

**SAN JUAN COUNTY (SJC), WASHINGTON**  
**MEETING MINUTES**

**COUNTY COUNCIL**  
**January 25, 2011**

Tuesday, January 25, 2011 - Council Hearing Room, Legislative Building, Friday Harbor

**10:00 AM CALL TO ORDER**

Council Chair Lovel Pratt called the meeting to order at 10:00 a.m. Council members present: Howard (Howie) Rosenfeld, Rich Peterson, Richard Fralick, Jamie Stephens, and Patty Miller; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Ms. Pratt reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing via live-streaming on the day of the meeting and can be viewed the following day on the Council website. The current video and three months of prior videos can be accessed by going to the San Juan County website [www.sanjuanco.com](http://www.sanjuanco.com) and selecting the County Council tab.

**New Employee Introduction:**

Auditor Milene Henley introduced Yvette Ellis, the new Customer Service Specialist in the Auditor's department.

**Citizens Access:** The following citizens submitted comments: Janet Alderton, Ryan Drum, Dave Cable, Tim Blanchard, Dan Post, Kyle Loring,

**10:29 AM Clerk Update and Administrative Matters – Clerk Ingrid Gabriel**

Ms. Gabriel reminded the Council that the next meeting a joint meeting with the Planning Commission on February 8 and 9 at the Mullis Center. The next available public hearing is February 15 on Orcas Island.

**10:31 AM PRESENTATION: Northwest Regional Council (NWRC) – Victoria Doerper, Executive Director**

Ms. Doerper gave an overview of the NWRC, whose main function is to provide an Area Agency on Aging as mandated by State law.

**Moved by Mr. Stephens, seconded by Mr. Fralick, to appoint Mr. Peterson to the Northwest Regional Council. ALL AYES, MOTION CARRIED**

**10:48 AM PUBLIC HEARING:**

**Continued Hearing** from November 30, 2010 on an Ordinance Amending the San Juan County Code Chapter 16.50, Current Use Program, Adding a Public Benefit Rating System for Farm and Agricultural Conservation Lands, and Updating Terminology to be Consistent with the County Charter and State Law – Karen Vedder, Deputy Prosecuting Attorney

**Present:** Full Council; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public

Ms. Miller said she had listened to the recorded hearings, presentations, and testimony on September 28, October 19 and November 30. She is familiar with the record and the issues and ready to participate today.

Mr. Stephens said that he had met with Deputy Prosecuting Attorney Karen Vedder, had listened to the September 28, October 19, and November 30 recorded hearings, and was familiar with the record and the issues and ready to participate today.

Ms. Vedder summarized the Ordinance language, with attention to Section 5 and Section 6. New Section.Sec.6. allows for the inclusion of priority habitats. Ms. Vedder stated that the changes made in the ordinance were consistent with the provisions of state law and the Charter. Ms. Vedder answered questions from the Council

Assessor Charles Zalmanek and Planning Coordinator Shireene Hale answered questions from the Council. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Ms. Miller, to strike priority habitats from the Ordinance. VOTE: 5-1, (Rosenfeld opposed) Motion Carried**

**Moved by Mr. Fralick, seconded by Mr. Stephens, to change the language in the ordinance from a 7 year program to a 10 year program, and to add agricultural language as recommended by staff. ALL AYES, MOTION CARRIED**

**Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to remove the requirement for conservation easement within a ten year window as it applies to farm and agricultural conservation land. MOTION WITHDRAWN**

**Moved by Ms. Miller, seconded by Mr. Fralick, to remove under Section 8 B.Criteria the following words "...agricultural conservation land..." from the "...20 percent..." bonus for conservation easement. VOTE: 5-1 (Pratt opposed) MOTION CARRIED**

**Moved by Ms. Miller, seconded by Mr. Fralick, to amend Section 7, #5 to say "No public access points shall be given for farm and agricultural conservation land." MOTION WITHDRAWN**

**Moved by Ms. Pratt, seconded by Mr. Stephens, to remove C.#2 from New Section 5. VOTE: 3 AYES, (Pratt, Stephens, Rosenfeld); 2 OPPOSED (Fralick and Peterson) 1 (Miller abstained) MOTION NOT CARRIED**

**Moved by Mr. Fralick, seconded Mr. Rosenfeld, to adopt the housecleaning measures in the ordinance. ALL AYES, MOTION CARRIED**

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to continue the Public Hearing to make certain that the changes discussed today have been correctly incorporated into**

**ordinance, which shall be set for continued Public Hearing on Tuesday, March 1, 2011 at 10:15 AM. ALL AYES, MOTION CARRIED**

**12:50 PM                    Recess for Lunch**

**1:30 PM                    DISCUSSION:** Discussion on Mini-Initiative on an Ordinance Vesting Property Owners with the Right to Plan and Build under Existing Regulations [Initiative 2010-3] (1<sup>st</sup> touch) – Jon Cain, Deputy Prosecuting Attorney

Mr. Cain discussed the authority for vesting rules, the effect of the ordinance proposed by Mini-Initiative 2010-3, and the procedural requirements applicable to adoption of the proposed ordinance. Mr. Cain answered questions from the Council.

**1:51 PM                    COUNTY ADMINISTRATOR ITEMS:**

1. Surplus Resolution for Waldron Gravel (2<sup>nd</sup> touch)

Mr. Rose introduced the issue before the Council and a recommended resolution to dispose surplus county personal property by sealed-bid auction. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Peterson, to set a Public Hearing for 10:45 am on February 15, 2011, on Orcas Island at the Fire Hall, for the purpose of considering Declaration of 1,000 Yards of Gravel in the Waldron Pit as surplus to the County's needs. ALL AYES, MOTION CARRIED**

**1:57 PM                    DISCUSSION:** Introduction of Shoreline Master Program Public Participation Plan [public comment accepted] (2<sup>nd</sup> touch) – Colin Maycock, Senior Planner

Mr. Maycock gave a PowerPoint presentation on the Shoreline Management Act that included requirements, process, and the draft public participation plan. Mr. Maycock answered questions from the Council.

Public comments were taken from: Janet Alderton, Sharon Kivisto, Micki Bostrom, Jack Cory, Stephanie Buffum, Tim Blanchard

**3:09 AM                    COUNTY ADMINISTRATOR ITEMS (continued):** Pete Rose, County Administrator

2. Council Selection of County Administrator Pro-Tem

Mr. Rose explained the recommended appointment of an Administrator Pro-Tem. After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to approve David Kelly as Administrator Pro-Tem and authorize a monthly stipend of \$100 for the Administrator Pro-Tem. ALL AYES, MOTION CARRIED**

3. Ordinance Authorizing the County Administrator to Open Bid Proposals Accept Bids, Execute Construction Contract Documents and Change Orders, and Accept Completed Work for 2011 County Construction Projects (2<sup>nd</sup> touch) – John Van Lund, County Engineer

After discussion, the following action took place:

**Moved by Mr. Fralick, seconded by Mr. Rosenfeld, to set a Public Hearing on 10:15 am on March 1, 2011, to hear testimony on an Ordinance that authorizes the County Administrator to call for bids, open bid proposals, accept bids within budget and approved scope, execute contract documents and change orders, and accept completed work for 2011 County construction projects. ALL AYES, MOTION CARRIED**

4. Conveyance of Buck Property, Beaverton Marsh, San Juan Island to San Juan Preservation Trust (2<sup>nd</sup> touch) – Lincoln Bormann, Land Bank Director

Mr. Rose, standing in for Land Bank Director Lincoln Bormann, explained two conveyance documents coming before the Council. Mr. Rose answered questions from the Council

5. Boundary Line Modification at Judd Cove Preserve, Orcas Island (2<sup>nd</sup> touch) – Lincoln Bormann, Land Bank Director

Mr. Rose, standing in for Land Bank Director Lincoln Bormann, introduced the boundary line modification at Judd Cove. The matter will be brought forth on February 15 on Orcas Island.

6. Resolution to Adopt the Reference Line for County Road Right-of-Way (2<sup>nd</sup> touch) – Jon Shannon, Public Works Director

Mr. Shannon offered some background information on the County Road Right-Of-Way on Mt. Baker Road and answered questions from the Council.

**3:35 PM Committee Update:** Ms. See gave a committee update. After discussion, the following action took place:

**Moved by Ms. Miller, seconded by Mr. Peterson, to reappoint Howie Rosenfeld to the Ferry Advisory Committee. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to appoint Barbara Starr to the Board of Health, as recommended by the Town Council of Friday Harbor. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to appoint Anna Maria de Freitas to the Housing Bank Commission, Position #4, as recommended by the Town Council of Friday Harbor. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Mr. Peterson, to appoint Noel Monin to the Solid Waste Advisory Committee, as recommended by the Town Council of Friday Harbor. 5-0-1 (Miller abstained) MOTION CARRIED**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to direct the County Administrator to prepare an education program for advisory committees. ALL AYES, MOTION CARRIED**

**Review and Approve Minutes of January 4, 2011:**

**Moved by Mr. Peterson, seconded by Ms. Miller, to approve the Minutes of January 11, 2011. ALL AYES, MOTION CARRIED**

**Review Agendas:**

Council reviewed upcoming schedules

**Review and Approve Consent Agenda**

**A. Resolutions:**

~~A Resolution Authorizing Treasurer to Cancel Uncollectible Personal Property Taxes removed from Consent Agenda~~

**Ordinances:**

**B. Contracts/Agreements:**

**C. Budget Items:**

The Auditor's office requests approval for the following warrants:

2010: Warrants #89346-89424 in the amount of \$85,615.73 for County Claims  
Warrants #89425-89453 in the amount of \$51,988.22 for Public Works  
Warrants #89524-89635 in the amount of \$109,790.24 for County Claims  
Warrants #89682-89709 in the amount of \$21,855.58 for County Claims  
Warrants #89636-89681 in the amount of \$43,491.34 for Public Works  
Interfund Transfers for the month of December, 2010

2011: Warrants #89454-89468 in the amount of \$85,399.09 for County Claims  
Warrants #89469-89476 in the amount of \$45,206.37 for Public Works  
Warrants #89710-89720 in the amount of \$14,234.22 for Public Works

**D. Personnel:**

**E. Appointments**

**F. Correspondence:**

**G. Miscellaneous:**

2010 Civil Service Commission Report  
2010 Statistical Summary of the Board of Equalization

**H. Bid Openings:**

**Moved by Ms. Miller, seconded by Mr. Rosenfeld, to adopt a Resolution authorizing the Treasurer to Cancel Uncollectible Personal Property Taxes. ALL AYES, MOTION CARRIED**

**Moved by Mr. Rosenfeld, seconded by Ms. Miller, to approve the Consent Agenda of January 25, 2011. 5-0-1 (Pratt Abstained noting that she had not made time to review the warrants), MOTION CARRIED**

**Review Council Calendar Items:**

Various dates were added to the Council Calendar, and the new committee appointments were updated.

**4:01 PM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS**

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve a letter to state legislators, as amended, concerning the State's oil spill program. (continued)**

**Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to continue the discussion on the oil spill program letter in five minutes. ALL AYES, MOTION CARRIED**

**Legislative Priorities:** Ms. Pratt reported that Uriel Ybarra, Senator Murray's Northwest Regional Director, was in San Juan County on January 13. Ms. Pratt, Mr. Peterson, and Mr. Fralick met with Mr. Ybarra to review the Council's 2011 Federal Legislative priorities. Mr. Ybarra also met separately with Mr. Rosenfeld. Ms. Pratt and Mr. Ybarra went to the Cattle Point Road relocation site and met on-site with Peter Deterich, Superintendent of the San Juan Island National Historical Park; Shannon Wilbur, SJC Public Works Transportation Planner; Jim Hooper, President of the Cape San Juan Homeowners Association, and Earlene Routhage, President of the Cattle Point Homeowner's Association.

**Moved by Mr. Rosenfeld, seconded by Mr. Stephens, to approve a letter to state legislators, as amended, concerning the State's oil spill program. ALL AYES, MOTION CARRIED**

**Ferries/FAC/Intermodal:** Mr. Rosenfeld reported on an Anacortes meeting regarding ferry schedules, and will go to Olympia to meet with the Governor this week. There are several bills in the legislature dealing with ferry issues. The FAC team have been examining the WA State Ferry's fiscal picture, primarily expenditures, the budget for transportation, capital and operations. For more information on the idea of a Regional Ferry District, go to the following sites: [#4FCP@yahoo.com](mailto:#4FCP@yahoo.com) [sjiferrygroup.wordpress.com](http://sjiferrygroup.wordpress.com)

**Budget Subcommittee:** Mr. Fralick will be scheduling a meeting soon and will deliver a work plan.

**General Government Subcommittee:** Mr. Peterson reported the committee was originally scheduled to meet this morning, but it was cancelled. A new meeting will be scheduled

**Solid Waste Subcommittee:** Ms. Miller reported they have met several times and are focusing on financials. The committee will meet with SWAC on Thursday.

**Additional Updates & Discussion Items:**

Ms. Pratt and Mr. Peterson reported on the meeting of the Accountability Oversight Committee (AOC) which was held in Anacortes on Friday, January 21<sup>st</sup>. One outcome of the AOC's discussion was the recommendation that an elected official be appointed to serve as an alternate on the Ecosystem Coordination Board (ECB). Ms. Pratt noted that one of the Council's 2011 State Legislative priorities is to secure a SJC seat on the ECB. After discussion, the following action took place:

**Move by Mr. Fralick, seconded by Mr. Stephens, to make an interim appointment of Rich Peterson for the February 3 meeting with the Ecosystem Coordination Board in Olympia. ALL AYES, MOTION CARRIED**

**4:56 PM                      ADJOURN AND SIGN DOCUMENTATION**

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**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

**These Minutes were approved and signed on February 15, 2011. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.**