

**SUMMARY OF THE MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
April 21, 22, 2008**

Monday, April 21, 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 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Council Department Assistant, Maureen See; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

Council schedules and agendas were reviewed, as were plans for a meeting on Orcas Island, May 6, 2008. Maureen See handed out applicant information to the Council for the Fair Board and noted that 2 members of the Citizens' Salary Commission wanted to be re-appointed. 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 noted upcoming agenda changes. The Clerk and Deputy Clerk provided updates on Council office and staff work.

Chair Rosenfeld noted that the WSAC conference was scheduled for June, 2008 and questioned the Council who might attend. Permanent funding for the WSF was discussed as a legislative priority and the consensus was to have a 2 hour discussion on what legislative priorities the Council would like to bring to the WSAC conference and narrow it down to 3 or 4. Bob Myhr reported that the Conservation Summit held on Lopez Island had 6 Stewardship Awards presented.

Chair Rosenfeld reported that an interim vessel needs to be found, so the Island Home style ferry could be built. Ranker reported there are safety issues associated with the Steilacoom class boats scheduled to be built. Rosenfeld also reported that WSF has agreed that over the 4th of July weekend, parking in Anacortes would be free to encourage more walk-on passengers. Rosenfeld also reported that for Lopez Island, a school bus could be used to transport passengers to Lopez Village from the ferry terminal.

Pete Rose, CA, reported that a bill for \$349 was received from the Orcas Hotel for a FAC meeting. Ranker asked for clarification about the bill and noted that it was an Administration issue, not Council issue. Myhr asked what constitutes an email meeting. The FAC only has 5 members and if 2 are emailing each other, does that constitute a public meeting? Myhr also asked the CA when the training was going to begin to help our committees and boards. Pete Rose responded that he and the PA are setting up training.

Bob Myhr noted the Council needs to define the Council process for meetings and was concerned whether public comments should be allowed before, during, or after a discussion and noted that materials and information have to be presented to the Council prior to an agenda discussion.

Rich Peterson announced that the Stormwater Subcommittee would be meeting today, and Gene Knapp reported that the Charter Completion Subcommittee was waiting on outside comments on the Hearing Examiner Ordinance and the Council should expect public comment on the Initiative and Referendum Ordinance. Randall Gaylord, PA, reported that the MRC Ordinance is a 2 step process: first identify the issues and then draft the Ordinance. Gaylord also reported there may be a purchasing ordinance soon.

Alan Lichter questioned what type of light bulbs was being used in the Council Hearing Room. Rosenfeld reported that there was nothing new to report on ICE and CBP. Bob Myhr reported that the Home Rule Charter specifically states the Clerk reports to all Council members and there is a separation of power issue. Myhr suggested continuing with the ongoing effort and continue to work closely with the CA who can make recommendations. Myhr introduced a new MOU and Kevin Ranker suggested reading all the information and urged the Council to be prepared to make a decision.

RECESS - At 12:00 noon, Council Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, April 22, 2008.

Tuesday, April 22, 2008 - Council Hearing Room – Legislative Building, FH

CALL TO ORDER – REGULAR MEETING

Council Chair Howard Rosenfeld called the regular meeting to order at 10:00 a.m. Council members Kevin Ranker, Rich Peterson, Gene Knapp, Bob Myhr, and Alan Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; SJC Sheriff, Bill Cumming; Council Department Assistant, Maureen See; Clerk to the Council, Ann Larson; Deputy Clerk, Valarie Graham; and interested members of the public were present.

The flag salute was conducted.

CITIZEN ACCESS TIME

Liz Illg, Town of Friday Harbor Council Member, addressed the Council to invite them to a State Transportation Summit scheduled for September 17, 2008 to be held at the SJC Fairgrounds. Ms. Illg reported that the library has agreed to be the custodian for summit materials and the EDC and the Town have submitted funds. The Chambers of Commerce and Visitors Bureau are excited to find out how visitors travel to get to the Islands. The vision is to not have government or business drive it, but the community. There is a hope to have VIP's come to the event and have a joint effort in hosting them.

ANNOUNCEMENTS/SCHEDULE CHANGES

The posted Council Agenda was revised.

APPROVAL OF MINUTES

Moved by Myhr, seconded by Lichter, to approve the Minutes of **April 14, 15, 2008**. Motion carried unanimously.

CONSENT AGENDA

Moved by Myhr, seconded by Knapp, to approve the **Final Consent Agenda of April 22, 2008** as follows:

The County Council moved to:

A. Resolutions/Ordinances: (No items.)

B. Contracts/Agreements: (No items.)

C. Budget Items: (No items.)

D. Personnel: (No items.)

E. Appointments:

1. A letter of appointment for Josephine Bangs to the SJC Fair Board.
2. A letter reappointing Michael Roger as a temporary representative for the Citizens' Salary Commission.
3. A letter reappointing James Lett as a temporary representative for the Citizens' Salary Commission.

F. Correspondence: (No items.)

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

ACTION AND DISCUSSION ITEMS

5/23/2016

17:36:06 PM

ORDINANCES/RESOLUTIONS:

ORD. NO. 22-2008 - (Refer to PUBLIC HEARING at 10:20 a.m. for details of action taken.)

ORD. NO. 23-2008 - (Refer to PUBLIC HEARING at 11:00 a.m. for details of action taken.)

PUBLIC HEARINGS/MEETINGS/WORK SESSIONS

COUNCIL DISCUSSION/UPDATES/OTHER ACTION ITEMS:

1. Ferries – Chair Rosenfeld reported that he had communications with David Moseley, WSF, and that Mr. Moseley is open to other options that would allow the building of an Island Home style ferry instead of the Steilacoom class.

2. Customs Border Patrol Checkpoint – Chair Rosenfeld reported he had a phone call from Representative Rick Larsen concerning the border patrol spot checks in Anacortes. Rosenfeld stated that if SJC has to endure the checkpoints, what can we do to mitigate the adverse effects on the economy and tourism and asked Larsen to concentrate his efforts in this regard. Lichter commented that a small meeting convened on Orcas Island included immigration attorneys who noted that what CBP is doing, is legal. Kevin Ranker commented that it has already affected our economy and that people would rather go somewhere else and not be hassled. He asked, “What are our Congressional Leaders going to do?”

3. Documentary Filmmakers on Orcas – Alan Lichter reported that a film group from France is making a documentary film and want to interview and film the Council members discussing Climate Change. The film crew is scheduled to be on Orcas Island on May 6, 2008.

PUBLIC HEARINGS

10:20 a.m. - A public hearing was held to consider An Ordinance Regulating The Keeping of Dogs and other Animals; Amending Chapter 6.08 of the San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law. Present: Full Council; Milene Henley, Auditor; Randall Gaylord, Prosecuting Attorney; Pete Rose, CA; Ann Larson, Clerk to the Council; Pamela Morais, HR Manager; Valarie Graham, Deputy Clerk to the Council; and interested members of the public. Public testimony was opened, submitted by Dr. Michelle Loftus who requested a possible panel of 3 people instead of the Sheriff to decide on dangerous dogs and also mentioned there was no control for the number of dogs each person can own. Jack Cory voiced his concern that the ordinance does not include animals as a category. Mr. Cory said it would be helpful to include language that won't allow a dog to chase a deer and kill a fawn. Ranker asked Sheriff, Bill Cumming what his thoughts on a citizen panel were. Sheriff Cumming reported it would be labor intensive and had management concerns. The issue is the safety of citizens. Anyone can contest the decision of the Sheriff and go to court. After further discussion, deliberations were held and the following action was taken:

Moved by Myhr, seconded by Lichter, to adopt An Ordinance Regulating The Keeping of Dogs and other Animals; Amending Chapter 6.08 of the San Juan County Code To Ensure Consistency With The San Juan County Charter and State Law. Motion carried unanimously.

PUBLIC HEARINGS

11:00 a.m. - A public hearing was held to consider An Ordinance Regarding The San Juan Islands Conservation District; Amending Section 3.36.020 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Present: Full Council; Randall Gaylord, Prosecuting Attorney; Pete Rose, CA; Ann Larson, Clerk to the Council; 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 Peterson, seconded by Knapp, to adopt An Ordinance Regarding The San Juan Islands Conservation District; Amending Section 3.36.020 Of The San Juan County Code To Ensure Consistency With The San Juan County Charter And State Law. Motion passed unanimously.

EXECUTIVE/CLOSED SESSIONS

11:10 a.m. – Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 15 minutes, to discuss Pending Litigation pursuant to the provisions of RCW 42.30.110(1)(i). The session ended at 11:25 a.m. for an actual session time of 15 minutes. No action was taken.

DISCUSSION – San Juan Island Transfer Station

San Juan Island Transfer Station – Steve Alexander, Public Works. Steve Alexander reported to the Council that the SWAC is working with Public Works to bring a recommendation to the Council. Public Works is the applicant and is producing the Environmental Impact Statement. CD&P is the regulatory department overseeing the project. Mr. Alexander introduced John Davies, Mirai Transportation Planning & Engineering, who developed the Transfer Station Traffic Analysis. Mr. Davies noted that the last briefing to the Council was wetland issues and this time it is traffic. Mr. Davies reported that the purpose of the analysis is to examine facility traffic operations and to document changes in traffic patterns. They will be identifying potential safety issues, like nearby intersections and recommend potential traffic improvements to make a location work. The approach taken will be to identify existing demand characteristics by analyzing customer usage during summer and winter, estimate travel times, review proposed site plans, review intersection sight distances, calculate traffic impact and identify mitigation recommendations. To estimate travel times, 5 points were chosen around the island to determine how long it will take to get to each site. It also allows identification of shortest routes. This will determine how long it takes for long haul trucks, addresses transfer station operational needs, and how the traffic will flow in and out of the site. Travel patterns and level of service relate to traffic no longer on one road but another. The site review involves review of driveway locations, how the traffic needs to go in and out of the site, sight distance and the need for turn lanes, vehicle types and volume on the roadway. Speed limits, horizontal and vertical curvature, maybe a hill, and vehicle types coming in and out of the driveways. Pete Rose, CA, asked if there were any conclusions. Mr. Davies responded that the purpose of the EIS is to view all environmental issues and they don't want to release any preliminary results. They do have some idea of how things are going to look but the intent is to provide a complete picture of each site by following the process as dictated by SEPA.

SPECIAL JOINT MEETING WITH TOWN OF FRIDAY HARBOR COUNCIL

In a joint lunchtime session Tuesday, members of the Friday Harbor Town Council and the San Juan County Council were in almost unanimous agreement on concerns about ferry service, the impact of checkpoints set up by the U.S. Border Patrol at the Anacortes ferry landing, and hopes and worries about the possibility of building the "Pipeline Trail," a five-mile long hiking and biking trail which would parallel San Juan Valley Road atop the Town's water utilities pipeline.

With the tourist season coming up and capacity reduced by vessel retirements and maintenance problems, there was little debate that a top priority for both Councils is funding for new ferry construction and operations. Councilman Kevin Ranker, who has headed the County's lobbying efforts at the legislature, expressed concern that with statewide shortfalls in school funding and other transportation programs, securing more funding for ferries will be a tough fight for lawmakers' attention among these broader constituencies. The findings of the Joint Transportation Committee on the studies directed by the 2006 ferry operations bill and the ferry funding bill will provide the forum to discuss long-term ferry financing. "We have to go to Olympia with ideas and a definite 'ask'," he said.

Town Council Member Kelly Balcomb-Bartok agreed that the school funding issue is vital, "But for the families and communities of the San Juans, everything comes undone without ferries."

The Councils agreed to put together a joint committee to produce a detailed plan to take to the legislature and the Department of Transportation.

Concerning the Border Patrol checkpoints, the two Councils were closely aligned in their concern that the stops may hurt tourism as well as being a continuing inconvenience for residents. Council Chair Howie Rosenfeld said it would be better if the Border Patrol would do checkpoints elsewhere as well, "so it's not just us."

The discussion covered issues ranging from national security to expressions of frustration that the stops are instilling fear in citizens and undocumented workers alike. When asked if there was a consensus about asking the region's U. S. Congressman and Senators to demand that the Border Patrol either justify the checkpoints on national security and law enforcement grounds or shut them down, only San Juan County Council Member Rich Peterson dissented. "I don't want to say 'cease and desist' to a law enforcement person who is doing what he thinks is necessary."

The Councils did agree to ask Rosenfeld and Friday Harbor Mayor David Jones to draft a joint letter expressing concerns about the checkpoints for review by both bodies.

The Pipeline Trail had supporters of trails for non-motorized vehicles filling the hearing room. Again, both Councils agreed that the Pipeline Trail is a good idea, but there were worries of financing and obtaining public rights-of-way. The issue is current because the town needs to replace its main pipe to its water plant and may need to do some rerouting. "It is a 50-year-old asbestos/concrete pipe and it is our only water source," said Mayor Jones, "We want to make sure it gets fixed." A longtime trails plan vision has been to build the trail when the new pipeline is laid. But Town Council Member Kelley Bartok noted, it's not as easy as it sounds. "The 1953 [pipeline] easements do not preclude us from using it for public access, but they do not specifically allow it either," he said. The County Council has set creation of trails for non-motorized transportation as one of its top priorities and the Councils agreed to have their respective staffs work together as the town's project proceeds. The detailed planning process for the pipe replacement has just begun and construction is not currently scheduled to get underway for more than a year.

COUNTY ADMINISTRATOR COUNCIL BRIEFING

County Administrator Council Briefing. Also present: Jon Shannon, Director Public Works; Steve Alexander, Solid Waste Manager.

1. Diagonal Parking in Lopez Village – Pete Rose reported that there is no specific project in the 6 year road plan, but if the Council wants to direct staff to evaluate it in the upcoming plan this summer, it could be done. Mr. Rose also reported that this is not the only parking problem in the County and it would take millions of dollars to resolve all the parking issues. Jon Shannon reported that it is more a policy question that the Council needs to address. The series of projects in Lopez Village wouldn't be put on the 6 year road plan because something else would have to come off. There are several areas in Lopez Village slated for parking that require development. Ranker said we should have a process in place how the Council prioritizes the 6 year road plan and thinks it is critical the Council and public introduce projects. Mr. Rose stated that Lopez Village has been under-parked for some time. Knapp said parking on Orcas Island is more of an issue. Mr. Rose stated that no single commercial building has been chosen as an example of requiring action. Jon Shannon stated that when parking is a problem, Public Works knows about it. There are safety issues with on-street parking and there has never been a higher priority than maintaining the road system on the islands. Mr. Shannon asked, "how does the Council make sure that some projects get done that don't make the technical cut for the road plan but have some value?" Mr. Shannon also noted that citizen-driven small projects can have some hope. Mr. Rose also noted that Deer Harbor and Waldron are at the point of anger over parking. Myhr suggested that there be a provision in the annual road plan or 6-year road plan for community proposals. After further discussion, the following action was taken:

Moved by Knapp, seconded by Ranker, to discuss long term parking needs in this island environment and determine whether it is a priority to consider specific changes in 2008. Motion passed unanimously.

2. Iceberg Point, Flint Road Maintenance Community Proposal – Pete Rose reported to the Council that a variety of recommendations have been heard in the last few months. The County is not interested in taking over maintenance of the road and there is a hierarchy of things the Council can do. The neighborhood wanted signage and the Parks Department and BLM came to an agreement and the Parks Department was given money by the federal government to make signs. BLM seems to be a willing partner and participate in long term solutions. Jon Shannon stated that publicly owned lands need public access. The Iceberg Point issue can be resolved because it is a specific problem that requires a specific solution. The County policy is a hindrance and this is one of those topics that need a broader discussion and may need a policy change. Ranker suggested getting an easement.

3. Briefing on Ferrous Metal Recycling on San Juan Island – Steve Alexander addressed the Council and told them that metal recycling is currently being done on Lopez and Orcas Islands because they have the infrastructure to get it out. Unfortunately, inadequate infrastructure, insufficient equipment and constrained working space prevent the San Juan Island Transfer Station from accepting scrap metal for recycling. Rich Peterson stated the process was working on San Juan Island and asked why it stopped. Mr. Alexander reported that when the transfer station roof over the tipping floor had to be removed, garbage was exposed and the option was to move the scrap metal container and move the garbage to the end of the Z wall which created the loss of gravity to get heavy stuff moved and that was the major reason to stop the scrap metal recycling.

DISCUSSION – Stormwater Inter-Fund Borrowing

Pete Rose reported that the Council needs to meet the Hearings Board deadline of June, 4, 2008. One of the drivers to the change was the need to deal with the GMA Hearings Board requirement to fund the 6-year infrastructure portion of the Eastsound Stormwater Plan. It was felt that the ordinance must be definitive on paying for capital needs. The recommendation is to use interfund borrowing to guarantee that the required projects would be done, but would not unduly influence the ordinance discussions. Karen Vedder, DPA, reported that the use of the Land Bank Stewardship funds would be an investment to the Land Bank at a higher interest rate than what their investment is returning currently. After further discussion, the following action was taken:

Moved by Peterson, seconded by Knapp, to move to public hearing on May 20, 2008 to consider adoption of an Ordinance for interfund borrowing for the purpose of funding Stormwater Capital Projects and to hear public comments on the adoption of the Eastsound Stormwater Plan. Motion passed 5 to 1 with Ranker opposed.

DISCUSSION - ARC

Eliza Buck addressed the Council to update them on the Agricultural Resource Council (ARC). ARC program areas and project priorities for 2008 include:

Farmland Preservation

- Conduct Agricultural Conservation Easement Education Campaign
- Establish an early warning system to help landowners maintain open space agricultural status
- Assist the SJC Land Bank in developing farmland leasing options
- Develop farm enterprise budgets for key products
- Enhance on-line bulletin board on www.sjcarc.org

Farmer Enrichment

- Facilitate the development of a permanent farmers market on San Juan Island
- Expand the Islands Certified Local branding program
- Assist in the strengthening of farm-to-school efforts in the county
- Develop a position statement on agri-tourism in the county

Ms. Buck reported that a 501C3 has been formed to have a permanent farmers market on San Juan Island. Knapp suggested inquiring whether the County can make a land use law to keep farmland. Ms. Buck responded saying there are models out there to consider and there is a provincial law in Canada. Lichter asked if there was any money for the farmers market. Ms. Buck reported that Lovel Pratt is working hard to acquire funding through the 501C3 for grants. Lichter asked how the Land Bank can be used for agriculture for young farmers who can't afford to buy land. Ms. Buck said there are lots of details to work out, who would pay for infrastructure, housing is an issue, but we are having more young people come to meetings who want to stay and farm. Ron Zee said the BC model is something this County should look at. It is very successful there and if we could maintain something similar for the future, it would be great.

DISCUSSION - Hearings Examiner Ordinance

Randall Gaylord, PA, introduced the Hearings Examiner Ordinance to the Council. Mr. Gaylord went through each section and incorporated Eglick's comments with the Council and agreed to many changes, deletions, and

additions. Mr. Gaylord was asked about the concept of asking a Hearing Examiner to step down and asking a Pro Tem to step into his place. Mr. Gaylord said it was used commonly in the courts and the rules have the appearance of fairness approach. An affidavit of prejudice was discussed and Mr. Gaylord said he would present it to the Council on the next touch.

DISCUSSION

The Council discussed creating a Ferry Subcommittee with the Town of Friday Harbor Council. Chair Rosenfeld agreed to be on the Subcommittee as did Kevin Ranker and Rich Peterson. After further discussion, the following action was taken:

Moved by Ranker, seconded by Myhr, to establish a Ferry Subcommittee to work jointly with the Town on developing Legislative Priorities for 2008. Motion carried unanimously.

DISCUSSION

The Council discussed the supervision of the Clerk to the Council. Ranker explained the ongoing discussion concerning the CA, Pete Rose, taking over the supervision of the Council Clerk. Ranker suggested discussing each bullet point on the MOU. Myhr circulated an alternate MOU with a change to the Administrator not allowed to terminate the Clerk without a recommendation to the Council first. After further discussion, the following action was taken:

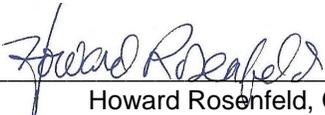
Moved by Knapp, seconded by Peterson, to adopt the MOU regarding Supervision of the Council Clerk with changes as noted by consensus in the discussion. (Lichter asked for clarification on what was being agreed upon, Ranker read the MOU again, Knapp wanted Peterson's addition of the primary function of the Clerk added to the MOU) Myhr abstained because he felt the agreement is inconsistent with the Charter and not keeping with the concept of separation of powers. Motion passed 4 to 2 with Myhr and Lichter abstaining.

EXECUTIVE/CLOSED SESSIONS

4:00 p.m. – (Commenced at 4:10 p.m. due to time constraints) Council Chair Rosenfeld announced that the Council would be holding an **executive session** estimated to last approximately 30 minutes, to discuss Labor Union Contracts pursuant to the provisions of RCW 42.30.140(4). The session ended at 4:42 p.m. for an actual session time of 32 minutes. No action was taken.

ADJOURNMENT - Moved by Peterson, seconded by Knapp, to adjourn the meeting at 4:43 p.m. Motion carried. Council Chair Rosenfeld adjourned the meeting at 4:43 p.m. A Staff Meeting/Work Session was scheduled for Monday, May 5, 2008, and the next regular meeting was scheduled for Tuesday, May 6, 2008, at the Firehouse District #2, 45 Lavender Lane, Eastsound, WA, Orcas Island at 10:30 a.m.

**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