

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 14, 15, 2008**

Monday, April 14, 2008 - Council Hearing Room, Legislative Building, FH

CALL TO ORDER – REGULAR STAFF MEETING AND WORK SESSION

Council Chair Howard Rosenfeld called the staff meeting to order at 10:04 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Milene Henley, Auditor; Clerk to the Council, Ann Larson; Deputy Clerk, Maureen See; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, and changes were made to the Minutes of 4/07, 4/08, 2008. The Deputy Clerk of the Council provided an update on the joint meeting with the Town Council of Friday Harbor scheduled for Tuesday, April 22, 2008 and provided updates on Council office and staff work. The issue of publishing ordinances that have been adopted and summarizing legal publications was discussed with Pete Rose, CA, and Council.

Chair Rosenfeld noted that Border Patrol Agent, Joseph Giuliano, agreed to attend the May 6, 2008 regular meeting of the Council on Orcas Island. Ranker apologized to the Council and Staff for missing meetings due to the upcoming birth of their child. Ranker left the staff meeting and the following action was taken:

Moved by Myhr, seconded by Knapp, to excuse the absence of Kevin Ranker. Motion passed unanimously. (Reason: Family affairs)

Chair Rosenfeld referred to an article in the Seattle Times where State Senator, Cheryl Pflug, sent a letter to Governor Gregoire asking that the state build three of the Island Home-model ferries, which are larger and more stable than the Steilacoom. Chair Rosenfeld suggested writing a letter in support of the Island Home-model ferries, and the Council agreed. Alan Lichter reported that members of the TFFT were wondering about the status of the committee; he suggested that the Council make a decision asap.

Pete Rose, CA, gave an update on the LART noting it was a WSF request to include a staff member from each ferry served community. Bob Myhr updated the Council about the Area Agency on Aging which has a caregiver program on the islands. Myhr also noted that the North Sound Mental Health is changing to a fee system.

Rich Peterson reported that Pete Rose is in the process of drawing up the interfund loan documents for the Stormwater Subcommittee briefing scheduled for April 22, 2008.

Rich Peterson voiced concern regarding the Water Resource Committee appointment of the staff attorney for the Friends of the San Juans and Lichter suggested a discussion on the topic for the following day. Pete Rose announced that an Interim Fair Director has been selected, and a resume was reviewed by Council. Pete Rose wants to appoint Rev Shannon as Interim Fair Manager from June 1, 2008 to October 15, 2008.

Milene Henley, Auditor, reported that department heads are very concerned about the Historic Preservation Funds leaving the County because of the severe need for document preservation within the county. It was suggested to forget the RFP, and keep the funds within the county.

RECESS - At 11:45 a.m., Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, April 15, 2008.

Tuesday, April 15, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER – REGULAR MEETING

Council Chair Howard Rosenfeld called the staff meeting to order at 10:02 a.m. Council members Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Ron Henrickson, Director CD&P;

Clerk to the Council, Ann Larson; Deputy Clerk, Maureen See; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

EXCUSED ABSENCES

Moved by Myhr, seconded by Lichter, to excuse the absence of Kevin Ranker. Motion carried unanimously. (Reason: Family affairs)

NEW EMPLOYEE INTRODUCTIONS

The Council introduced Ann Larson as the new Clerk to the Council.

Ed Hale introduced the new Stormwater Engineer, Nick Tiffany.

Ron Henrickson introduced Jeff Hanson for CD&P.

CITIZEN ACCESS TIME

Peter DeLorenzi came before the Council to request agenda time to discuss the Veterans' Advisory Board.

David Halpern addressed the Council hoping his concerns would be addressed. His neighbor is violating a CUP permit and he has notified the County Code Enforcement Officer and hoped the Council could pass guidelines for clearer enforcement of permits. Pete Rose, CA, said it was a good idea to clarify that piece of the code and he has spoken to the Prosecuting Attorney who promised he and the Code Enforcement will take action.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Lichter, seconded by Peterson, to approve the Minutes of **April 7, 8, 2008**. Motion carried unanimously

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CONSENT AGENDA

Moved by Lichter, seconded by Peterson, to approve the **Final Consent Agenda of April 15, 2008** as follows:

The County Council moved to:

A. Resolutions/Ordinances:

- 1. A Resolution ___ - 2008** To Accept One Easement, Appropriate Funds, and Authorize Payment for Fisherman Bay Road Right-Of-Way Acquisition from RSM Investments, LLC.
- 2. A Resolution ___ -2008** Accepting One Easement, Appropriating Funds, and Authorizing Payment for Fisherman Bay Road, Right-Of-Way Acquisition, CRP 030602, from the Corporation of the Catholic Archbishop of Seattle.
- 3. A Resolution ___ -2008** Designating the new Clerk of the Council, Ann Larson.

B. Contracts/Agreements:

- 1. Interlocal Agreement** between San Juan County and San Juan County Fire Protection District No. 3.

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. A letter of reappointment to Doug Bison, SJC Fair Board, Position #6, At Large.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

ORDINANCES/RESOLUTIONS:

RES. NO. 28-2008- (Refer to PUBLIC HEARING at 3:00 PM for details of action taken.)

RES. NO. 29-2008- (Refer to PUBLIC HEARING at 3:00 PM for details of action taken.)

RES. NO. 30-2008- (Refer to Consent Agenda of April 15, 2008 for details of action taken.)

RES. NO. 31-2008- (Refer to Consent Agenda of April 15, 2008 for details of action taken.)

RES. NO. 32-2008- (Refer to Consent Agenda of April 15, 2008 for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Water Resource Committee Appointment – Rich Peterson noted that a letter was received from the Friends of the San Juans to fill an open position. Chair Rosenfeld reported it was the only letter of interest received. Peterson doubted if the position was advertised. Rosenfeld stated he was a strong proponent to advertising. Alan Lichter stated as far as the appointment for Kyle Loring, this is not a Friends slot as much as it is an environmental slot. Gene Knapp said the position should be advertised. Council agreed.

DISCUSSION

Chair Rosenfeld opened the meeting to hear public comment regarding the Aquatic Reserve, prior to the 11:10 a.m. scheduled discussion on the topic. Scott Webster feels it is an inappropriate use of State Funds to have DNR fund the Aquatic Reserve proposal and asked the Council to find out how much state money DNR has provided for the proposal and contact DNR and have them cut a check for all those that oppose the issue in the same amount. Gordy Petersen suggested the Council weigh in on the MRC because what they say and what they do are two different things. Mr. Petersen also felt that the proposal was written by a third party and funded by the DNR and the MRC is not forthcoming with answers to the public.

DISCUSSION

Lincoln Bormann, Land Bank Director, addressed the Council to discuss the Comprehensive Habitat Conservation Plan. Mr. Bormann reported that there are various levels of the plan including applying for grants for Turtleback and stressed the emphasis on the ecological piece. Mr. Bormann gave some context on the conservation priorities which they are trying to refine and instead of focusing on species of importance, the Land Bank is looking at a landscape scale. Large forested areas, coastal prairies and rare communities that have Gary Savannah Oak which is very rare. Wetland areas and larger wetland areas are limited in the county and focusing on restoring these are an important component. Shoreline parcels are very important and they are broken up with smaller lots on the shoreline. The plan is relatively straightforward and the implication of the plan is a roadmap of where we want to go. Mr. Bormann reported that there has been a lot of public involvement coming up with previous plans, and adoption is scheduled for May 20, 2008 so there is a very tight timeline.

Lichter asked who is involved with the plan. Mr. Bormann reported that they have turned to some consultants and the islands have been thoroughly studied by the nature conservancy, state and federal agencies, universities, etc. Peterson asked if the public hearing was scheduled for May 20, 2008, will Land Bank accomplish public input. Mr. Bormann reported the drop dead date is June 2, 2008 and they will have a draft plan for the public. Land Bank is hoping RCO will look back over time in creating the Land Bank and previous plans and admits it's not optimal but they should be pleased.

DISCUSSION

Chair Rosenfeld opened the meeting for more Aquatic Reserve comments from the public. Greg Hertel, Bob Wilson, Les Kempton, Rock Sorensen, Ron Hinbodden, Bill Wright and Lew Dickinson all voiced their opposition to the Aquatic Reserve. Bob Myhr explained the intent was just to apply and that no decision has been made. Lichter mentioned that the MRC will be discussing the issue at 11:10 a.m.

PUBLIC HEARINGS

11:00 a.m. - A continued public hearing was held to consider an Ordinance regarding Public Dances. Present: Full Council with the exception of Ranker; Pete Rose, CA; Bill Cumming, Sheriff; Randall Gaylord, PA; Ann Larson, Clerk to the Council; Valarie Graham, Deputy Clerk to the Council, and interested members of the public. Bill Cumming reported that the ordinance was obsolete and requested the Council to strike it. Public testimony was opened, none submitted, and closed. Council discussion indicated that the Ordinance regarding Public Dances based on input from the Sheriff and PA was obsolete. Hence, the Council agreed to send a new Ordinance removing the Public Dances Ordinance from the County Code to a new public hearing. Deliberations were held and the following action was taken:

Moved by Lichter, seconded by Myhr, to move the new Ordinance to a public hearing. Motion carried unanimously.

DISCUSSION

Aquatic Reserve Update – Kit Rawson, Jim Slocomb. Kit Rawson apologized to the Council and noted that he was Chair of the Committee and shouldn't have blind-sided the Council. Jim Slocomb told the Council, "Here is where we are today. We have an incomplete application and we seem to have a very confused and apprehensive public and a Council which feels that it has been left out of the loop on an issue that has raised a great deal of passion. One of the unfortunate characteristics of this whole process has been accelerated time lines and it is still a problem. DNR will not grant any more extensions past the end of May and it is my understanding that the only way to move forward is to submit the application and see if it's accepted. There is no MRC recommendation as to whether or not to proceed, however, as Lead, I am not interested in urging the committee to attempt to rush to meet this deadline. The MRC has been made keenly aware that there is much more listening and much more public education that must be done to rebuild public confidence in this proposal. What MRC is talking about here is that the AR program's primary intent is to offer the opportunity for local community management of state aquatic lands."

Rich Peterson stated that "the public is apprehensive and after receiving public input, they are not confused but are very clear about how they feel. Local control is always better but it doesn't appear to be local control. This accelerated time frame is most unfortunate and it seems like you are rushing into this. From what I see, the project should be dropped permanently."

Gene Knapp stated that we must have the public backing and if DNR won't make extensions past May, we have no option but to drop this. Alan Lichter talked to a marine scientist who wondered why there is a proliferation of marine related organizations and stated he saw no reason to go into an aquatic reserve. Bob Myhr reported that DNR owned 33 different pieces of land and developed a management plan. Whenever DNR came out to carry out the plan for forest trust lands, DNR had trouble and couldn't get anything done. Now they want to switch to tidelands and bottom lands. The County has no voice about how DNR manages these lands but maybe through this program, the County would have more say. Myhr stated he was very interested in doing as much as possible to keep our water clean but based on the comments, he found it difficult to go forward at this time because of lack of understanding.

Chair Rosenfeld opened the discussion for further public input. Jack Giard, Jacque White, Kari Koski, Claudia Mills, spoke on behalf of the MRC and the aquatic reserve program. Lew Dickinson stated that after listening to the MRC advocates, the point is people don't want it. It's not that they don't understand, they just don't want it.

Chair Rosenfeld closed public comment and the Council went into deliberations. After further discussion the following action was taken:

Moved by Peterson, seconded by Lichter, to direct the MRC to discontinue any effort to place San Juan County in an aquatic reserve. Motion passed 4 to 1 with Myhr opposed.

RECESS – Chair Rosenfeld recessed the meeting until 1:30 PM.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: John Manning, Director Health & Community Services; Bill Watson, EDC; Jon Shannon, Director Public Works;

1. Proclamation Opportunity Council – John Manning addressed the Council to report that the Opportunity Council has brought many programs to the citizens of SJC. Currently they provide weatherization, home repair and rental assistance through contracts with local providers. Mr. Manning asked the Council to approve the Proclamation and designate May, 2008 "Community Action Month." Chair Rosenfeld read the Proclamation and proclaimed May, 2008 "Community Action Month."

2. Report on RTPO Meeting (Farmhouse Gang) – Pete Rose, CA, and Bill Watson, EDC. Pete Rose reported that at the last RTPO meeting there were approximately 60 attendees, the largest meeting that Mr. Rose had attended. He stated that items and discussion topics included moving large numbers of people by transit through major corridors which still leaves hurdles for citizens on the islands. The EDC has been helping Jon Shannon and Pete Rose with a sub-area RTPO and what it would look like. A side conversation with WSDOT said, if we create it, they will come. Senator Haugen spoke first regarding the biggest Federal Transportation bill coming up next year. Her first point was, there is no water transportation. Senator Spanel did confirm that they are talking about reducing the larger ferries from 4 to 3. Spanel also reminded us to be on the lookout for more tolling to pay for things next year. Bill Watson reported that there was a lot of interest in the passenger only ferry arena in the central sound south of Everett. A Bellingham Friday Harbor study is in process and WSF is not operating passenger-only ferries. The Cascadia Group is wanting a Puget Sound Region water transport system and plan.

3. Solid Waste Priority Loading Update – Pete Rose announced that the FAC is working with Walton Beverages and the WSF has asked them to move to the second sailing to allow the solid waste vehicles to load on the first sailing. The lottery system is still in place until a decision on priority loading is answered. Bob Myhr asked what the difference was in how RCW's and WAC's are changed. Jon Shannon responded that RCW's are made by the Legislature and the WAC rules are made by WSDOT.

DISCUSSION

Randall Gaylord came before the Council to introduce an Ordinance Establishing Procedures for the Exercise of the Rights of Initiative and Referendum. He stated that most procedures were in the Charter. Procedures for Initiative allow an individual voter or a group of voters to file for initiative. If a group, someone is designated as sponsor. There are timelines for the Auditor to review before tasking the PA to write a ballot title that is drafted in consultation with the sponsor. Mr. Gaylord noted a couple of other features that differ a referendum from an initiative because the sponsor might only be concerned about 1 part of the ordinance. By and large, the same rules apply for referendum and initiative. Referendums have limitations just like initiatives. After further discussion, the following action was taken:

Moved by Lichter, seconded by Peterson, to move the Ordinance forward to public hearing. Motion passed unanimously.

PUBLIC HEARINGS

3:00 p.m. (Commenced at 3:19 PM due to time constraints) A public hearing was held to consider Acquisition of real property (Fisherman Bay Road) for Public Purposes Under Power of Eminent Domain and On Two Resolutions Determining Public Use and Directing the Prosecuting Attorney to File a Petition to Determine Just Compensation Acquisition of Real Property for Public Purposes under Power of Eminent Domain. Present: Full Council with exception of Ranker; Randall Gaylord, PA, Pete Rose, CA, Ann Larson, Clerk to the Council; Jon Shannon, Director Public Works, John VanLund, County Engineer; Valarie Graham, Deputy Clerk to the Council; and interested members of the public. Public testimony was opened, none submitted, and closed. Deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to adopt a Resolution Determining Public Use (Wetland Mitigation Easement Area) of a Portion of TPN 251423007 (Nicholas R. Padvorac) and Directing the Prosecuting Attorney to file a Petition to Determine Just Compensation. Motion carried unanimously.

Moved by Myhr, seconded by Lichter, to adopt A Resolution Determining Public Use (Right-of-Way) of a Portion of TPN 251423007 (Nicholas R. Padvorac) and Directing the Prosecuting Attorney to File a Petition to Determine Just Compensation. Motion carried unanimously.

ADJOURNMENT - Moved by Lichter, seconded by Peterson, to adjourn the meeting at 3:42 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 3:42 p.m. A Special Meeting was scheduled for Monday, April 21, 2008, and the next regular meeting was scheduled for Tuesday, April 22, 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Howard Rosenfeld, Chair
District 3, Friday Harbor

ATTEST: Clerk of the Council

Gene Knapp, Vice-Chair
District 5, Orcas East

By: _____
Valarie Graham, Deputy Clerk

Kevin M. M. Ranker, Member
District 1, San Juan South

Rich Peterson, Member
District 2, San Juan North

Alan Lichter, Member
District 4, Orcas West/Waldron

Bob Myhr, Member
District 6, Lopez/Shaw