and 14, 2009**. Motion carried unanimously.

Consent: Moved by Fralick, seconded by Knapp, to approve the **Consent Agenda of April 28, 2009**, as follows:

A. Resolutions/Ordinances:

1. A Resolution Authorizing the temporary closure of portions of North Beach Rd and Prune Alley on Orcas Island and Bayshore Rd on Lopez Island for various civic events.
2. A Resolution Authorizing the temporary closure of a portion of Prune Alley on Orcas Island for the Orcas Island Farmers Market

B. Contracts/Agreements:

C. Budget Items:

1. Approve 2009 Warrants signed by Auditor and County Administrator:
 - Warrants #60665-60821 in the amount of \$159,772.10 for County Claims
 - Warrants #60822-60884 in the amount of \$159,776.54 for Public Works
 - Warrant EFT #04172009 in amount of \$350,015 for Coffelt Farm Acquisition
 - Warrants #61013-61137 in amount of \$129,687.55 for County Claims
 - Warrant #61138 in amount of \$4,427.12 for Public Works Excise
 - Warrants #61180-61237 in amount of \$63,046.95 for Public Works
 - Warrants #61139-61179 in amount of \$11,488.67 for Medical Reimbursements
2. Approve interfund transfers for the month of March, 2009.

D. Personnel: (No items.)

E. Appointments:

1. A letter appointing Ed Greub to the Board of Equalization, as Alternate, Position #4, beginning May 1, 2009, the term expiring April 30, 2012.
2. A letter appointing Danielle Pinnow-Cochran to the Board of Equalization, as Alternate, Position #5, beginning May 1, 2009, the term expiring April 30, 2012.
3. A letter appointing Ed Smith to the Board of Equalization, as Alternate, Position #6, beginning May 1, 2009, the term expiring April 30, 2012.

F. Correspondence: (No items.)

G. Miscellaneous:

- A Proclamation declaring May 2009 as "Arts Education Month"

H. Bid Openings: (No items.)

Motion carried unanimously.

Item Removed for Discussion: Letter of Support proposing the Puget Sound a Maritime National Heritage Area – Liz Illg, Town Council Member; and Sandy Strehlou, Town Historic Preservation Coordinator, arrived to answer questions from the Council regarding this letter to Governor Gregoire. Minor edits were made and the letter was approved by the following motion:

Moved by Rosenfeld, seconded by Pratt, to sign the modified letter. Motion carried unanimously.

10:25 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

General Government Committee: Mr. Knapp reported on their meeting that took place earlier today, noting that procedure to handle constituent debates with departments needs to be addressed.

10:30 AM DISCUSSION: 1st Quarter Financial Review – Milene Henley, Auditor; and interested members of the public were present.

Ms. Henley distributed her staff report and delivered the news of a one million dollar shortfall by year's end if spending continues on the adopted course. She provided a power point illustrating the economic indicators and her conclusions. Ms. Henley and Mr. Rose answered questions from the Council. Mr. Rose reported that he had notified department heads and that discussions would begin regarding additional reductions. The Council also discussed a second quarter percent real estate excise tax (REET) option. Mr. Fralick requested that Ms. Henley prepare an ordinance to enact this. **The Council agreed by Consensus.**

11:10 AM DISCUSSION: Land Bank Conservation Easement – Lincoln Bormann, Land Bank Director; and interested members of the public were present.

Mr. Bormann referenced his staff report and introduced a Resolution to accept a Deed for a Conservation Easement on the Howard property, San Juan Island. Mr. Rose added that this has been a goal of the Land Bank Commission for 10 years. Council discussion took place and the following motion was made:

Moved by Fralick, seconded by Knapp, to approve a Resolution to accept the Deed of Conservation Easement for the Howard Property on San Juan Island. Motion carried unanimously.

11:20 AM PUBLIC HEARING: Review of the CDBG Planning-Only Grant – Council members Rich Peterson; Howard (Howie) Rosenfeld, Gene Knapp, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Public Hearings Specialist, Lisa Brown; Colin Maycock, CD&P Senior Planner; Ron Henrickson, CD&P Director; and interested members of the public were present.

Mr. Maycock referenced his staff report, noting that this review is a requirement of SJC's contract with Community, Trade, and Economic Development, adding that the hearing is to take place to allow the public to comment on the way in which the grant funds were spent and the grant administered. He asked that the minutes reflect that handouts detailing the process to participate were made available in English and Spanish. Public testimony was opened, none submitted, and closed. Mr. Rose commented that "public good" was provided in the amount of \$32,000 applied to the affordable housing Buck Annexation project.

Added item: Mr. Peterson reported on an e-mail requesting a letter to Senators asking for support for the Mitchell Hill acquisition. **The Council concurred to send letter of support.**

11:40 Am PUBLIC HEARING: Amending the SJC Comprehensive Plan Capital Facilities Element to remove references to a projected sewer line running to Country Corner LAMRID Study Area. Council members Rich Peterson; Howard (Howie) Rosenfeld, Gene Knapp, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Public Hearings Specialist, Lisa Brown; Colin Maycock, CD&P Senior Planner; Ron Henrickson, CD&P Director; Jon Cain, Deputy PA; and interested members of the public were present.

Mr. Maycock referenced his staff report and explained that this was the final action required to make the UGA compliant in the Growth Management Act. Mr. Maycock answered questions from the Council explaining that this action is related to a compliance order originating in 2000, so was not required to be heard under the annual docket. Public testimony was opened, none submitted and closed. Council discussion took place and the following motion was made:

Moved by Fralick, seconded by Knapp, to adopt the proposed amendment to the County Comprehensive Plan and remove all references to a proposed sewer line connecting the Eastsound Sewer and Water District to the Country Corner LAMIRD study area. Motion carried unanimously.

After the hearing, Mr. Rose invited Jon Cain to comment. Mr. Cain stated that this [bringing the Eastsound UGA into compliance] marks a “huge day” in San Juan County’s history, and reported on the next steps in filing a compliance hearing with the Growth Management Hearings Board.

After the lunch recess, Mr. Peterson announced that the letter regarding Mitchell Hill had already been sent.

1:30 PM CONTINUED PUBLIC HEARING: Transfer Station Deliberations & Decision - Council members Rich Peterson; Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Lovel Pratt, and Richard Fralick; County Administrator, Pete Rose; Clerk to the Council, Ann Larson; Public Hearings Specialist, Lisa Brown; Public Works Director, Jon Shannon; Environmental Health Director, Mark Tompkins; Prosecuting Attorney, Randall Gaylord; and interested members of the public were present.

Mr. Rose responded to requests from the Council at the workshop regarding buy-out scenarios for the Beaverton Valley site. The zoning and environmental concerns regarding the properties were discussed and Mr. Rose and Mr. Tompkins answered questions from the Council. Public testimony was then opened and submitted by the following individuals: Mike Macdonald, Ed Kilduff, Mary Will Allen, Bob Freehauf, Claudia Mills, Ronald Shreve, Allison Engle, Todd Roberts, Jack Yelverton, Paul LeBaron, Daniel Miller, Thalya Harvey, with several submitting additional testimony after all who wished to speak had been heard. Public testimony was then closed. Mr. Rose reported that after yesterday’s staff meeting, when the pictures of illegal dumping had been turned in, Staff used the prescribed DOE process for reporting. Deliberations were held with each Council member laying out their findings and conclusions. Detailed summaries are retained in the proceedings file. Mr. Knapp was interested in learning what arrangement could be worked out with the Town of Friday Harbor and made the following motion: Mr. Knapp moved that **before the Council makes a final decision, SJC contact the TFH to see what expenses would be incumbent upon the County to work with them on the Sutton Road property and if they would agree to use that facility if it is also the Council’s choice; additionally, before any additional costs are incurred on this alternative, that there be an independent cost analysis to include input from Snohomish county on any place SJC decides to locate the Transfer Station. The motion died for lack of a second.** Additional Council discussion took place and the following motion was made:

Moved by Peterson, seconded by Rosenfeld, that the Council identify the Sutton Road property as their number one choice for the Transfer Station location, contingent upon successful negotiations with the Town of Friday Harbor. Motion carried with Peterson, Rosenfeld, Pratt, and Knapp in favor, and Fralick opposed.

Additional Council discussion took place and the following motion was made:

Moved by Pratt, seconded by Rosenfeld, that SJC negotiate with the Town of Friday Harbor for a lease with the option to purchase the useable Sutton Road property, with a building height variance and determine whether there is capacity that can be acquired in the existing detention pond, within a thirty (30) day period, and with consideration of a risk assessment regarding property purchase and or lease with regard to the existence of the landfill and associated environmental issues. Mr. Rose explained that expecting a variance within thirty days is unrealistic but asking if the Town would entertain a variance would be conceivable. **Ms. Pratt modified her motion to state “with the willingness to move forward with a building height variance,” and Mr. Rosenfeld accepted the modification.** Council discussion took place. **Mr. Rosenfeld offered a friendly amendment to drop the word “useable,” which Ms. Pratt accepted.** Mr. Rose offered a point of clarification for the record that the intent is that the Council would expect to achieve successful

negotiations in thirty days rather than exercise the option in a thirty day period. The Council confirmed this as the intent. **Motion carried with Pratt, Rosenfeld, Peterson, and Fralick in favor, and Knapp abstained.**

Ms. Pratt and Mr. Knapp again addressed the need for an independent cost analysis. Ms. Pratt shared concern over not ranking the properties for an alternative, should things not work out on the Sutton Road agreement with the Town. Mr. Gaylord shared comments and Mr. Peterson and Mr. Fralick concurred that they had moved to go forward. Ms. Pratt inquired of Mr. Tompkins if the action taken by the Council today would satisfy the variance benchmark of a decision being made for a new facility by May 14, 2009. Mr. Tompkins stated that what the Council had done today does meet that requirement in his opinion.

4:00 PM ADJOURN AND SIGN DOCUMENTATION: Chair Peterson adjourned the meeting at 4:00 p.m. A meeting was scheduled for Monday, May 4, 2009, and the next regular meeting was scheduled for Tuesday, May 5, 2009.

APPOINTMENTS:

- 1. Historic Document Preservation Grant Award Subcommittee:** Knapp, Pratt, and Myhr (See Monday 10:15 AM, CLERK UPDATE & ADMINISTRATIVE MATTERS, for details of action taken.)
2. See Consent Agenda, section E.

BUDGET ITEMS/WARRANTS: 1. See Consent Agenda, section C.

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE: 1. **Letter of Support:** (See 10:05 AM, COUNCIL ADMINISTRATIVE MATTERS, Item Removed for Discussion, for details of action taken.)

MISCELLANEOUS ITEMS: 1. **Arts Education Month Proclamation:** See Consent Agenda, section G.

ORDINANCES / RESOLUTIONS:

ORD. NO. 11-2009- (Refer to Tuesday, 11:40 AM PUBLIC HEARING, for details of action taken.)

RES. NO. 16-2009- (Refer to CONSENT AGENDA, section A, for details of action taken.)

RES. NO. 17-2009- (Refer to CONSENT AGENDA, section A, for details of action taken.)

RES. NO. 18-2009- (Refer to Tuesday, 11:10 AM DISCUSSION, Land Bank Conservation Easement, for details of action taken.)

PERSONNEL ITEMS: (No items.)

These Minutes were approved and signed on Tuesday, May 5, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.