

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 25, 2009**

Tuesday, August 25, 2009 - Council Hearing Room, Legislative Building, Friday Harbor

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; Deputy Clerks, Lisa Brown and Maureen See; and interested members of the public were present.

EXCUSED ABSENCES

Council Chair Peterson noted that Council Clerk Gabriel was absent.

CITIZENS' ACCESS TIME

Mr. Wright, a San Juan Island Resident, addressed the Council regarding what he believes to be an illegal memo of understanding (MOU) between SJC and Shared Strategies, for the Puget Sound Partnership. Mr. Wright requested that the Council take action to officially terminate the MOU, indicating that he would pursue a lawsuit if the Council did not take this action. He also stated that grant funds received from the PSP were in violation of state and federal laws and suggested returning the funds and asked several questions of the Council.

COUNCIL ADMINISTRATIVE MATTERS

Minutes: Ms. Pratt and Mr. Myhr requested changes to the minutes and the following action took place: Moved by Myhr, seconded by Fralick, to approve the **Minutes of August 10 and 11, 2009**, as corrected. Motion carried unanimously.

Consent Agenda: Mr. Peterson requested pulling the first Resolution from Consent to vote on it separately. Ms. Pratt suggested the addition of the appointment of members to a steering committee to recommend the Critical Areas Ordinance and SMP public outreach plan to include: Amy Windrope, Staff for San Juan Initiative (SJI), Patty Miller, Citizen Representative, Orcas Island, Susan Delendorf, Planning Commission Representative, San Juan Island, and whatever SJC Staff the County Administrator selects to appoint. Council discussion took place. Mr. Fralick said he could support this as the San Juan Initiative portion of the public participation plan and the following action took place:

Moved by Pratt, seconded by Rosenfeld, to add the appointment of members to a steering committee to recommend the SJI portion of the CAO and SMP public outreach plan; to include Amy Windrope, Staff for SJI; Patty Miller, Citizen Representative, Orcas Island; Susan Delendorf, Planning Commission Representative, San Juan Island; and a SJC Staff member of the County Administrator's choosing to the Consent Agenda. Motion carried unanimously.

Mr. Rosenfeld noted that he had sent an individual letter, written by Rob deGavre of the FAC, to the WS Transportation Commission requesting they not impose the 10% super summer surcharge to commercial vehicles traveling to the San Juan Islands. He suggested sending a letter under full Council signature for greater impact and the following action took place:

Moved by Pratt, seconded by Knapp, to add the letter to Consent. Motion carried unanimously.

Moved by Rosenfeld, seconded by Fralick, to adopt the Consent Agenda of August 25, 2009, as amended:

A. Resolutions / Ordinances:

1. A Resolution closing revolving fund and postage fund for Orcas DOL Satellite office and appointing custodians for the San Juan County Auditor's Revolving funds.

2. A Resolution to accept two easements from OPAL Community Land Trust and authorize payment, and this resolution requires the construction of a trail adjacent to Enchanted Forest Road on Orcas Island.

B. Contracts/Agreements: (No items.)

C. Budget Items: Approve 2009 Warrants signed by Auditor and County Administrator:

- Warrants #66701-66735 in the amount of \$33,547.19 for Public Works
- Warrants #66736-66829 in the amount of \$72,154.39 for County Claims
- Warrants #67025-67083 in the amount of \$671,413.53 for Public Works
- Warrants #66903-67024 in the amount of \$141,834.95 for County Claims
- Warrants #67478-67531 in the amount of \$160,940.99 for Public Works
- Warrants #67330-67348 in the amount of \$5,807.55 for Medical Reimbursements
- Warrants #67349-67351 in the amount of \$3,501.92 for Veteran's Assistance
- EFT #8192009 in the amount \$7,222.52 for Public Works

D. Personnel: (No items.)

E. Appointments:

Appointment of members to a steering committee to recommend the SJI portion of the CAO and SMP public outreach plan: 1) Amy Windrope, Staff for SJI; 2) Patty Miller, Citizen Representative, Orcas Island; 3) Susan Delendorf, Planning Commission Representative, San Juan Island; and 4) a SJC Staff member of the County Administrator's choosing

F. Correspondence:

A Letter to Congressman Rick Larsen supporting the Cattle Point Road Relocation Project and the continued support of funding through the Surface Transportation Authorization.

A Letter to the Washington State Transportation Commission requesting relief from the 10% super summer surcharge on commercial vehicle travel to the San Juan Islands.

G. Miscellaneous: (No items.)

H. Bid Openings: (No items.)

Motion carried unanimously.

Mr. Peterson recused himself from the vote on the resolution pulled from Consent and the following action took place:

Moved by Myhr, seconded by Rosenfeld, to adopt a Resolution closing the revolving fund and postage fund for Orcas DOL Satellite office and appointing custodians for the San Juan County Auditor's Revolving funds. Motion carried with Peterson abstained.

COUNCIL MEMBER UPDATES

Polaris Mapping: Ms. Pratt reported on a presentation she attended and suggested a Council presentation on Polaris Mapping being done by the Public Works Geographic Information Systems (GIS) team. Mr. Fralick noted that this tool could be useful in the Shoreline Master Program (SMP) and Critical Areas updates.

FAC/Ferries/Intermodal: Mr. Rosenfeld reported on a meeting he was invited to attend regarding border patrol enforcement. The meeting was with the Homeland Security "Border Czar" Alan Bersin. Another meeting was with WSF's David Moseley where they discussed crew compliance with USCG Touring Watch endurance requirements, and also on unsustainable funding, noting that forming a united voice with other ferry served counties to lobby for sustainable funding would be more beneficial. Rosenfeld provided additional updates.

Town Council: Mr. Rosenfeld suggested keeping in mind budget items that could be accomplished in conjunction with the Town of Friday Harbor for savings and budget efficiencies.

Civil Litigation: Mr. Rosenfeld inquired about procedure related to litigation threats. Mr. Rose said he would be following up with the Prosecuting Attorney.

Workshop Discussion: Council discussion took place regarding the format of the CAO workshop.

Council Statement for the 2010 Budget Book: Mr. Peterson noted that he had started a list of accomplishments and requested input from his colleagues.

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Fisherman Bay Road Project: Mr. Myhr reported on progress regarding this project.

Community Meetings regarding the Levy Lift: Mr. Myhr reported that he would be holding a Meeting on September 16, 2009 to discuss the financial situation of the County with Lopez citizens.

State Audit: Mr. Rose reported that the State Audit of SJC would be released next Monday.

Swine Flu: Mr. Rose reported on Dr. James' (SJC Health Official) vigilance regarding the H1N1 flu issues, noting that he would be giving a comprehensive update on this and could do so at either the September or October Board of Health meeting. Mr. Rose suggested a special meeting with SJC Council attendance.

10:20 AM DISCUSSION: Introduction of Proposed Public Defense Ordinance Revision, Adina Cunningham, Deputy Director.

Mr. Rose noted that this was a first touch on an Ordinance previously adopted under the prior Deputy Director, Dave Zeretzke. Ms. Cunningham provided some background, noting that it was more efficient to redraft the Ordinance entirely, as presented with her staff report. Ms. Cunningham answered questions from the Council and Council discussion took place.

11:00 AM PUBLIC HEARING: Resolution to Declare Personal Property Surplus to County Needs and to Set Method of Disposal. Present: Full Council, Pete Rose, County Administrator; Lisa Brown, Public Hearings Specialist/Acting Clerk; Maureen See, Deputy Clerk; Milene Henley, Auditor; Sue Nielsen, Public Works Procurement Specialist; Mike Copas, ER&R Manager; and interested members of the public.

Ms. Henley provided a briefing and referenced the list of ER&R surplus property, noting that her recommended method of disposal would be through an auction. Ms. Henley and Mr. Copas answered questions from the Council. Public testimony was opened, none submitted, and closed. Mr. Peterson inquired who would run the auction and was informed by Ms. Henley that it would be Michael Adams, a local antique dealer and auctioneer.

Moved by Myhr, seconded by Knapp, to authorize the list of surplus items to be sold at public auction. Motion carried unanimously.

11:15 AM PUBLIC HEARING: Request for Election – Orcas Island Parks and Recreation District. Present: Full Council, Pete Rose, County Administrator; Lisa Brown, Public Hearings Specialist/Acting Clerk; Maureen See, Deputy Clerk; Milene Henley, Auditor; and interested members of the public.

Ms. Henley provided background and noted that if approved today, a special filing period of three days would follow. She pointed out the two responsibilities before the Council being setting the boundary and the name of proposed district. She then noted that the petition proposed the district be called "Orcas Island Park & Recreation District" and that the consist of all of Orcas Island. Public testimony was opened, submitted by Kevin O'Brien, who was representing people from a conglomeration of organizations on Orcas Island, and closed with the right to reopen. Ms. Henley answered questions from the Council and the following action took place:

Moved by Fralick, seconded by Knapp, to adopt a Resolution calling for an election to form the Orcas Island Park and Recreation District. Council discussion followed. Ms. Henley suggested an amendment to the motion to say the district will conform within the boundaries specified in the petition to form the district. The maker and the seconder accepted the amendment. **Motion carried unanimously.** Ms. Henley then provided additional information regarding process.

ADDED ITEM: DISCUSSION - Joint meeting with the Town of Friday Harbor.

Discussion took place regarding areas of mutual concern and their inclusion on the agenda September 21, 2009, if time permits. Among the items discussed were budget efficiencies and LTAC coordination.

11:30 AM **CONTINUED PUBLIC MEETING:** Land Bank Transfer of the Sundstrom Property to Conservation Trust with a Conservation Easement to Preservation Trust. Present: Full Council, Pete Rose, County Administrator; Lisa Brown, Public Hearings Specialist/Acting Clerk; Maureen See, Deputy Clerk; Lincoln Bormann, Land Bank Director; and interested members of the public.

Mr. Bormann referenced his Staff Report and provided information regarding the transfer and easement on the Sundstrom Property. He answered questions from the Council. Public testimony was opened, none submitted, and closed. The following action then took place:

Moved by Pratt, seconded by Myhr, to adopt the Resolution to convey the fee title to the Wade Sundstrom farm on San Juan Island to the San Juan Preservation Trust and move to accept the Conservation Easement Deed on the property. Motion carried unanimously.

11:45 AM **CONTINUED PUBLIC HEARINGS:** 1) an Ordinance amending the San Juan County Code Chapter 12.08, County Parks to include Land Bank properties; and 2) Charter update to the Camping Restrictions Ordinance. Present: Full Council, Pete Rose, County Administrator; Lisa Brown, Public Hearings Specialist/Acting Clerk; Maureen See, Deputy Clerk; Karen Vedder, Deputy Prosecuting Attorney; Eliza Habegger, Land Steward, and interested members of the public.

Ms. Vedder noted that the Land Bank had requested final approval from the Land Bank Commission (LBC) on the Ordinance amending SJC Code Chapter 12.08, County Parks, before coming to the Council for adoption. Ms. Vedder pointed out the revisions suggested by the LBC and incorporated into the Ordinance. Ms. Vedder and Ms. Habegger answered questions from the Council. Public testimony was opened, submitted by Jim Higgins, who also provided a written statement; and Amanda Azous, and closed. Ms. Vedder answered additional questions from the Council and the following action took place:

Moved by Myhr, seconded by Knapp, to adopt the Ordinance amending the San Juan County Code Chapter 12.08, County Parks to include Land Bank properties. Motion carried unanimously.

Ms. Vedder answered questions from the Council regarding the Camping Ordinance and it was determined that additional revisions were required. The public hearing for this ordinance was continued to September 1, 2009 at 3:15 p.m.

12:00 PM **RECESS FOR LUNCH AND SIGN DOCUMENTATION**

1:00 PM **CRITICAL AREAS ORDINANCE (CAO) & SHORELINE MASTER PROGRAM (SMP) WORKSHOP:** Held at the San Juan Community Theatre (intersection of 2nd and Guard Street, Friday Harbor) – San Juan County Council. Present: Paul Anderson – Wetlands Scientist, DOE; Dr. Kenneth Brooks, Aquatic Environmental Sciences; Bob Fritzen, Shoreline Planner, DOE; John Graves, CFM, Senior NFIP Specialist FEMA; Robert Levinson, Professional Engineer, Earth Solutions NW, LLC; Kyle Loring, Staff Attorney, Friends of the San Juans; Richard A Mraz, Wetlands Specialist, DOE; Dennis Reynolds, Attorney Representing Common Sense Alliance; Tom Sibley, Branch Chief, NPS Habitat, NOAA; Dr. Kathy Taylor, Shorelands and Environmental Assistance Program DO; Amy Windrope, San Juan Initiative; and interested members of the public.

The Council invited the panel to discuss issues surrounding: 1. Setbacks and Buffers; 2. Review and Approval Process; and 3. Tailored Buffers; related to the CAO and SMP. Council Chair Peterson announced protocol and had each panel member introduce themselves. The panel answered questions from the Council and as time permitted, written questions submitted from the audience. Questions arranged in advance of the meeting were posted to the SJC website and it was noted that questions submitted during the session would be posted to the website as well.

4:00 PM **ADJOURN:** Council Chair Peterson adjourned the meeting at approximately 4:25. A meeting was scheduled for Monday, August 31, 2009, and the next regular meeting was scheduled for Tuesday, September 1, 2009.

APPOINTMENTS: See Consent Agenda, section E.

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

CALL FOR BIDS: (No items.)

CONTRACTS/AGREEMENTS: (No items.)

CORRESPONDENCE: See Consent Agenda, section F.

MISCELLANEOUS ITEMS: (No items.)

ORDINANCES / RESOLUTIONS:

ORD. NO. 33-2009: An Ordinance amending San Juan County Code Chapter 12.08, County Parks and Land Bank property. (Refer to PUBLIC HEARINGS, 11:45 a.m., for details of action taken.)

RES. NO. 29-2009: Resolution accepting two easements and authorizing payment for Enchanted Forrest Road Right of Way acquisition, CRP 020609, Orcas Island. (Refer to CONSENT AGENDA, section A, for details of action taken.)

RES. NO. 30-2009: Resolution closing revolving fund and postage fund for Orcas DOL Satellite office and appointing custodians for the SJC Auditor's revolving funds. (Refer to COUNCIL ADMINISTRATIVE MATTERS, for details of action taken.)

RES. NO. 31-2009: Resolution declaring certain SJC Property surplus. (Refer to PUBLIC HEARING, 11:00 a.m., for details of action taken.)

RES. NO. 32-2009: Resolution calling for an Election to form the Orcas Island Park and Recreation District. (Refer to PUBLIC HEARING, 11:15 a.m., for details of action taken.)

RES. NO. 33-2009: Resolution approving the sale of the Sundstrom Property to the San Juan Preservation Trust and accepting a Conservation Easement on the Property. (Refer to PUBLIC HEARING, 11:30 a.m., for details of action taken.)

PERSONNEL ITEMS: (No items.)

These Minutes were approved and signed on Tuesday, September 1, 2009. The original document is retained in the Council's permanent proceedings file. Attest: Lisa J. Brown, Deputy Clerk.