

**MEETING MINUTES
SAN JUAN COUNTY (SJC), WASHINGTON
COUNTY COUNCIL
August 24, 2010**

Tuesday, August 24, 2010 - Council Hearing Room, Legislative Building, Friday Harbor

10:05 AM CALL TO ORDER

Council Chair Richard Fralick called the meeting to order at 10:05 a.m. Council members present: Vice-Chair Lovel Pratt, Howard (Howie) Rosenfeld, Gene Knapp, Bob Myhr, Rich Peterson; County Administrator Pete Rose, Clerk to the Council Ingrid Gabriel, Deputy Clerk Maureen See, and interested members of the public were present.

Mr. Fralick reminded the public that video recordings of Council meetings held in the Council Legislative Hearing Room are available for on-line viewing the day after the meeting. The videos will be archived for the three previous months and can be accessed by going to the San Juan County website www.sanjuanco.com and selecting the County Council tab.

Downloads from which to burn DVDs of meetings as well as attached documents are now available by ordering directly from the website. A sheet with directions is available on the back table.

Because of the demands on our staff's time, we ask that you please take advantage of the online service if at all possible. For those who are unable to download and burn due to technological limitations, our staff has a limited capacity to produce copies of the video on USB memory sticks. The cost is \$20 each.

Citizens Access: The following citizens submitted comments: Tim Blanchard; Frank Penwell submitted written comment

10:14 AM CLERK UPDATE & ADMINISTRATIVE MATTERS:

Ms. Gabriel: No report at this time

Ms. See: Committee report will be given at the August 31 meeting.

Review and Approve Minutes of August 10, 2010:

Moved by Mr. Peterson, seconded by Mr. Rosenfeld, to approve the Minutes of August 10, 2010. ALL AYES, MOTION CARRIED

Review Agendas:

Discussion took place regarding agenda items for the Solid Waste Workshop scheduled for Monday, August 30, 2010. Mr. Rosenfeld submitted a list of questions for the workshop that included long range ideas. Mr. Myhr asked for a report from Island County that included fee structures. Ms. Pratt offered to share her copy.

Review and Approve Consent Agenda of August 24, 2010 as follows:

A. Resolutions:

A Resolution granting Wallenberg Timber Open Space Classification Application No. PTOSOP-10-0001 on Orcas Island.

Ordinances:

B. Contracts/Agreements:

C. Budget Items:

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

- Warrants #83026-83148 for the total amount of \$142,033.68 for County Claims
- Warrants #83188-83249 in the amount of \$95,992.57 for Public Works Claims
- Warrants #83149-83187 in the amount of \$24,336.75 for the Fair Dept
- Warrants #83413-83430 in the amount of \$5,591.42 for Medical Reimbursements
- EFT#8172010 in the amount of \$7,431.16 for Public Works Excise
- Warrants #83431-83510 in the amount of \$115,505.30 for County Claims
- Warrants #83511-83539 in the amount of \$45,460.13 for Public Works

D. Personnel:

E. Appointments

F. Correspondence:

~~A letter to Captain Scott Pollock, US Coast Guard, regarding touring watches on the Interisland ferry.~~

This letter was removed from the Consent Agenda during session.

G. Miscellaneous:

H. Bid Openings:

Moved by Mr. Myhr, seconded by Mr. Knapp, to approve the Consent Agenda of August 24, 2010 as amended. ALL AYES, MOTION CARRIED

Review Council Calendar Items:

Clerk Gabriel will update the Council Calendar.

10:31 AM COUNCIL MEMBER UPDATES & DISCUSSION ITEMS:

Ferries/FAC/Intermodal: Mr. Rosenfeld gave a report on this morning's Special Meeting of the Ferry Advisory Committee. Mr. Rosenfeld will write a letter to the Coast Guard over his signature asking for a meeting in Seattle to discuss the touring watches and other safety issues. Mr. Rosenfeld will ask that the ferry comment blog on our website be reinstated.

Budget Subcommittee: No report at this time

General Government Subcommittee: No report at this time

Additional Updates: Ms. Pratt reminded Council that the Legislative Priorities Workshop is scheduled for next week, and white papers are due to her by August 26.

Mr. Rosenfeld added that the Solid Waste Advisory Committee (SWAC) met yesterday and will be making recommendations before the Solid Waste Workshop.

10:30 AM RECESS

10:47 AM PUBLIC HEARING:

Public Hearing on a Resolution to Lease the Frazer Homestead on San Juan Island for Agricultural Use – Lincoln Bormann, Land Bank Director

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

Mr. Bormann gave an introduction with Land Bank's recommendation that Council authorize a lease with Mike Sundstrom for agricultural use of 53 acres of the Frazer Homestead Property.

Discussion followed, with Mr. Peterson asking for a change on page 13 of 20 which incorrectly listed him as the Vice Chair of the Council.

Mr. Fralick opened for public testimony, then closed, reserving the right to reopen. After deliberations, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Rosenfeld, to approve a Resolution to accept the lease of the Frazer Homestead property for agricultural use. ALL AYES, MOTION CARRIED

11:15 AM COUNTY ADMINISTRATOR ITEMS:

Mr. Rose asked the Council to reaffirm the personnel configuration of the newly combined Parks and Fair Department.

Moved Mr. Peterson, seconded by Mr. Myhr, to affirm that Dona Wuthnow is the Director of the combined Parks and Fair Department. ALL AYES, MOTION CARRIED

1. Hearings Examiner Appeals Ordinance [2010 UDC Amendment Proposal] (1st Touch) – Colin Maycock, Senior Planner

Mr. Maycock introduced the proposed Hearing Examiner Appeals ordinance, amending San Juan County Code sections and bringing the Unified Development Code (UDC) into consistency with the Home Rule Charter.

Ms. Pratt asked for minutes from the Planning Commission with their findings and recommendations to the Council.

2. Critical Area Ordinance (CAO) /Shoreline Master Plan (SMP) Update on Consultant Selection Recommendation – Shireene Hale, Planning Coordinator

Ms. Hale explained the selection process to the Council. After discussion, the following action took place:

Moved by Mr. Myhr, seconded by Mr. Knapp, to award the CAO/SMP contract to the Watershed Company and authorize the County Administrator to execute the contract pending the successful final negotiation. ALL AYES, MOTION CARRIED

3. ECONet Presentation: 2010 Short Run to the Sea – Jeff Hanson, Marine Resources Committee Outreach Coordinator and SJC ECONet Coordinator

Mr. Hanson introduced Carrie Cooper, Coordinator for the Soundwatch Kayak Education and Leadership Program (KELP). Mr. Hanson presented a PowerPoint overview of the Stewardship Network of the San Juan Islands entitled “ECONet and the Short Run to the Sea in the San Juans Project.”

11:47 PM RECESS FOR LUNCH

1:05 PM DISCUSSION: Lincoln Bormann, Land Bank Director (Public Comment Taken)

1. Resolution to Accept Deed of Conservation Easement for Buck Property on San Juan Island
2. Resolution to Acquire and Accept Statutory Warranty Deed for Buck “Fee Tract” on San Juan Island

Mr. Bormann introduced the acceptance of the Statutory Warranty Deed for a 40-acre tract “Fee Tract” and the acceptance of a Conservation Easement Deed on a 3.5-acre tract “Conservation Easement Tract” in Beaverton Valley, San Juan Island. After discussion, the following action took place:

Moved by Ms. Pratt, seconded by Mr. Knapp, to approve two resolutions to: 1) accept the Statutory Warranty Deed for the 40-acre Buck “Fee Tract”, and 2) accept the Conservation Easement Deed for the 3.5-acre “Conservation Easement Tract” property, both in Beaverton Valley, San Juan Island. ALL AYES, MOTION CARRIED

3. Resolution to Accept Deed of Historic Preservation and Conservation Easement for the Erickson Property on San Juan Island

Ms. Pratt offered the following statement: I will comply with the recommendations of the Prosecuting Attorney as stated in his August 5, 2010 memo and not participate on the vote of approval of this Historic Preservation and Conservation Easement, and further, the Prosecuting Attorney has prepared a script that fulfills his requirements for the disclosure on the minutes which he will read at this time.

Mr. Gaylord gave the following statement: I have met with and discussed the extent of Ms. Pratt’s involvement with the San Juan Island Agricultural Guild. The following is Ms. Pratt’s statement which I wrote: I wish to make a statement regarding my involvement with the San Juan Islands Agricultural Guild before the Council considers the item of the Historical Preservation and Conservation Easement with the Agricultural Guild as the contracting party. I ask that the Clerk of the Council make this statement part of the minutes of the County Council.

In December, 2009, shortly before I took office, and after the former County Council members had voted to approve the 2008 Amended Expenditure and Acquisition plan for the Land Bank and the Nichols Property transaction, I sent an e-mail to the other Council members, the

County Administrator and Prosecuting Attorney that I was being paid by the Ag Guild to work on two projects, one of which was the plan for a permanent farmers market in Friday Harbor. I told the Council that it was my intention to continue to work for and be paid by the Ag Guild.

During the year 2009 and through June 22, 2010, Mulno Cove Creations LLC, a limited company of which my husband, Boyd, and I are managers, had a professional services contract with the Ag Guild to act as the Project Director of the Permanent Farmer's Market Project. The work was performed under the direction of the Board of Directors of the Ag Guild. The scope of work included directing the development of the permanent farmer's market and working collaboratively with various entities to facilitate property negotiations. For the work, the Ag Guild paid Mulno Cove Creations \$35 per hour on invoices delivered, and made some reimbursement of expenses, and I donated considerable hours of my time for which I received no payment.

The contract with Mulno Cove Creations is over. Presently, I am an unpaid volunteer for the Ag Guild and I receive no financial payment for my volunteer work. There is no arrangement with the Ag Guild that will in the future result in payment of money to me, any family members or any corporation, partnership or limited liability company of which I am a member. Although I do not have a present or future financial interest with the Ag Guild, the Prosecuting Attorney has advised that I make this disclosure and not participate on the matter of acceptance of the Historical Preservation and Conservation Easement as a member of the County Council.

Mr. Bormann explained in depth the role of the Land Bank regarding the Erickson Property. After discussion, the following citizens offered public comment: Bill Wright, Bill Weissinger, Mark Madsen, Ernest Pugh, Sarah Crosby, Joel Thorson, Paul LeBaron, Ally Ruge, Laura Jo Severson, Angel Michaels, Ruth Mahan, Gayle Bordorff, Grishna Krivchewa, Wendy Shepard, Jeff Brash, Eric Adleberger, Senator Kevin Ranker, David Waldron, Bob Gamble, Anne Sheridan, Chris Pope, Larry Greene, Stephanie Buffum, Roger Bennett, Maria Villa, David Bauermeister, Gay Wilmerding, Liz Illg.

After public comment, discussion continued with Council asking questions of Mr. Gaylord and Mr. Bormann. The following action took place:

**Moved by Mr. Myhr, seconded by Mr. Knapp, to approve a Resolution to accept the Historic Preservation and Conservation Easement Deed for the .35-acre Erickson property in Friday Harbor, San Juan Island. VOTE: 3-2 (Fralick and Peterson opposed)
MOTION NOT CARRIED**

4:35 PM DISCUSSION: Solid Waste Required Compliance Improvements –
Ed Hale, Utility Manager

Mr. Fralick announced that Lovel Pratt will be absent for the remainder of the afternoon.

Mr. Rose introduced the discussion regarding compliance improvements at the San Juan Drop Box. After discussion, the following action took place:

Moved by Mr. Rosenfeld, seconded by Mr. Myhr, to make the compliance improvements and maintain service level until longer range decisions are made. ALL AYES, MOTION CARRIED (5-0, Ms. Pratt absent)

4:40 PM CLOSED SESSION: At 4:40 PM Council Chair Fralick announced that the Council would be holding a **closed session** to discuss matters pertaining to collective bargaining pursuant to RCW 42.30.140(4)(b); estimated to last approximately 20 minutes. Present: Council absent Lovel Pratt, County Administrator Pete Rose, Human Resources Manager Pamela Morais, Deputy County Administrator David Kelley and Council Clerk Ingrid Gabriel. At 5:00, it was announced that the session would take an additional 10 minutes. The session ended at 5:15 for a total closed session time of 35 minutes.

No Action was taken.

County Administrator Pete Rose stepped out of the hearing room and announced that the closed session had ended. Mr. Fralick called the meeting back into regular session before adjourning the meeting.

5:15 PM ADJOURN AND SIGN DOCUMENTATION

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

These Minutes were approved and signed on August 31, 2010. The original document is retained in the Council's permanent proceedings file. Attest: Ingrid Gabriel, Council Clerk.