

**SUMMARY OF THE MINUTES  
SAN JUAN COUNTY (SJC), WASHINGTON  
COUNTY COUNCIL  
APRIL 23 and 24, 2007**

**Monday, April 23, 2007 - Council Conference Room**

**CALL TO ORDER**

Council Chair Myhr called the special meeting to order at 10:00 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Prosecuting Attorney, Randall Gaylord; Clerk to the Council, Carolyn Morrison; Deputy Clerks, Lisa Brown and Amy Taylor; and interested members of the public were present.

**PUBLIC MEETINGS/WORK SESSIONS**

**10:00 a.m.** – The Council held a Staff Meeting and a general work session to discuss County business. No action was taken.

**2:00 p.m.** – A Work Session was held regarding proposed Council procedures. No action was taken.

**RECESS** - At 4:20 p.m., Vice-Chair Rosenfeld recessed the meeting until 10:00 a.m., Tuesday, April 24, 2007.

**Tuesday, April 24, 2007 - Council Hearing Room**

**CALL TO ORDER**

Council Chair Myhr called the meeting to order at 10:03 a.m. Council members Ranker, Peterson, Rosenfeld, Knapp, and Lichter; County Administrator, Pete Rose; Clerk to the Council, Carolyn Morrison; Deputy Clerk, Lisa Brown; and interested members of the public were present. The flag salute was conducted.

**CITIZEN ACCESS TIME**

**Paul Barger**, a representative from the San Juan Island Grange, read a letter he had submitted to the Council regarding the spread of noxious weeds along County roadsides. He stated that mowing by County vehicles is causing the rapid roadside invasion by Scotch Broom and other noxious weeds. He added his concern that private landowners may not take responsibility for their own land unless they see the County taking the control efforts required by law. Mr. Lichter asked if he had been in contact with the Noxious Weed Control Board, noting that they needed to be informed. Mr. Barger stated he did not know if they had been contacted.

**Ralph Hahn**, President of the Economic Development Council (EDC), distributed the Community Trade and Economic Development (CTED) third quarter report, adding that raw data on the Ferry Fare Study had been posted to their website at islandway.org, and that a summary would be ready for distribution after their meeting or May 8, 2007. Mr. Hahn also referenced his on-going work with Mr. Rose on the EDC contract with the County, regarding the Economic Development Element.

**APPROVAL OF MINUTES**

Moved by Lichter, seconded by Rosenfeld, to approve the minutes of **April 16 and 17, 2007**. Motion carried.

**CONSENT AGENDA**

Moved by Lichter, seconded by Ranker, to approve the **Final Consent Agenda of April 24, 2007** as follows:

**A. Contracts/Agreements:**

1. **Agreement 07HC26A** – Sign Amendment No. 1 to Agreement No. 06HC06 [Grant No. G0600271], between SJC and WA State Department of Ecology to provide additional non-budgeted resources for Watershed Resource Inventory Area (WRIA) groundwater monitoring as described in Exhibit A-1, the revised “Scope of Work”; and, increase the project amount by \$18,500 for a maximum project cost of \$118,500 with a State reimbursement rate of one hundred percent as described in Exhibit A-2, the revised “Budget,” which specifies a project completion date of June 30, 2007, with all other terms and conditions of the original agreement to remain in effect. (Note:

This contract will require a request to increase the Health and Community Services Budget with a supplemental appropriation.)

2. **Agreement 07HC29** – Sign the Interlocal Agreement between SJC and Lopez Island School District to provide mental health assessments, counseling and consultation services to school age children and families not eligible for Medicaid funded services from October 1, 2006 to September 30, 2007, per the terms and conditions of Exhibit A, “Statement of Work,” with funding in the amount of \$3,900 through the North Sound Mental Health Administration Federal Block Grant, as adopted in the SJC 2007 Budget.

3. **Agreement 07HC30** – Sign the Interlocal Agreement for professional services between SJC and Skagit County Public Hospital District 304, dba United General Hospital, to recruit and train youth volunteers to conduct tobacco sales compliance checks with vendors in SJC as outlined in Exhibit A “Statement of Work,” as a requirement of the tobacco prevention contract with the WA State Department of Health, to be completed by December 31, 2007, in the amount of \$3,096, as adopted in the SJC 2007 Budget.

#### **B. Appointments:**

1. Approve the reappointment of Nancy McCoy to the SJC Open Space Advisory Team for a five-year term which will expire April 30, 2012.

#### **C. Correspondence:**

1. Sign the letter to Nancy McCoy confirming her appointment to the SJC Open Space Advisory Team for a five-year term which will expire April 30, 2012.

2. Sign the letter to Rita R. Weisbrod accepting her resignation from the SJC Health and Community Services Advisory Board; and, sign the Certificate of Recognition for her service.

Motion carried.

### **ACTION AND DISCUSSION ITEMS**

#### MISCELLANEOUS ITEMS:

1. **San Juan Superior Court Judge Implementation Process** – Present: Milene Henley, Auditor; Randall Gaylord, Prosecuting Attorney; Karen Vedder, Deputy Prosecuting Attorney; District Court Judge, Stewart Andrew; Marion Melville, District Court Administrator; Tom Kearney, Juvenile Court Administrator; Joan White, County Clerk; members of the SJC Bar Association and Law and Justice Committee; and interested members of the public. Mr. Knapp related the background of the creation of a SJC Superior Court Judge and explained the process for filling the new full-time position for SJC, which was recently approved by the State under Senate Bill 5247. The Council discussed a potential election process in contrast to Governor Gregoire appointing a Judge for SJC. With an appointment, qualified candidates would apply to the Governor and she would make the appointment from the submissions. This would take place without publicity or advertising. Mr. Knapp explained that there would not be enough time to run a primary election and that having only one election (general) would raise the possibility of decision by plurality. Mr. Ranker pointed out that the Governor will not make any decisions until the County appropriates the money under an ordinance, and provides her with a request for an appointment, or a request to hold an election. Mr. Peterson stated that the Council has the potential for opening up a three-day filing period after the primaries are closed, and then asked if there was a way of avoiding additional election costs. Ms. Henley addressed the cost of running an election, stating that by sharing the space pro-rata with other seats on the ballot, it would cost approximately \$1,500. She commented that the “real” cost would be next to nothing, since the County was already running an election. Mr. Peterson was in favor of drafting a funding ordinance first, then determining later whether or not to hold an election. Mr. Knapp requested another public session prior to making any decisions. The Council invited comments from the audience. Attorney John Wickham spoke about the editorial in The Journal of the San Juans on March 21, and his opposing view on April 11, 2007, which proposed a Gubernatorial appointment. He reported that he had not received any communication challenging this article, except for conversations in bar association meetings. He stated his concern of holding an election here because it could “bring to bear outside influences.” The County could have ten qualified applicants, but not all ten would run for the position. He added that if the appointment was properly handled, he didn’t imagine anyone would run against that person in the future and asked the Council to give Governor Gregoire the opportunity to make that appointment. Mr. Lichter wanted to know what he meant by bringing to bear outside influences. Mr. Wickham said that if we kept things in-house, people from outside the county couldn’t run in an election. Mr. Knapp thanked Mr. Wickham for sharing his opinion. Chair Myhr stated that this would come before the Council in public session again, prior to any action.

**2. Changing the Name of Battleship Island to Morses Island** – Chair Myhr explained the history of the name of Battleship Island, referencing the Washington State Department of Geographical Names (WSDGN), and what it would involve to change the name. He asked fellow Council members for input. Mr. Peterson said he was opposed to changing the name, because just north of Battleship Island is a Canadian island named Morsby Island, which could lead to confusion in navigation. He also commented on the great expense in changing a geographical name. Mr. Knapp stated that after 80 years, “it ought to rest in peace.” Mr. Ranker noted that although he sympathized with the family making the request, he was not in favor of the name change, stating that it is not a slight cost to change every single navigational chart. He asked the Council to be fiscally responsible. Mr. Lichter was in favor of changing the name, stating he likes original things. Mr. Rosenfeld said he didn’t see a reason to change the name. Mr. Myhr stated that Mr. Maki, of WSDGN, requested the Council provide an opinion to the WSDGN and called for a motion. The following action was then taken: **Moved by Knapp, seconded by Ranker, to advise WSDGN that the Council opposes the name change of Battleship Island. Motion carried, with Mr. Lichter opposed.**

**3. Draft Request for Proposals (RFP) for Tourism Promotion Lodging Tax Account.** - Present: Pete Rose, and interested members of the public. Chair Myhr, also Chair of the Lodging Tax Advisory Committee (LTAC), reported that revisions to the ordinance governing the LTAC and the allocation of the tourism tax revenue (“second two percent”) is still under discussion, along with the role the CA may have in handling RFP’s. Mr. Rosenfeld explained the application and the process in place by the Town, stating that Town LTAC constructed that application with the Town Administrator (TA) in a way that wouldn’t unduly burden staff. The Town LTAC makes the decision and the TA manages the process and contracts. Chair Myhr pointed out that under the existing ordinance, an elected official must be a member, manage funds, and report to the Auditor. The Council LTAC Sub-committee, comprised of Chair Myhr, Mr. Rosenfeld, and Mr. Lichter, brought forth, from initial discussions, the following suggestion for allocations of funds in an RFP: (1) not to exceed seventy-five percent for one or more Destination Marketing Organizations (DMO’s); (2) fifteen percent for Chambers of Commerce (COC’s); (3) five percent for innovative events; and five percent for enhancing green tourism. Mr. Ranker stated that he believed it was a good proposal and that although it is somewhat general, it does include necessary detail. Mr. Rosenfeld suggested, due to time constraints, releasing an RFP for DMO services and handling the remaining allocations later. Mr. Ranker was concerned about excessive process and was in favor of one RFP listing all deliverables the County is seeking to have satisfied. Concerns were raised regarding DMO’s having their funding in place by July. Mr. Rose stated that his preference would be to run one process, even if it resulted in multiple contracts. Mr. Peterson was also in favor of one over-arching process. Mr. Myhr stated that he had a total of five different proposals that he would like Mr. Rose to consolidate for a timely RFP. The following action took place: **The Council agreed by consensus to have Mr. Rose combine the RFP’s and bring a proposal back to the Council for consideration.** It was stressed that each application include an annual report on the applicant’s most recent activity, a copy of their IRS 990 filing (if they are a 501(c)(3)), and a statement for measurable effectiveness in carrying out the proposed program. Mr. Ranker referenced an Article in the New York Times, promoting off season marketing retreats to the San Juan Islands.

**4. Proposed Planning Commission Ordinance** – Chair Myhr reported that a recommendation on the Planning Commission ordinance was ready to go to a public hearing and incorporated changes discussed on Monday during the Council Work Session. He explained that, in accordance with the new County Charter, the make-up of the Planning Commission needed revising into a nine-member body, including one member from each district, and one additional member from each of the major islands: San Juan, Orcas, and Lopez. **It was the consensus of the Council to request that the Clerk schedule a public hearing and advertise for this proposed ordinance.**

**5. Travel Incentives for Authorized Out-of-County Travel for Council Members** – Mr. Rosenfeld again stated his desire to have funding available, if needed, for special travel. He added that just because we have something in place doesn’t mean it needs to be used. Chair Myhr said this may need to be handled through the Citizens Salary Advisory Committee. Mr. Peterson commented that when he ran for his position he expected it to include occasional trips to Olympia, but that some sort of incentive would seem appropriate. Mr. Lichter added that the issues before the Council require more than just travel to Olympia; they require meetings, conferences, and hearings in Seattle, Victoria, and other areas. He stated that the time it takes to get to these places should also be considered, adding that information and contacts gained through these conferences are helpful to our County. Mr. Ranker said it may also require occasional national travel, such as a trip to Washington, DC to meet with Representative Larsen. Discussion regarding salaries and time expectations followed. Mr. Peterson commented that the job of Councilmen could be as small or big as they made it -- small being Monday 10:00 a.m. to noon and Tuesday 10:00 a.m. to 4:00 p.m. Mr. Lichter pointed out that within this time-frame, one would not be able to attend to any of the work associated with the job, and gave the example of 75 e-mails per day. He added that he didn’t believe anyone elected would do only that. Mr. Knapp said he believed the salary commission arrived at the proper amount for a Council member’s salary and would like to talk to people in other counties, such as Whatcom, to see if they feel like their counties suffer by not traveling frequently to Olympia. Mr. Ranker stated

that Whatcom County is not a good comparator for us. He added that, considering economic drivers, we are more like Clallam and Jefferson Counties. Mr. Myhr pointed out that although it is important to learn from other counties, we are in an unusual position related to costs. Mr. Ranker agreed, stating we rely on State decisions more than other counties because of our location. Mr. Ranker reported that he has been tracking the successful legislative matters our County has dealt with in Olympia, seeking to determine what the catalyst was before the legislative session began, and to consider what could have been done by a lobbyist or staff instead of an elected official. He pointed out that the previous Auditor, Si Stephens, had a \$500 monthly stipend as an Administrator Pro-Tem, and inquired about the Council's discretion to use funds for any County official as well as Council travel. Mr. Rosenfeld would like to see a fund available for all Council members to use as needed, and would not be opposed to going through the Salary Commission. Mr. Ranker pointed out that by State Statute it is not the Salary Commission's job to determine a travel allotment, but is expected to determine salary for deliverables. Mr. Myhr said more time would be necessary to fully explore this issue.

## **PUBLIC HEARINGS/MEETINGS**

**11:00 a.m.** – County Administrator Council Briefing. Also present: Dave Zeretzke, Administrative Services Director; Jon Shannon, Public Works Director; John Van Lund, County Engineer; Rachel Dietzman, Sr. Project Engineer; Milene Henley, Auditor; and interested members of the public. Agenda:

**1. Request for Capital Improvement Fund Emergency Appropriation for the Remodel of Legislative Building** – Mr. Rose reported on the first floor conversion of the Carlson Building to the County's new Legislative Building, stating that due to the overage in anticipated cost, it would require a hearing to amend the Capital Improvement Fund (CIF). Mr. Zeretzke referenced the Staff Report dated April 16, 2007, reminding everyone that the endeavor to expand offices began over a year ago, and in a sixteen-year old building, the costs associated with the remodel, furnishings, and all wiring and sound equipment, in order to make this improvement turnkey-ready would be \$558,000. This will be well above the \$275,000 currently available in the budget. He supports an amendment to the CIF, explaining that this facility will accommodate current needs without being "spread out all over town," and will bridge the gap to a better building. He provided a set of plans and specifications for the remodel that he will deliver to the Council Clerk for a call for bids if approved. Mr. Zeretzke voiced his concern that when the plans are released to design centers and architectural firms, through the Daily Journal of Commerce and the Journal of the San Juans, reliable contractors would be more inclined to bid knowing there was an approved budget, or at least the process in place to meet the known shortfall. He recommended that the amendment to budget take place before going out to bid. He also stated that the overall projected deficit for the remodel is about \$26,000. Ms. Henley reported that she had discovered \$29,000 in unbudgeted funds from rent in the new building, stating an appropriate use for that money would be to fund the remodel deficit. Mr. Ranker stated he supported this as a solid proposal and that it would not just be a Government building, but also an excellent resource for the entire community. After discussion, the following action took place:

**Moved by Peterson, seconded by Ranker, to forward the appropriate paperwork to the SJC Auditor to schedule a public hearing to consider an emergency appropriation from the Capital Improvement Fund in the amount of \$558,000, for the Legislative Building remodel, for formal consideration by the Council. Motion carried.**

**Moved by Peterson, seconded by Ranker to approve a Call for Bids for the remodel of the Legislative Building with sealed bids to be received by the County Council until 2:15 p.m., Tuesday, June 5, 2007, with the bid opening to occur precisely at 2:15 on that date after the last call. Motion carried.**

**2. Update on The Timing of The Chip-Seal Process and a Briefing on Discussions with the State Parks Department about a Cascade Lake Guardrail – a) Chip-seal Process** - Mr. Rose began by introducing Rachel Dietzman to address the chip-seal planned projects. Ms. Dietzman explained that she and John VanLund had worked on the details in the updated plan and that Public Works (PW) was prepared to proceed with two chip-sealing operations beginning May 14, 2007, and concluding mid-June. She noted that PW is using a different emulsion supplier and chiprock size. She reported that they are receiving excellent guidance with the low temperature emulsion, which also allows them to start earlier in the season. Ms. Dietzman answered questions from the Council on this new process. Mr. Peterson also asked about the preparations to receive rock at the Public Works facility on Guard Street. Ms. Dietzman responded that the public should be aware that at this point there is no place to store chip-rock other than in front of this facility. Mr. Rose said a new public facility site with a Conditional Use Permit (CUP) is needed for appropriate zones. Mr. Ranker suggested issuing a press release regarding the impending chip-rock delivery. Mr. Myhr asked if there was a storage problem on Orcas or Lopez. Ms. Dietzman replied that there is a problem for storage on Orcas, but Lopez is OK with two storage locations.

Mr. Myhr asked how the gravel purchased will be moved onto the island, and Ms. Dietzman replied, “It would come by barge.” The Council invited comments from the audience. A citizen, Mr. Cussen, asked if the new chip-seal process would require roads to be closed for a longer period of time. Mr. VanLund explained that he had been working with the Sheriff’s Department, who will post 25 mph speed limit and construction zone signs, and also post it in the newspapers and on the County web page. He added that any lane closures should not exceed 72 hours. **b.) Cascade Lake Guardrails** – Mr. Rose made reference to the tragic auto crash at Cascade Lake during last year’s winter storm, stating that he has had communication from citizens requesting a guardrail along that stretch of road. Mr. VanLund explained that the stretch of road in question is owned by Washington State Parks (WSP) and the County has prescriptive use of the road. He added that, after communications with WSP, it could take two years to address all issues and approvals required to have a guardrail installed there. Mr. Ranker suggested applying pressure to the WSP and the Governor’s office to help speed up the process. Mr. Peterson agreed. Mr. Rose offered staff to put together talking points and photos for whoever wanted to take the lead. Mr. Myhr thanked them for their report.

**1:30 p.m.** - A closed record appeal was held to consider the timely appeal filed by appellants and applicants Barry and Connie Collins of the Hearing Examiner’s decision to deny the request to alter the plat of Buck Mountain, by dividing lot 65, filed by Files No. 05ALT002 and 06APL003 – Orcas Island. Present: Julie Thompson, Community Development and Planning Associate Planner; Applicants/Appellants, Barry and Connie Collins; Counsel of Applicant, John Linde; and interested citizens. Council Chair Myhr read the rules of an appeal of a Hearing Examiner’s decision into the record and stated that the Council had been provided with an audio copy of the complete record of the original hearing, and had been provided with duplicates of all documents of record. There was an appearance of fairness issue. Councilman Knapp recused himself from this matter, stating that he had been involved in the drafting of the Buck Mountain Agreement. Ms. Thompson presented her Staff Report dated April 3, 2007, and recommended denial of the appeal based upon the law. Mr. Linde presented legal arguments for the appellants. Deliberations were held and the following action was taken:

**Moved by Ranker, seconded by Lichter, to deny the appeal of the Hearing Examiner’s decision to deny the application of Barry and Connie Collins to request an alteration of the plat of Buck Mountain by dividing lot 65, Files No. 05ALT002 and 06APL003 – Orcas Island; and to uphold the Hearing Examiner’s decision. Motion carried with Rosenfeld opposing.**

**3:00 p.m.** –A meeting was held for presentations by the San Juan Trails Committee and Orcas Pathways Committee for project updates. Also present: Dave Dehlendorf, San Juan Trails Committee Chair; Kathy Faulkner, Orcas Pathways Committee Chair; Karen Vedder, SJC Deputy Prosecuting Attorney; Dona Wuthnow, SJC Parks Superintendent; Jon Shannon, Public Works Director; other available staff members; and interested members of the public. Chair Myhr introduced Mr. Dehlendorf who gave an update on the San Juan Island Trails Committee’s current projects and provided background information regarding their organization. Founded in 1999, the committee is comprised of 272 members and supported by many partners, including the Department of Natural Resources (DNR); SJC, State and National Parks Departments; San Juan Preservation Trust; SJC Land Bank; San Juan Island Park and Recreation District; OPALCO; Town of Friday Harbor; Roche Harbor Resort; San Juan Island Chamber of Commerce; San Juan Islands Visitors Bureau; the Port of Friday Harbor; and others. He expressed an interest in sharing ideas with the County to accomplish common goals. He provided a PowerPoint presentation outlining nine trail projects and the many organizations they have partnered with to work on these trails. They are working on securing easements through public and private lands connecting parks and hubs throughout the island. Mr. Dehlendorf referenced a trails’ survey conducted by his committee, out of which came a clear interest in exploring a tax break for private land owners who would grant easements through their properties. Discussion regarding the use of trails ensued, and Mr. Ranker expressed an interest in exploring the value of off-road bicycle paths for the County. Mr. Ranker added that the acquisition of Mitchell Hill on San Juan Island is on Representative Larsen’s agenda. Chair Myhr thanked Mr. Dehlendorf and then invited Kathy Faulkner to come forward. Ms. Faulkner began by explaining that their mailing list of over 300 is comprised of volunteer advocacy and community groups and Orcas Island residents. She referenced the map included in her printed presentation, and identified the system of pathways for recreational activities on Orcas Island. Currently they operate with the assistance of a grant from the National Parks Service and donations from the community. By the end of the year, they will need to find new funding, become a nonprofit, or act as an ad hoc to find another sponsor. Their goals are similar to the San Juan Island Trails Committee’s in that they would like to connect activity centers and hamlets. According to the various survey results included in her report, it was determined that non-motorized transportation is important in SJC, specifically bike paths along roadsides, and unpaved walkways. The Orcas Pathway’s survey showed that safety was the most important element, next was recreation, and third was funding. New taxes were not favored, but great interest was expressed here also in a tax break in exchange for easements through properties. Ms. Faulkner expressed her desire to respect private landowners and include

them in process as much as possible. She also stated that the map she provided was purely conceptual, with no communications with property owners at this point. The acquisition of Turtle Back by the County raised the issue of responsible user education for Pathways in this preserve. Ms. Faulkner reported that the Land Bank is currently working with an ALTA architectural group to devise a plan for a park and hub within the Eastsound area. She expects the final draft plan within eight weeks. She pointed out several other pathways that are planned and expressed concern over increased vehicle speeds. The issue of funding was raised and Mr. Lichter stated that, in the Council's review of reprioritizing hotel/motel tourism tax allocations, promoting green tourism and outdoor recreation had been discussed. He suggested using some of that revenue for funding trails. Mr. Knapp said the reports were excellent and is interested in doing more than just listening. He suggested exploring making these two groups part of the County to include financing for their projects. Ms. Faulkner said they found they may better serve the community as a whole by remaining an advisory group, adding that public access on private property is a very sensitive issue. Discussion regarding possible support and relationships ensued. Mr. Myhr said the community is very excited about trails and bikes, and the designing of roads. He thanked Mr. Dehlendorf and Ms. Faulkner for their reports. Chair Myhr said he would like to see a comprehensive plan developed for people to get around in a non-motorized fashion. Mr. Peterson was in favor of setting aside easements and giving tax breaks. He would like to examine a mechanism to accomplish that, especially with the notion of potentially getting both bicyclers and walkers off the road where possible. The Council invited comments from the audience. Michael Kaill spoke in favor of widening the roads for bicyclists and said electric cars are going to gain importance and will need to be considered as well. Jon Shannon explained that in 2004, a position called Pathways Coordinator was developed, but discarded due to budget constraints. He added that with so much volunteer energy and time available, the County might consider inviting one person from these committees to be a liaison to Public Works, which would provide valued assistance to his department. Mr. Lichter suggested discussing the issue further at a staff meeting. Mr. Ranker asked the Clerk to add this discussion to a work session agenda

**ADJOURNMENT** - Moved by Lichter, seconded by Ranker, to adjourn the meeting at 4:08 p.m. Motion carried. There was no meeting scheduled for the week of April 30, 2007. A special meeting was scheduled for Monday, May 7, 2007, and the next regular meeting was scheduled for Tuesday, May 8, 2007.

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**These minutes were approved and signed on May 8, 2007. The original document is retained in the permanent Council proceedings file dated April 23 and 24, 2007. Attest: Carolyn Morrison, Clerk.**