

**Minutes of Town Council of Friday Harbor  
1992**

**Town Council - January 2, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch, Treasurer Picinich, Maintenance Supervisor Reitan, & Fire Chief Galer

Town Clerk Dubail administered the oath of office to the newly elected officials; Councilmembers Dickinson, Lackey, and Nash, and Treasurer Picinich.

The Council reviewed the claims and inquired about certain items.

Councilmember Nash moved and Councilmember Potter seconded to approve claims warrants #4200 through 4261 in the amount of \$75,670.13 and payroll warrants #2287 through 2329 in the amount of \$64,860.69 and #2330 through 2332 in the amount of \$935.72. The motion passed unanimously.

Maintenance Supervisor reported that the reservoir is approximately 47" below the spillway. 15 million gallons have been pumped through Augmentation project #1. The Top of the Harbor fire pumps are now operable. The Grover/Hunt Street water main tie is almost complete. He mentioned the rental, with FEMA funds, and possible purchase of a pre-owned chipper.

Bob Erickson, Solid Waste Department Leadman, reported that he and Herb Mason of his department had attended certification school. The Town burned 2,457 tons of refuse in 1991. 67 "landfill" boxes have been hauled to the County landfill on Orcas Island. Mr. Erickson pointed out that new State regulations require that a certified operator must be onsite during the operation of any type of incinerator including during the startup and burndown stages. Also, the incinerator may not operate outside of daylight hours and a daily operation log must be kept.

Mr. Erickson noted that the Town incinerator does not have a current operating permit. The incinerator most likely will need a new control system. He mentioned that the burner is currently working "about the best its ever worked." Optimum performance is achieved with approximately 150 ton per month burn volume. Recycling has reduced glass and metal in the waste stream.

Mr. Erickson stated that another certified operator or a variance will be needed for longer hours of operation during the summer.

The Council discussed cardboard baling at the incinerator and future curbside newspaper pick-up. Mr. Erickson suggested commercial cardboard pick-up with an associated fee. Town Administrator Fitch noted that cardboard processing will not be a free service.

At Councilmember Potter's inquiry, Mr. Erickson estimated that the cardboard baler should be installed by January 15th. At that time his department would be ready to start commercial

cardboard pick-up and possibly, newspaper pick-up. He noted there isn't much of a market for recycled newspapers.

At 1:20 PM, Mayor Cahail thanked Leadman Erickson for his presentation.

Mayor Cahail presented draft resolution #816, a resolution authorizing the Mayor to execute an agreement for 1992 janitorial services for Town Hall with Roger D. Longley.

Councilmember Athearn moved and Councilmember Lackey seconded to adopt Resolution #816. The motion passed unanimously.

Mayor Cahail presented draft resolution #819, a resolution designating San Juan County Bank as the Town's banking depository.

Councilmember Potter moved and Councilmember Nash seconded to adopt Resolution #819. The motion passed unanimously.

Administrator Fitch noted that the Council will have a public hearing regarding the Harbor House proposal at their January 16th meeting.

Administrator Fitch noted the need for discussion and decisions regarding upcoming GMA deadlines.

Councilmember Athearn informed the Council of a scheduled broadcast of a GMA presentation on Channel 9 at 9:00 PM, January 15th. Administrator Fitch mentioned that the Town also has some GMA videos available.

At 1:37 PM, Councilmember Dickinson moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - January 2, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes of the 12/19/91 7:30 PM meeting and the 12/21/91 4:00 PM meeting were approved as amended.

At 7:35 PM, Mayor Cahail opened the Public Hearing for the G.B.I. Corporation application to Short Plat a parcel of previously platted land (Amended Surina Short Plat) and instructed the audience in the procedure that would be followed.

Hearing no objection to his or any Councilmembers participation in the hearing, Mayor Cahail asked Warren Jones, Permit Coordinator, to present the staff report.

Mr. Jones noted receipt this date of a letter from Ingrid Fabianson, an adjoining property owner, in regard to the proposal. The letter has been distributed to the Council.

Mr. Jones explained particulars of the proposal, the procedures followed, and that the staff and Planning Commission recommend approval. An existing 40' right-of-way (ROW) will need to be widened to 50' as it is a private roadway easement. The plat will need numeric rather than alphabetical designators.

Mr. Jones noted that a formal development proposal for the subject property has not been received at this time.

There was no proponent present to speak on the proposal. There were no comments from the audience.

Town Administrator Fitch noted that the environmental checklist was inadvertently not included in the staff report distributed to the Council. He stated that the proposal has received a Determination of Nonsignificance (DNS) at the recommendation of the Permit Coordinator.

Again, there were no comments from the audience.

At Councilmember Dickinson's inquiry, Mr. Jones responded that, to the best of his knowledge, the 40' ROW easement was established at the time of the original Surina Short Plat.

Councilmember Athearn inquired if 10' of the 50' ROW could be used for screening.

Administrator Fitch responded that the Town would only require a 20' width to be developed for access.

At 7:55 PM, hearing no further comments, Mayor Cahail closed the public input portion of the hearing, noting the Council reserves the right to reopen the hearing for public comment at a later time or date.

The Council discussed the proposal, including conditioning approval to require screening. It was noted that, with the required 50' wide easement, any screening issue could be addressed when considering a development proposal. Councilmember Dickinson pointed out that the property is zoned multi-family residential (MFR).

Councilmember Nash wished to acknowledge the concern mentioned in the above referenced letter.

At 8:03 PM, Councilmember Potter moved to approve the short plat and adopt the Findings & Conclusions as presented in the staff report. Councilmember Nash seconded the motion. The motion passed unanimously.

The Council heard a presentation from Mark Kendziorek, president of the San Juan Island Chamber of Commerce, regarding parking in town. Mr. Kendziorek referred to the Chamber of Commerce's 12/29/91 letter to the Council suggesting a number of possible solutions. He noted he had divided the suggested solutions into 3 phases.

Mr. Kendziorek explained the rationale behind his organization's suggestions and noted the unique circumstances in Friday Harbor and on San Juan Island. He suggested exploring additional funding sources and possibly asking for consideration by the State legislature. As a long term option he suggested making the first 2 blocks of Spring Street a pedestrian mall.

Mayor Cahail asked Mr. Kendziorek how much the business community was able and willing to support.

Mr. Kendziorek noted that the typical local business is a "tentative existence", but that the business community is willing to help. He noted that he's had no negative comments from local businesses regarding a 1 hour time limit parking proposal.

Administrator Fitch mentioned that in discussions with District Court officials, they indicated that a majority of parking infractions are committed by visitors. The District Court personnel felt that a \$15.00 charge would increase the verbal abuse they receive and the agitation of the ticketed visitors.

At Councilmember Athearn's inquiry, Administrator Fitch noted that the current parking enforcement program is designed to be revenue neutral.

Mr. Kendziorek commented that the proposed \$15.00 charge is intended as a deterrent, not a revenue source.

Councilmember Nash noted the need of patrons of certain businesses for more than 1 hour parking.

Mayor Cahail emphasized that the above are suggestions from a "concerned business community" and it is an opportunity for the Council to move forward on this issue.

Town Administrator Fitch applauded the effort that went into the proposal.

Mayor Cahail and the Council thanked Mr. Kendziorek for his presentation.

At 8:33 PM, Mayor Cahail presented the 12/13/91 Findings & Conclusions for the Kwan Lamah (Mariella Inn) Shoreline Substantial Development Permit #52.

Administrator Fitch noted that if the Council approves the Findings & Conclusions the appropriate agencies will be notified.

At 8:35 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to approve the Findings & Conclusions for the Kwan Lamah Shoreline Substantial Development Permit #52 and the Conditions of Approval. The motion passed unanimously.

Mayor Cahail introduced draft resolution #817, a resolution authorizing the Mayor to execute an agreement for one-call underground warning services with Asplundh Company.

At Mayor Cahail's request, Administrator Fitch summarized the history and intent of a one-call utility location service.

Mayor Cahail recounted additional history on the development of the service. He noted that it is a State law that all applicable agencies be notified before commencing an excavation over 12' deep.

At Councilmember Dickinson's inquiry, Mayor Cahail noted that public education and advertisement was a part of the cost of participating in the program.

Councilmember Nash noted that the proposed service is basically an advertising and phone answering service. It was noted that the cost per year to the Town would be \$207.00.

At 8:46 PM, Councilmember Potter moved and Councilmember Lackey seconded to adopt Resolution #817. After further discussion the motion passed unanimously.

Mayor Cahail opened the meeting for discussion by the Council in regard to becoming a Optional Municipal Code City.

Councilmember Athearn noted a previous presentation on the subject by a Municipal Research & Services Center representative.

Councilmember Potter summarized some of the benefits of being a code city.

The Council and staff discussed various aspects of being a code city. Mayor Cahail noted that it is a common misconception that a change of classification necessitates a change of form of government.

Councilmember Dickinson inquired that, considering the GMA, was the difference an advantage or a disadvantage?

The relative powers of a 4th class town and a code city were discussed.

Administrator Fitch suggested inviting elected officials, including a previous treasurer, from a similar town that had recently converted to a code city. The Council concurred with, and directed staff to pursue, the suggestion. Gig Harbor was suggested as a possible source to contact for the above.

At 9:40 PM, Town Administrator Fitch presented the Administrator's report:

He noted that the staff is in the final stages of pursuing answers to Council concerns regarding siting of the new water tank. The Town application is "seventh from the top" in the County review process. Staff will be prepared to go to bid in late February or early March. He asked if the Council had any concerns regarding moving forward with this project.

The Council discussed the KCM response to concerns previously raised by Council.

Administrator Fitch second report item was in regard to a 12/24/91 letter from Stephen Deem, Regional Engineer for Department of Health (DOH) Drinking Water Operations. The letter raised previously unmentioned concerns regarding water treatment process selection as proposed in the November 1991 Analysis and Recommendation of Water Treatment Process report prepared for the Town by Kramer, Chin, & Mayo, Inc. Mr. Deem would like a "pilot plant study" done on site.

Mr. Fitch noted that the associated delay in the construction of the upgraded treatment plant would result in increased costs. He mentioned funding and financing concerns. Public Trust Fund monies are the "cornerstone" of the Town's water treatment financing plan. Administrator Fitch hoped that the 7 issues raised in Mr. Deem's letter could be expeditiously resolved.

Councilmember Lackey suggested that if DOH wants an on site additional study they could fund it. The Town has already funded and completed extensive studies and testing.

At 10:16 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

### **Town Council - January 16, 1992 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch, Attorney Eaton, & Fire Chief Galer

Mayor Cahail called the meeting to order at 7:33 PM.

Fire Chief Galer reported on fire activity and volunteer injuries for 1991. The Fire Department presently has 30 active firefighters and is going to be training new recruits this weekend. Fire Chief Galer tested the bunker gear in the water and it did not work, so he is shopping for non-flammable life jackets that will float.

At 7:38 PM, Mayor Cahail opened the Public Hearing to consider an application for a shoreline substantial development permit by F.H. House Partnership and instructed the meeting in the procedure to be followed. The applicant is proposing construction of a 16 unit transient lodging facility and restaurant to be located at 130 West Street, commonly known as the "Gollywobbler Restaurant" site. All input is on tape.

Hearing no objection to his or any Councilmembers' participation, Mayor Cahail asked Sandra Western-Butler, Butler & Associates, planning consultants for the Town, to present the staff report.

Langdon Simon, developer of the project, gave the background and intent of the project.

Alan Grainger, architect of the project, spoke about how he came to his present design and discussed how he would like the issues of turn-around, parking and view corridors addressed.

People who spoke in favor of the project include Greg Atkinson, prospective manager; Bob Carkeek; Martin Agegian, owner; Ralph Walter, adjacent business owner; Shirley Nielsen; Bob Buck; Pat Destaffany, San Buck Jr.; Ruth Hill; Betsy Atkinson, prospective manager; Kathy Carkeek; Sally Crickman and Pat O'Day. In addition, Sam Buck Jr. read into the record a letter from Carla Higginson supporting the project.

The issues addressed by the above mentioned people were esthetics, quality, character and usefulness of the project which they thought would enhance the Town. Additionally, Kathy Carkeek said she likes the idea that the development would be in Town so the rest of the island could remain uncongested. She also thought the fact that this project would be in Town would encourage people to come to the island without cars.

Skip Metzger, San Juan Inn owner, also supported the project and offered advice born of his experience with the Town Square Project.

Opposition to the project came from Marian Ford-Weber who was concerned about the view, lack of access and turn-around due to the dead-end street, and parking.

Martha Freeauf said we should protect our present accommodation businesses and encourage more Bed & Breakfasts which are more in keeping with the island character. She also said she enjoys the West Street Park.

Linda Browne, Port Commissioner; Bart Matthews, Harbor Master; Marilyn O'Conner, Port Business Manager; Steve Simpson, Port Director; and John Destrude said that access to the Port off Front Street is a critical issue concerning traffic flow and emergency vehicle access to the Port.

Bart Matthews brought attention to Condition 2 of Shoreline Development Permit #19 issued to the Port of Friday Harbor for marina expansion.

Steve Simpson later provided a copy of the above mentioned document.

Beth Holestein said the real issue was whether this project was an appropriate water oriented development according to the Shoreline Master Program for this location.

Greg Hertel, Port Commissioner speaking as a citizen, objected to the scale of the project. He said the main issue for him is property owners' view vs community view.

Lisa McCormick said this is not a beautiful project.

Deputy Town Clerk Avery read into the record letters from Linda Browne, opposed; Lynne Mercer, opposed; Shirley Jones, supported; and Dana Roberts and Joe Miller, opposed.

In response to a question from the Mayor, Consultant Butler said that technically only 10 feet of the Friday Harbor House project property are affected under the Shoreline Master Program. The rest of the property is affected only in relationship to the 10 feet.

In response to a question from Councilmember Potter about the proposed road connecting Front Street to First Street, Attorney Eaton said the Town hasn't obligated itself with Shoreline Development Permit #19 and has some flexibility.

Other comments regarding the proposed access road came from Sam Buck Jr. and Alan Grainger who both commented that there would be a long waiting period for the soil to be decontaminated on adjacent property which the road would cross.

In response to a question by Councilmember Dickinson, Consultant Butler said the dates that fireplace use would not be allowed have not been set yet.

In response to a question by Councilmember Nash, Alan Grainger said the restaurant would be open to the public.

In response to a question by Councilmember Lackey, Alan Grainger said parking toward Front Street was addressed in the original proposal.

At 9:53 PM, the Mayor and Council decided to continue the Public Hearing to January 23, 1992 @ 7:30 PM, the public input portion of the meeting to remain open.

At 10:00 PM, Councilmember Potter moved and Councilmember Lackey seconded to approve payment of final 1991 claims by warrants #4262 through #4297 in the amount of \$21,572.66. The motion passed unanimously.

At 10:05 PM, Administrator Fitch explained Ordinance No. 861 which amends Ordinance #616 and Friday Harbor Municipal Code Chapter 13.04, regarding distribution of proceeds from the monthly water base charge and the water user charge rate for metered water and repealing Ordinance #817 in its entirety.

Councilmember Athearn moved and Councilmember Dickinson seconded a motion to pass this ordinance. The motion passed unanimously.

At 10:08 PM, Administrator Fitch explained Ordinance #862 which would amend Ordinance #600 and Friday Harbor Municipal Code Chapter 13.20, regarding distribution of proceeds from the monthly sewer user base charge and sewer user charge and repealing Ordinance #818 in its entirety.

Councilmember Dickinson moved and Councilmember Lackey seconded a motion to pass this ordinance. The motion passed unanimously.

At 10:09 PM, Administrator Fitch explained Ordinance #863 which would establish a Capital Cumulative Reserve Fund and repeal Ordinance #828 in its entirety.



Councilmember Potter moved and Councilmember Athearn seconded a motion to pass this ordinance. The motion passed unanimously.

In response to a question from Councilmember Nash, Administrator Fitch explained that instead of having several ordinances that refer back and forth to one another, he repealed old ordinances and rewrote new ones with all the necessary information in one document so as to avoid any confusion.

Administrator Fitch said Treasurer Picinich requested that the Council pass Resolution #820 authorizing her to initiate an Interfund Loan from 001 Current Fund to 201 Fire/Refuse Bond Red. not to exceed \$32,000.00 and be repaid by June 1, 1992 at a 0% interest rate.

Councilmember Nash moved and Councilmember Athearn seconded to pass the resolution. The motion passed unanimously.

Administrator Fitch announced that John Evans wants to be on the February 6, 1992 Town Council agenda for 30-40 minutes to present revised fairground plans for the Council's information. The Council granted permission.

Councilmember Potter requested to be excused from the February 6, 1992 Town Council meeting so that she could attend an AWC seminar.

Councilmember Nash moved and Councilmember Dickinson seconded a motion to excuse the absence. The motion passed unanimously.

At 10:15, Councilmember Dickinson moved and Councilmember Lackey seconded a motion to adjourn and continue the meeting to 1/23/92. The motion passed unanimously.

H. James Cahail, Mayor

Andrea Avery, Deputy Town Clerk

### **Town Council - January 23, 1992 @ 7:30 PM**

The Town Council met in continued session, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch & Attorney Eaton

Mayor Cahail reopened the Public Hearing, continued from 1/16/92, to consider an application for a Shoreline Substantial Development Permit by Friday Harbor Partnership. He noted that the public input portion of the hearing was still open.

Mayor Cahail directed Town Clerk Dubail to read correspondence concerning the application into the record. Correspondence from Shirley Jones, Kathryn Reiss, Daniel Reiss, a note with 12 signatures, and a note with 16 signatures were read.

Mayor Cahail asked if anyone had any non-repetitive comments to offer.

Lynn Mercer, SJI, spoke to the need for balance of development on the island. She also inquired about a path used by the public which crosses the subject property.

Steve Simpson, Port Director, felt that the situation regarding a proposed connecting road with the Port needs to be addressed. He stated that, if the project is approved, the Port would ask the Town to remove the access road condition of the Port Shoreline Permit. He said that the Port feels this area is the only viable location for said road. Mr. Simpson indicated that the Port did not object to the project.

Art Lumkes, SJI, stated that the Town needed this type of hotel, not bicycles, to bring in money.

Jeff Webster, SJI, noting that if the project is approved he will make a commission, stated that, in his opinion, there is a viable alternative connecting road site from the upper Port parking lot to First Street. He agreed that a connecting road is needed. He also spoke of hazardous waste cleanup problems with the adjacent UNOCAL property.

Greg Hertel, Port Commissioner, read a letter dated 1/23/92 expressing his views on the project.

Sam Buck Jr., SJI, noting that if the project is approved he will make a commission, reiterated that there are alternate viable road locations. He felt the project would enhance the location. Postponement of construction of a port connecting road would end up being blamed on lack of a right-of-way (ROW) through the UNOCAL property.

Lisa McCormick, Friday Harbor, felt a single height variance to perhaps 4 stories would be more appropriate.

Marilyn O'Connor, Port, noted that the connecting road is on the Town's 6 year road plan. She stated that the Port can force UNOCAL to cleanup their property.

Allen Grainger, representing the proponent, read a letter addressing refuse collection concerns and a summary of a letter from UNOCAL (dated 6/4/91, copy to the Town) concerning use of their site. He suggested a 10 foot wide pedestrian ROW on the landward side of the property with a 10 foot wide property exchange with the Town on the shoreward side of the property. Said exchange would necessitate a 2 foot increase of building height. Mr. Grainger spoke of the various points on which the developer has worked to cooperate with the Town.

Lynn Mercer, SJI, added her concern that this type of development would change the nature of the Town. She asked if anyone had investigated acquiring a roadway easement from UNOCAL. She also remarked that the EPA is demonstrably flexible in regard to cleanup requirements.

Martin Agegian, owner of the subject property, noted that the island had benefited from "people of means, that there is nothing wrong with people with money". He estimated that it would cost approximately 1.5 million dollars to acquire the necessary property to build a connecting road. Mr. Agegian spoke of the aspect of the Town as seen from the ferry and felt that the proposed

development would give the area "a bit of class". He stated that the Port has other alternatives for a road.

Jeff Webster, SJI, added that the Town has a park at West Street and in front is the Port waterfront park. The developer wants to enhance both parks by providing connecting access. He felt there were no view corridor concerns in the area. Mr. Webster mentioned recent decisions regarding the Town and private property. He noted that the EPA is a large bureaucracy.

Mr. Agegian suggested that adjoining property owners give 20 to 30 feet of their property for a road.

At 8:22 PM, Mayor Cahail asked the Council if they had any further questions of the proponents, staff, or audience. He reminded the meeting that at this time the Council is considering an application for a Shoreline Substantial Development Permit not a variance.

At Councilmember Dickinson's question, Town of Friday Harbor Solid Waste Department Leadman Robert Erickson spoke to possible refuse retrieval procedures for the project.

At Councilmember Dickinson's inquiry, Mr. Grainger spoke of various siting scenarios to allow for access/ROW widths.

Sandra Western-Butler, Planning Consultant for the Town, mentioned encroachment on view corridors if the project is relocated significantly shoreward.

Councilmember Potter asked if there was the necessary fire flow in the area.

Town Building Official Jim Hodges stated that the building as currently designed would have sufficient water for fire protection.

Mr. Grainger stated that although not required, the building would be sprinklered.

Town Administrator Fitch spoke to height calculations at 20 foot and 30 foot offsets.

At Councilmember Lackey's inquiry, Mr. Hodges stated that the Town has a 15 foot wide ROW between the Legion and Grange buildings on First Street.

Councilmember Nash and Mr. Grainger discussed vehicle and alternate transportation scenarios.

Councilmember Athearn asked Attorney Eaton to speak about a WAC regulation for "substantial progress" on a shoreline permit. In particular, the condition that the Port construct an access road. Mr. Eaton noted that the regulation pertained to the permit not to a condition and that the condition did not have a stated time limit.

At Councilmember Dickinson's inquiry, Attorney Eaton spoke to the shoreline provisions that apply to a project that "straddles" the 200 foot shoreline boundary.

Ms. Butler noted that in an integrated project as above, the permit processing applies to the entire area.

At Mayor Cahail's inquiry, Attorney Eaton spoke generally about variance and conditional use permit procedures in the shoreline.

Councilmember Nash asked how the Town could let the applicants relocate and encroach on public property, ie a portion of the Front Street ROW.

Attorney Eaton responded that the Town could vacate a portion of the undeveloped Front Street ROW in exchange for a similar amount of property on the landward side.

Administrator Fitch and Attorney Eaton remarked that the above had been proposed in the initial application. Also, a conditional use permit had been applied for.

At Councilmember Nash's inquiry, Mr. Grainger noted the planned provision for 15 parking spaces as well as handicapped access. Concerns about public access through the structure were discussed.

Mr. Grainger stated that in addition to the 2 staff residing on-site, 4 housekeepers and, at the one seating dinner, 3 or 4 additional staff would be needed. Mr. Grainger commented on Town parking requirements and suggestions of providing off-site employee parking.

Ms. Butler stated that an off-site parking lot as well as an on-site lot would qualify for the 25% parking requirement reduction as provided for in the FHMC.

Ms. Butler noted that the Council will need to make decisions on options presented in the staff report.

Mayor Cahail asked the audience why the only time the community expresses concerns about parks to the Town is when a development is being considered. Additionally, he noted that the connecting road should be considered as an individual project, not as part of a development application.

The Council decided to hear the staff report options with the public input portion of the hearing to remain open.

At 9:00 PM, Ms. Butler outlined the options presented in the staff report.

At 9:04 PM, hearing no further comments, Mayor Cahail closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later time or date. Mayor Cahail then opened the hearing for Council discussion.

Councilmember Nash cautioned that the Town's Shoreline Master Program (SMP) has been accepted by the State and has the force of State law. He spoke to various comments and concerns raised by the public. Councilmember Nash noted that many comments were in regard to view corridors and parking. He felt that the project was too big for the property.

Councilmember Potter was concerned about adequate on-site parking and the location of refuse storage.

Councilmember Dickinson spoke to parking regulation and the workability of partial off-site parking. She would like 16 on-site spaces for the 16 units. As long as the applicants provide the required number of parking spaces, some could be off-site.

Councilmember Potter expressed concern over whether a 10 foot or 20 foot relocation of the building would provide the needed access and that relocation would necessitate consideration of a height variance.

Councilmember Dickinson inquired if relocating the building shoreward would significantly impact existing view corridors.

At 9:30 PM, Councilmember Athearn suggested that the Council work through the options in the staff report.

The Council discussed on-site vehicle maneuvering provisions.

Administrator Fitch commented that decisions regarding access and parking for this project would provide guidance for developing regulations for future maximum lot coverage projects.

At 9:50 PM, the consensus of Council was to accept recommendations 1(C) through 1(L) concerning streets, sidewalks, and public places on pages 5 & 6 of the staff report. (The staff report has a final revision date of 1/15/92.)

At 9:58 PM, after discussion, the consensus of 3 Councilmembers was to accept recommendation #3 concerning parking on page 11 of the staff report.

Ms. Butler noted that the 20% of gross lot area that SMP Section 19.04.330E(6)(A) requires be open space only applies to the approximately 1,000 square feet within the shoreline area resulting in approximately 200 square feet of open space.

The Council discussed the proposed waiver, as described on page 11 of the staff report, of the 20% open space requirement for which the applicant is offering improvements to the West Street corridor as itemized on page 12.

Councilmembers Athearn, Lackey, and Potter indicated acceptance of the proposed waiver.

At 10:15 PM, Attorney Eaton spoke to guidelines for the Council while considering the proposal. He noted that only a small portion of the proposed building is within the shoreline area.

Ms. Butler commented that it is the portion of the building that is out of the shoreline area that impacts the view.

Councilmember Dickinson expressed concern that a 22 foot wide ROW was a lot to ask of one property owner.

Councilmember Nash reiterated that the project did not fit the site.

The Council discussed the size, use, and location of a Port connecting road or pedestrian ROW.

At 10:35 PM, Councilmember Nash moved that if the application is approved there be a 20 foot wide access across the First Street side of the property.

The motion died for lack of a second.

At 10:38 PM, Councilmember Dickinson moved to accept the Findings & Conclusions of the Planning Commission, accept recommendations 1(C) through 1(L) concerning streets, sidewalks, and public places on pages 5 & 6 of the staff report, accept recommendation #3 concerning parking on page 11 of the staff report, and approve the waiver of the 20% open space requirement as described on page 11 of the staff report and accept the proposed improvements to the West Street corridor as itemized on page 12. Councilmember Athearn seconded the motion.

Councilmember Dickinson moved to amend the original motion to limit use of wood burning fireplaces to October 15th through May 1st. Councilmember Athearn seconded the motion.

At 10:42 PM, the motion to amend the original motion passed unanimously.

The Council discussed the amended motion. Councilmember Nash felt parking should be provided on or very close to the site.

Councilmember Lackey felt that not all users of the hotel would come by car.

Councilmember Nash expressed his concern that congestion in the area would become intolerable. The project does not fit the site. He felt the project was in conflict, if not violation, of the SMP. He recommended that the Council deny the application.

At 10:48 PM, the motion, as amended, to approve the Shoreline Substantial Development Permit for the Friday Harbor Partnership passed with Councilmembers Athearn, Dickinson, and Lackey voting in the affirmative and Councilmembers Nash and Potter against.

Mayor Cahail stated that a finding of facts will be prepared.

Administrator Fitch briefly mentioned future agenda items.

At Councilmember Athearn's inquiry, Mayor Cahail, the Council, & Administrator Fitch discussed scheduling a work session. Councilmember Nash would like to discuss building emergency access roads. Parking and lot coverage were also suggested as topics of discussion.

The Council scheduled a work session to discuss the SJI Chamber of Commerce parking suggestions for 1/30/92 at 7:00 PM.

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At 10:54 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 1/30/92 at 7:00 PM. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## **Town Council - January 30, 1992 @ 7:00 PM**

The Town Council met in regular session continued from 1/23/92, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch

Mayor Cahail noted that the purpose of the meeting was to discuss the parking situation in Town.

Town Administrator Fitch asked that the Council include in their discussion consideration of the parking suggestions made by the San Juan Island Chamber of Commerce in their 12/29/91 letter to the Council.

Administrator Fitch gave a review of a parking study done for the Town by Nancy Larsen, a synopsis of previously raised concerns and efforts to deal with parking, and reminded the Council that draft ordinance #840, addressing parking requirements, was still pending. Mr. Fitch asked the Council to query Warren Jones, Permit Coordinator, (present) in regard to parking requirements raised by development and the general parking situation in Town.

Ms. Larsen's study and the 1981 Traffic Study were discussed. The sometimes inconvenient location of existing parking was considered. Raising the fine and/or extending the applicable hours for time limit parking were suggested.

At 7:20 PM, Councilmember Dickinson joined the meeting.

The Council discussed reducing time limit parking downtown to 1 hour. Enforcement procedures, costs for the above, and increased fines for habitual offenders were discussed.

Councilmember Lackey suggested locating alternative parking areas for downtown workers. Various locations and options as well as incremental fines for repeat offenders were discussed.

Councilmember Athearn noted that draft ordinance #840 proffers some applicable criteria.

Administrator Fitch noted that uncertainty about Town plans for providing parking may be deterring commercial parking lot development by the private sector.

The seasonal variation in the parking situation was noted.

At Councilmember Potter's inquiry, Administrator Fitch noted that an element of the conditional use permits for both the County Courthouse and the Community Theater was the joint use parking lot in its current configuration and capacity.

Utilization of Hotel/Motel Taxes, a parking improvement district, or a business district to fund additional parking were mentioned.

Establishing commercial loading zones and requiring commercial delivery permits were discussed.

Councilmember Potter reiterated that the Chamber of Commerce had recommended 1 hour parking in certain downtown areas.

Designating a portion of 1 side of Spring Street as 1 hour time limit parking and changing the applicable hours for time limit parking, ie 10AM to 7PM, were discussed.

Permit Coordinator Jones stressed the need for parking guidelines for determining requirements for development.

Councilmember Athearn suggested deleting the "fee-in-lieu-of" sections or other applicable sections of draft ordinance #840 as they seemed to be the controversial section, and moving forward with the ordinance.

Administrator Fitch requested Council contact the staff within the next 2 weeks with suggestions and concerns on 100% lot coverage and parking.

Councilmember Nash expressed concern over the 100% lot coverage provisions of the Friday Harbor Municipal Code.

Extending time limit parking area, at 8 hours, up First Street and on Court Street was discussed. Mayor Cahail and the Council suggested other feasible areas for time limit parking.

The Council and staff discussed the final "Phase 1" suggestion from the Chamber of Commerce; stenciling "No Parking" in red on the yellow zones. Locating a loading zone or a bike rack in front of the theater between the crosswalks was mentioned. Designating a loading zone on First Street at Friday Harbor Grocery and on Nichols Street at the Little Store was considered.

Administrator Fitch stressed the hazard of allowing loading/unloading operations in yellow safety setback zones and in the public right-of-way. He noted that he had asked for suggestions from the delivery drivers and that viable solutions were not forthcoming. A loading zone would eliminate up to 4 parking spaces.

Administrator Fitch noted that UPS delivers during the afternoon in Town and that they park in the yellow zones on each block.

At 9:10 PM, the Council instructed Administrator Fitch to institute a loading zone on First Street at Friday Harbor Grocery and on Nichols Street at the Little Store and to draft legislation designating a portion of 1 side of Spring Street as 1 hour time limit parking and changing the applicable hours for time limit parking.

Councilmember Lackey asked the staff to write a thank you note to the Chamber of Commerce.

Councilmember Potter notified the Council that she will be absent from the February 6th meetings due to her attending the AWC Legislative Conference.

The Council discussed scheduling a work session on 2/13/92 from 4:30 PM to 6:30 PM.



At 9:18 PM, Councilmember Athearn moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - February 6, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Nash

Others present: Town Administrator Fitch, Treasurer Picinich, Attorney Eaton, Maintenance Supervisor Reitan, & Fire Chief Galer

Councilmember Potter was excused as she was attending the annual AWC Conference.

Town Administrator Fitch informed the Mayor and Council that Ed Stuhr, San Juan County Solid Waste Manager, would like to provide an update to the Council on solid waste issues at 12:45 PM.

Administrator Fitch asked the Council if they wished to have draft resolution #823, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the consulting firm of Butler & Associates to update the Town's Comprehensive Plan presented for action at their evening meeting. Mayor Cahail and the Council concurred.

The Council reviewed the claims.

At 12:38 PM, Mayor Cahail proclaimed the month of February 1992 - American History Month in the Town of Friday Harbor.

Mayor Cahail and the Council briefly discussed the U. S. Constitution and the Bill of Rights.

Maintenance Supervisor Reitan reported that Trout Lake reservoir began running over the spillway on 2/2/92. The augmentation projects have been shut down for the season. He estimated that the Ellsworth Avenue project should commence in a week or so. Mr. Reitan noted wide interest by contractors in bidding on the upcoming new water tank construction. He mentioned that, with the reservoir full, Water Department personnel are flushing lines and hydrants. He noted that there is an ongoing problem with the altitude valve at the water tank. It has been in service since 1929, has been rebuilt a number of times, and may have to be replaced. The Street Department is repairing rock bulkheads. They will be patching streets and painting curbs in the next few weeks.

Mr. Reitan reported that Kevin Kirk, Wastewater Department Leadman, is back to work on a limited activity basis. He gave particulars of ongoing maintenance of the wastewater system and the resolution of a sewer problem at a residence on Nelson Street.

Robert Erickson, Solid Waste Department Leadman, reported on the installation and operation of the new cardboard baler. His department is retrieving approximately 1 bale of cardboard a day from the waste stream. He remarked that "2 bales worth of loose cardboard would fill the Council

chamber". A bale weighs approximately 300 pounds. He felt that removing cardboard from the waste stream had significantly improved the operation of the incinerator and cut the burn time in half.

Administrator Fitch reminded that when the Town gets a cost history of baler operation new rates for cardboard disposal will need consideration.

Maintenance Supervisor Reitan reported receipt of a Forest Practices Permit for logging of blowdowns at the watershed.

At 12:54 PM, Ed Stuhr, County Solid Waste Manager, reported on solid waste and recycling activities in the county. He stated that recycling volume has doubled and that the County is exporting over 90 tons per month. Program costs for 800 tons is \$150,000 with a return on sales of recyclables of \$17,000.

Mr. Stuhr reported that his department has instituted a monthly pick up of recyclable office paper. The operator of the Orcas Island landfill is now State certified. Ground monitoring wells are in place at the Town and County solid waste facilities and the monitoring program is proceeding. He mentioned that the Town will have for consideration a grant application for a Solid Waste Coordinated Prevention Grant from DOE.

Mr. Stuhr stated that a plastic recycling program will be starting soon. He reminded that a decision on landfilling or longhauling needs to be made. He spoke of the value of volunteers to various recycling and solid waste programs.

Mayor Cahail asked if the laboratory at the Wastewater Treatment Plant could be upgraded to do monitoring well testing. Mr. Stuhr was uncertain. He noted that tests are approximately 40% of the monitoring program costs.

At Mayor Cahail's suggestion, Mr. Stuhr will look into the feasibility of bringing cardboard from other islands to the Town baler.

The Council thanked Mr. Stuhr for his presentation.

Councilmember Dickinson moved and Councilmember Lackey seconded to approve payroll warrants #2333 through 2369 in the amount of \$69,860.00 and claims warrants #4301 through 4393 in the amount of \$105,906.19. The motion passed unanimously.

Councilmember Nash asked that a short executive session be scheduled for the evening meeting to discuss possible land acquisition.

Attorney Eaton stated that he may ask for a executive session at the evening meeting to discuss current litigation.

The Council reviewed a 2/6/92 memo from Attorney Eaton regarding liquor license application recommendations. The Council and Attorney Eaton discussed the Town liquor license application recommendation process and uses specifically permitted in the Shoreline.

At 1:46 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - February 6, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes for the Council meetings of 1/2/92 at 12:30 PM, 1/2/92 at 7:30 PM, 1/16/92 at 7:30 PM, 1/23/92 at 7:30 PM, 1/16/92 at 7:00 PM, and 1/30/92 at 7:00 PM were approved as amended.

At Mayor Cahail's request, Town Administrator Fitch displayed a framed photo of the Town of Friday Harbor which the Town is sending to our sister city, Tershilling, The Netherlands. Administrator Fitch noted that the picture will be accompanied by a letter in part requesting information on how Terschilling handles their municipal solid waste situation.

At 7:37 PM, Mayor Cahail explained the procedure followed by the Town in considering liquor license applications and introduced applications by Friday Harbor Brewing Company, dba Jollies Pub & Restaurant, Dextra Miller proprietor, for a class B1 and a class H license.

Mr. William Weissinger, attorney for the applicant, referred to his 2/3/92 application information packet to the Town and explained the necessity for a class H as well as a class B1 license to operate a brew pub and restaurant as required by State law. He noted that the Shoreline Substantial Development Permit for the site (Town Square project) gave approval in concept to sales of liquor at the site by the list of approved uses.

Councilmember Nash questioned Mr. Weissinger on the need for a class H license to allow sales of other types of beer and to allow minors onto the premises.

Councilmember Dickinson inquired about the impact of the brewing operation on the Town's wastewater system. The applicant and her attorney stated they were prepared to do whatever was necessary to minimize any possible impact.

Councilmember Nash referred to a letter from the Town's engineering firm, Kramer, Chin, & Mayo, regarding impacts on the wastewater system.

Administrator Fitch and Attorney Eaton noted that the wastewater issue was outside the scope of a liquor license application discussion and that the Town can address sewer problems through its wastewater ordinances.

Councilmember Nash, referring to the 6/5/90 12:30 PM Council meeting minutes, stated that his intent regarding allowed uses was not to allow a class H liquor license at the site. He expressed concern over the fact that the shoreline permit did not specify a class H liquor license as an allowed use.

At 8:03 PM, at Mayor Cahail's query, the Council indicated approval of the applicant for both applications. Councilmember Nash felt a class AC license may be more appropriate.

Councilmember Nash moved to disapprove of the location for the class H license. Councilmember Lackey seconded the motion. The motion failed with Councilmembers Nash and Lackey voting in the affirmative and Councilmembers Athearn, Dickinson, and Potter voting against. It was noted that by reason of the above vote, the location for the class H license was approved.

Councilmember Potter moved and Councilmember Dickinson seconded to approve of the location for the B1 application. The motion carried with Councilmember Nash voting against and all other Councilmembers voting affirmative.

At 8:07 PM, Mayor Cahail opened the public hearing to zone recently annexed unzoned property (Kwan Lamah) to Shoreline Public Accommodations (SPA) zone and instructed the meeting in the procedure to be followed.

Hearing no objection to his or any Councilmembers participation, Mayor Cahail asked Administrator Fitch to present the staff report.

Administrator Fitch referred to the 11/6/91 staff report and explained the reasons for the zoning action. He noted that the Town had established the SPA zone and that the Town is the proponent of this zoning request.

At 8:14 PM, Mayor Cahail opened the public input portion of the hearing.

Rosalie McCreary, Brown Island, expressed concern that resort development would adversely affect the supply of Town water to Brown Island. She also spoke of the need for a determination of harbor jurisdictions and the establishment of harbor speed limits.

Town Administrator Fitch noted a water use analysis had been done during the Shoreline Substantial Development Permit process for Kwan Lamah. A new water line loop, Grover Street to Hunt Street, has recently been completed, and a new 1 million gallon water reservoir will be constructed this summer.

At 8:22 PM, hearing no further comment from the audience, Mayor Cahail closed the public input portion of the hearing.

Councilmember Dickinson moved and Councilmember Potter seconded to adopt the Planning Commission's recommendations and the staff report and approve the zoning action for tax parcel #351313001, commonly known as Kwan Lamah, and to exclude the Little property from the zoning action. The motion passed unanimously.

Mayor Cahail presented draft ordinance #850, an ordinance relating to gambling, providing for tax upon certain gambling activities, and providing for the collection and enforcement of such tax, for 3rd reading. That draft ordinance had been tabled on 12/19/91 for consideration after the 1st of the year.

Administrator Fitch noted the presence in the audience of Mr. Keith Guard, owner of Herb's Tavern and the presence of Sheriff Bill Cumming. The Council reviewed a gambling revenue spreadsheet prepared by Treasurer Picinich.

Mr. Guard stated he estimated his tax, at 3.8%, would be about \$15,000 per year.

Mr. John Ford, new owner of the Rip Tide Restaurant, asked why the Town needed the tax.

Administrator Fitch explained the need for additional revenue sources to supplement the property tax base, in particular, to provide for contract law enforcement services.

Sheriff Cumming noted that a significant portion of his departments activities and calls were related to bar and tavern operations. He expressed support for the proposed tax.

Mr. Guard felt the primary use of the tax should be for policing gambling activities. He stated that "it was the drinking" that caused the law enforcement problems, not gambling.

Sheriff Cumming noted he had asked Mr. Roger Hintgen, enforcement agent for this area for the Washington State Gambling Commission, to attend.

Mr. Hintgen gave an overview of the implementation of local gambling taxes in cities and counties statewide. He noted various municipalities that have and have not enacted the tax. He stated that, at his department's request, an Attorney General's Opinion was rendered that states that 51% of any gambling tax revenues go to law enforcement, not specifically to gambling enforcement. The average tax around the state is 3.8% of the gross receipts.

Treasurer Picinich noted that the draft 1992 Town budget had earmarked all receipts from the proposed gambling tax for law enforcement.

Mr. Ford felt the cost of having gambling in his establishment with the proposed tax would be prohibitive.

Councilmember Nash remarked that the 3.8% rate may be too high.

Councilmember Potter would like the Council to give the proposed ordinance further consideration. She suggested a 2% rate.

At Councilmember Athearn's inquiry, the Council discussed scheduling a work session to consider the proposed B & O tax and the proposed gambling tax.

Mayor Cahail introduced draft resolution #821, a resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 1992.

At 9:54 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #821.

Sheriff Cumming expressed his opinion that the Town is not meeting its financial obligation in regard to the law enforcement services expected and required.

Attorney Eaton and Sheriff Cumming discussed incidents and services required in town caused by county residents. Sheriff Cumming stated that 40% of the case calls county-wide occur in Friday Harbor.

Town Administrator Fitch noted that the Port of Friday Harbor plans to forward approximately \$3,500 to the Town for parking enforcement for the upper Port parking lot. The Town budget could be amended at the time said monies are received.

At 9:01 PM, the motion to adopt Resolution #821 passed unanimously.

Mayor Cahail introduced draft resolution #822, a resolution authorizing the Mayor to submit a Solid Waste Coordinated Prevention Grant application to the Washington State Department of Ecology.

Town Administrator Fitch explained the grant application and noted that the monies allocated or expended for the chipper, baler, recycling, and landfill closure plan would all be applicable to the 60/30 match requirement.

Councilmember Potter moved and Councilmember Lackey seconded to adopt Resolution #822. The motion passed unanimously.

At 9:05 PM, Mayor Cahail introduced draft ordinance #864, an ordinance accepting the Final Amended Surina Short Plat and authorizing the Mayor to sign the final plat drawings.

Administrator Fitch noted that the Town has not yet received the Final Plat mylar. Apparently it got lost in the mail from Spokane. The Council discussed the proposed ordinance. Attorney Eaton suggested that prudence dictates waiting for the mylar. Action on the ordinance was tabled to 2/13/92.

At 9:08 PM, Mayor Cahail introduced draft resolution #823, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the consulting firm of Butler & Associates to update the Town's Comprehensive Plan.

Town Administrator Fitch and Treasurer Picinich noted that this is not a funded item, but was based on a the Town's portion of 1992 GMA implementation funds held by the County.

At 9:10 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #823. The motion passed unanimously.

Town Administrator Fitch reported that the Town is in receipt of the State Auditor's Report on the 1989/90 Town audits. The Town is in full compliance with state accounting regulations.

Administrator Fitch noted that the bid opening for construction of the new water tank would be held on 2/12/92. He remarked on the wide response from contractors. He reported that ROW acquisition and planning for the Spring Street reconstruction project is moving forward. The County Public Works Department is looking at a 1992 start date. Town funding sources have not been finalized.

At 9:15 PM, Councilmember Lackey reported on his attendance at the AWC Newly Elected Officials workshop held in Everett on 1/18/92.

At 9:22 PM, Councilmember Dickinson reported on development of the Joint Town/County Planning Policies required by the GMA. The Urban Growth Area (UGA) discussions are pointing out differences between County philosophy and the Town's need for specifics. She also commented on her attendance at a County sponsored forum on the GMA held at the Community Theater on 2/5/92.

Town Administrator Fitch noted he has today provided the Council with a revised calendar of upcoming GMA meetings. In response to Councilmember Nash's inquiry of discussion of other possible UGA's, Councilmember Dickinson remarked that the County is being very vague.

Councilmember Potter reported on her attendance at the AWC Legislative Conference in Olympia and gave a brief review of proposed and recently enacted State legislation.

At 9:31 PM, Mayor Cahail noted requests for a short executive session regarding current litigation and possible land acquisition.

Attorney Eaton stated that he will not be requesting any action on items discussed in the executive session.

Mayor Cahail informed the audience that the Council would continue the meeting to 2/13/92 for a work session.

At 9:33 PM, Councilmember Dickinson moved and Councilmember Potter seconded to go into executive session. The motion passed unanimously.

At 10:04 PM, Councilmember Dickinson moved and Councilmember Nash seconded to return to regular session. No action was taken in executive session.

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At 10:05 PM, Councilmember Potter moved and Councilmember Athearn seconded to adjourn and continue the meeting to 2/13/92 at 4:30 PM for a 2 hour work session. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

**Town Council - February 13, 1992 @ 4:30 PM**

The Town Council met for a work session continued from 2/6/92, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Cahail noted that the purpose of the continued meeting was to discuss parking and traffic issues.

Councilmember Nash introduced Mr. Charles Nash, Port Commissioner.

Mr. Nash spoke to long range transportation planning. In particular, consideration of sites for relocating the Department of Transportation (DOT) ferry terminal. Mr. Nash noted the need for popular support for any alternate site. He spoke of the deteriorating traffic situation on Harrison Street and Warbass Way and recommended right-of-way (ROW) acquisition for a by-pass route. He suggested relocating the terminal for the Anacortes ferry to the south side of the gravel pit area. The Sidney and inter-island terminal could remain in Friday Harbor. Mr. Nash suggested a new arterial as an extension of Dougherty Lane to Warbass Way and Mullis Street.

Councilmember Nash expressed support for the concept and felt that the relocation suggested above would benefit both the traffic situation in Town and the DOT. The DOT could divest themselves of 1 or 2 of their in-town parking lots.

Weather conditions at the proposed terminal site were discussed. Mr. Nash felt, in his opinion as a long time commercial fisherman familiar with the area, that the ferries could handle all but the worst weather at the site. The Anacortes ferry could use the in-town terminal in a storm. Dredging in the area would not be a significant problem.

After a brief discussion of the above, Mr. Nash distributed a map and suggested a location for providing a turn-around on the Port end of Front Street.

At Town Administrator Fitch's inquiry, Mr. Nash indicated that the Port may be willing to participate financially in the above proposed turn-around project.

The Council thanked Mr. Nash for his presentation. Mr. Nash suggested that now is the time for the Town and the community to begin approaching the DOT regarding the proposed terminal relocation plan.

At 5:12 PM, Councilmember Nash suggested consideration of investigating the feasibility of a one-way street from the north-west end of First Street to Culver Avenue or Jensen Alley. Councilmember Nash also suggested various locations downtown where additional on-street parking could be provided.

Councilmember Nash spoke about installing additional sidewalk on a small portion of the west side of Blair Avenue between Spring Street and the Post Office to provide for a crosswalk and additional parking space.



The Council discussed Councilmember Nash's parking suggestions. The Council directed Administrator Fitch to research putting parking spaces in front of the unused private alley on Spring Street between the Arcade building and the Friday Harbor Grocery building.

Mayor Cahail mentioned a potentially hazardous situation with the parking and traffic on Reed Street. He noted that emergency service vehicles and post office traffic on the street make the area quite congested.

The Council and staff discussed underutilized and unopened public ROWs.

Mr. B. G. Brittain, Jensen Alley, suggested abandoning Jensen Street and widening Jensen Alley.

At 5:36 PM, Councilmember Nash left the meeting due to a previous commitment.

At Mayor Cahail's inquiry, the Council discussed public or private development of parking lots. The Council felt that if the private sector wishes to develop commercial parking lots, the Town should not be in competition.

Administrator Fitch noted that Councilmember Nash has continued to express interest in developing a return street from the Port on the Front Street ROW upland of Front Street. He suggested that the Council discuss the idea with Councilmember Nash.

Mayor Cahail noted that there is currently enough paved street for 2 lanes on Front Street. Additional area could be used for sidewalk and/or parking. Turning around may still be a problem for large vehicles. Alternative emergency access provisions were discussed.

The Council and staff discussed the Port's apparent lack of initiative in making financial and other provisions to obtain their required access street.

Administrator Fitch informed the Council that the DOT has proposed 2 hour parking on a portion of Front Street. Permit Coordinator Jones has the proposal materials.

Administrator Fitch referred to responses to his memos to Maintenance Supervisor Reitan and Sheriff Cumming regarding 1 hour parking on a portion of Spring Street and time limit parking enforcement. In regard to incremental parking fine increases for repeat offenders, Administrator Fitch stated that Marion Melville, District Court Clerk, will do some research. Implementation will require computer program and ticketing changes. Mr. Fitch noted that Ms. Melville has indicated that local repeat parking offenders were the ones most likely to contest their infractions through the court system.

The Council and staff discussed whether the Town wants to continue with time limit parking enforcement. Treasurer Picinich noted that other communities have business improvement districts to provide parking and enforce parking regulations. The Council asked Administrator Fitch to solicit input from the business community regarding the Town discontinuing time limit parking.

The Council and staff discussed plans for providing and marking loading zones and marking yellow safety setback zones.

Mayor Cahail noted that the scheduled 6:20 PM agenda item, consideration of draft ordinance #864 - granting Final Plat approval to the Amended Surina Short Plat, was postponed to the 2/20/92 meeting.

Councilmember Athearn suggested that the Council may want to consider responding in writing to letters received.

Councilmember Potter noted that she will be out of the state and will miss the 6/23/92 and 6/30/92 GMA meetings.

At 5:26 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - February 20, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The Mayor asked if there were any non-agenda items to be presented by the public.

At 7:35 PM, Mayor Cahail opened the public hearing to consider a Shoreline Substantial Development Permit application #53 submitted by the Washington State Department of Transportation to construct expanded passenger decks at the Friday Harbor terminal.

Permit Coordinator Jones presented the staff report. Department of Transportation representative Doug Plater was present to answer any questions.

At 7:40 PM, the Mayor opened the hearing for public comment. All input is on tape.

At 8:09 PM, the Mayor closed the public comment portion of the hearing and the Council began its deliberations.

Councilmember Dickinson made and Councilmember Potter seconded the motion to accept the facts and findings and recommendations of the Town Staff and the Planning Commission and approved Shoreline Substantial Development Permit #53. The motion was unanimously approved.

Kif Brown of San Juan Organics made a presentation on municipal sludge utilization methods. Mr. Brown has developed a sludge land application permit and recommends using an agricultural land application for sludge utilization instead of forest land application.

The Council concurred that this type of sludge utilization was a new alternative and they would like to discuss it further at a work session.

Administrator Fitch will work with Mr. Brown, Kevin Berry of the San Juan County Health Department, Jim Santroch of KCM and Kevin Kirk, the Town's Wastewater Treatment Plant operator, to investigate how agricultural sludge utilization will work in conjunction with the Town's wastewater treatment program.

At 9:15 PM, the Council considered a request by Jack Mager regarding permitted uses in the Town's Multifamily Residential Zone. This request was prompted by the possible purchase of the Victoria Crossing Condominiums by the California based "Club Esprit" for use as time share vacation units.

The Town Administrator, Permit Coordinator and Attorney determined that under the Town's Land Use Ordinance that a time share condominium would not be a proper use in a Multifamily Residential zone even under a conditional use permit.

Jack Mager's representative Attorney Charles Jackson believe that the Town's Land Use Ordinance allows for time share units in Multifamily Residential zoned areas.

Councilmember Nash expressed that he believed that the Council's definition of uses in a Multifamily Residential zone was not intended to include time share enterprises.

The other Councilmembers agreed with Councilmember Nash that the intent of the Multifamily Residential zone for long term residential occupancy use and not for transient type lodging.

The Council expressed interest in possibly revising the Land Use Ordinance to allow time share options in the future. Attorney Eaton and Administrator Fitch will work on recommendations as to where time share facilities would fall in the Town's Land Use Plan.

At 9:50 PM, Mayor Cahail presented draft resolution #824, a resolution authorizing the Mayor to enter into a contract with Morse Construction Group for the construction of a one million gallon water reservoir and associated piping.

Councilmember Potter made and Councilmember Lackey seconded the motion to adopt Resolution #824. The motion was unanimously approved.

Mayor Cahail presented draft resolution #825, a resolution authorizing the Mayor to enter into a contract with VMAL, Inc. for the operation of a cardboard recycling machine.

Councilmember Nash made and Councilmember Dickinson seconded the motion to adopt Resolution #825. The motion was unanimously approved.

At 10:00 PM, Councilmember Nash made and Councilmember Lackey seconded the motion to pay the bills by claims warrants #4397 through 4429 in the amount of \$16,842.69. The motion was unanimously approved.

Administrator Fitch presented the Land Use Compendium Update written by Nancy Larson and Town Clerk Steve Dubail. Ms. Larson and Mr. Dubail will be present at the March 5th, 12:30 PM Council meeting to answer questions regarding the update.

Administrator Fitch reported that the Planning Commission would like to meet in joint session with the Town Council on Thursday February 27, 1992 at 7:30 PM to discuss the Town's Growth Management Plan.

Mayor Cahail asked the Council to confirm his appointment of Mark McClintock to the Town Planning Commission Position #2.

Councilmember Lackey made and Councilmember Dickinson seconded the motion to confirm Mr. McClintock's appointment to the Town Planning Commission. The motion was unanimously approved.

At 10:20 PM, Councilmember Lackey made and Councilmember Dickinson seconded the motion to adjourn the meeting to reconvene at Thursday February 27, 1992 at 7:30 PM.

H. James Cahail, Mayor  
Wendy J. Picinich, Clerk Pro tem

### **Town Council - February 27, 1992 @ 7:30 PM**

The Town Council met in regular session continued from 2/20/92 for a joint work session with the Town Planning Commission, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch & Attorney Eaton

Planning Commission chairman Boothman called the Planning Commission meeting to order.

Planning Commissioners present: Boothman, Guard, McClintock, Smith, & Wilson

Mayor Cahail and Town Administrator Fitch noted that the object of the joint work session was to discuss the requirements of the Growth Management Act (GMA) and the update process for the Town's Comprehensive Plan.

Mr. Richard Butler, Butler & Associates, planning consultants for the Town, gave an overview of the Comprehensive Plan Workbook prepared by his firm and distributed to the Council, Planning Commission, and staff.

Mr. Butler utilized the workbook to highlight the key features of the GMA of 1990 as amended by ESHB 1025 of 1991, and comprehensive plan development. He noted the outstanding job being done by the Planning Commission in regard to development of the draft Countywide Planning Policies required by the GMA.

The Council, Planning Commission, and staff discussed various aspects of the plan development and implementation process with Mr. Butler.

Mr. Butler asked the Council, Planning Commission, and staff to help develop a photographic record of local values for review at the next workshop. Said workshop will be held on 3/12/92 and focus on community character and values. Mr. Butler will provide film for the project.

At 9:09 PM, after Mr. Butler's presentation, Mayor Cahail noted that Attorney Eaton had requested a short executive session to discuss current litigation.

At 9:10 PM, the Planning Commission adjourned.

At 9:15 PM, after a short recess, Councilmember Potter moved and Councilmember Dickinson seconded to go into executive session to discuss current litigation. The motion passed unanimously.

At 9:24 PM, Councilmember Athearn moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

In regard to the McGearhart Shoreline Substantial Development Permit Application #48 which was denied by the Town and appealed by the applicants to the Shoreline Hearings Board, the Shoreline Hearings Board has mandated the matter back to the Council for consideration of a revised application involving a shortened dock and dredging.

At 9:27 PM, Councilmember Dickinson moved and Councilmember Potter seconded to approve Resolution #826 authorizing the Mayor and the Town Attorney to sign a Stipulation & Agreed Order before the Shorelines Hearings Board regarding the Gene Gearhart and Susea McGearhart Shoreline Substantial Development Permit Application #48 to build a joint use dock. The motion passed unanimously.

Administrator Fitch asked for a determination from the Council regarding the .25% Real Estate Excise Tax collection on transactions which were pending as of the 1/1/92 effective date of the enabling ordinance. He asked if it was the intent of the Council to allow a grace period for those real estate transactions.

Mayor Cahail, the Council, and staff discussed the issue.

At 9:36 PM, the unanimous determination of the Council was that the tax was to stand and be implemented as enacted.

Councilmember Potter noted comments she has received regarding liquor license applications. The Council discussed the matter and noted that the State issues the licenses, the Town only indicates approval of the applicant and the location. Attorney Eaton recommended that concerned citizens be advised to contact the State Liquor Control Board License Division. The Council noted that the recommendation by the Town is the Mayor's, not the Council's, prerogative. The Council briefly discussed enacting appropriate land use legislation to regulate liquor licenses.

At 9:45 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

**Town Council - March 5, 1992 @ 12:30 P.M.**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter

Others present: Town Administrator Fitch, Treasurer Picinich, Maintenance Supervisor Reitan, & Fire Chief Galer

The Council reviewed the claims.

Fire Chief Galer reported 32 fire calls this year to date, 11 calls last year to date. The Fire Department currently has a complement of 28 fire fighters.

Fire Chief Galer mentioned that he would like to pursue having the Firefighters Association look into purchasing the vacant lot next to the Fire Station at the corner of 1st & West Streets. Also, he proposed that the Town work toward purchasing a new 75' single axle ladder truck for approximately \$400,000 for delivery in early 1994. Chief Galer indicated that he has a tentative pledge from the Confidence Foundation of \$200,000. The Fire Department would look to the Town to finance the remainder. The current "new" truck would be paid off by then. Engine #5 is past its useful life and could be sold for approximately \$25,000 which could be used as a partial down payment on the ladder truck. Chief Galer stated that Engine #5 is depreciating rapidly.

The Council questioned Chief Galer on various aspects of his proposals.

Mayor Cahail, the Council, and Chief Galer discussed the need for a 75' ladder truck and the advisability of purchasing a single axle or a dual axle truck. At Councilmember Athearn's inquiry, Treasurer Picinich felt that, by 1994, the Town could arrange the appropriate financing.

The Council and Fire Chief Galer discussed other aspects and ramifications of purchasing a new ladder truck and purchasing property.

The Council thanked Fire Chief Galer for his report.

At 12:55 PM, Maintenance Supervisor Reitan reported that the Town reservoir is still running over the spillway. 45 million gallons of water have been pumped from Augmentation Project I.

Mr. Reitan reported that the Water Department had repaired a break in a water service line on Argyle Avenue in front of the Mayor's house. Also, a new valve has been installed at the Water Treatment Plant to isolate the plant from the main to facilitate maintenance.

Councilmember Potter left the meeting due to a previous commitment.

Mr. Reitan reported that street maintenance is progressing and that the crew is carrying on maintenance and safety upgrades on various Town trucks and equipment. He noted that the

County is scheduled to oil & rock Caines Street in June. Work on the new Elsworth Avenue main should start next week. Planning is progressing toward relocating the Town's water main in the area from Ackley's Corner to Leonard Boe's property on San Juan Valley Road.

At 1:10 PM, the Council thanked Maintenance Supervisor Reitan for his report.

Ms. Nancy Larsen & Town Clerk Dubail presented the Town of Friday Harbor 1991 Land Use Compendium Update; the maps, database, and written report.

The Council questioned Ms. Larsen and Town Clerk Dubail on various aspects of the Compendium Update. The Council will consider adoption of the Land Use Compendium Update in April.

At 1:44 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to approve Claims Warrants #4432 through 4497 in the amount of \$53,244.54 and Payroll Warrants #2370 through 2406 in the amount of \$61,760.59. The motion passed unanimously.

Town Administrator Fitch and the Council discussed planning for the sludge utilization permit process. The Council asked Administrator Fitch to proceed with Forest Land Application Permit acquisition.

At 1:50 PM, Councilmember Athearn moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - March 5, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes for the Council meetings of 2/6/92 at 12:30 PM, 2/6/92 at 7:30 PM, 2/13/92 at 4:30 PM, 2/20/92 at 7:30 PM, and 2/27/92 at 7:30 PM were approved as amended.

Mayor Cahail introduced draft resolution #827, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Kramer, Chin, & Mayo, Inc. to provide construction services for the 1 million gallon water reservoir project.

The Council and staff discussed the proposed resolution. At 7:38 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adopt Resolution #827. The motion passed unanimously.

Mayor Cahail introduced draft resolution #828, a resolution authorizing the Mayor to execute a contract with Skagit County Medical Bureau. Town Administrator Fitch noted that the Town's premium was reduced for 1992.

At 7:40 PM, Councilmember Nash moved and Councilmember Athearn seconded to adopt Resolution #828. The motion passed unanimously.

At 7:41 PM, Mayor Cahail opened the Public Hearing to consider Short Plat Application #29 by Aley Enterprises to short plat Lot #3 of the Donald H. Mullis Short Plat. Mayor Cahail instructed the meeting in the procedure to be followed.

Hearing no objection to his or any Councilmember's participation in the hearing, Mayor Cahail asked Warren Jones, Permit Coordinator, to present the staff report.

Mr. Jones explained the particulars of the request, changes requested by the staff, utilities in the area, and the conclusions and recommendation of the staff. He noted that a DNS for the proposal had been issued on 2/12/92. He also noted that the previously scheduled public hearing before the Planning Commission had been canceled due to lack of a quorum. All adjacent property owners had been notified that the Town Council hearing would be the only public hearing. Mr. Jones requested that the applicants be required to clearly label all access points and that a one-way 20' wide entrance only in the area between Lots A & B be shown on the final plat.

Town Administrator Fitch explained the applicant's proposed concept for storm drainage.

At 7:51 PM, Mr. Michael Aley, proponent, spoke of various possible development scenarios for the subject property and noted that the property is for sale.

At 7:55 PM, Mayor Cahail opened the hearing for public input.

Mr. Ken Hedin, 540 Hemlock Court, adjacent property owner, expressed concern over light industrial development to the property line adjacent to a single family residential neighborhood. He asked that a buffer zone or some sort of development restrictions be required.

Mrs. Hedda King Shelton, 530 Hemlock Court, expressed concern over light industrial development adjacent to single family residential uses. She stated she was opposed to division of the subject property and noted that the property had been stripped of foliage. She asked that a buffer or green belt and fence to keep children out be required.

Mr. Harlan Anderson, 550 Hemlock Court, expressed concern over the possible impact on property values.

Permit Coordinator Jones noted that the Town has a 30' wide waterline easement on the back portion of the Evergreen Subdivision lots. He also noted that the Town does not, at this time, have setback regulations for this zone.

Councilmember Nash inquired about access particulars and referred to a 4/23/90 letter from San Juan County Public Works. The applicant has proposed to rename "X" Street, Aley Avenue.



Councilmember Potter noted that in a previous short plat application it was determined that a setback could not be considered as part of the short plat process. Permit Coordinator Jones added that that application was in a MFR zone which has different regulations.

The Council and staff discussed possible methods for specifying setbacks in the light industrial zone short plat process.

Mr. Aley suggested requiring a suitable barrier such as a cinder block wall rather than requiring a setback.

Mayor Cahail noted that this is a short plat request, not a development request. Attorney Eaton mentioned that the Council does need to consider certain aspects for possible future development.

Mr. Ken Hedin was of the opinion that a light industrial zone abutting a single family residential zone was a mistake.

Mr. Dave Ellingson, KS&M, on behalf of the applicant, noted that a 10' buffer without a solid barrier does not make an appreciable difference, a solid fence would provide a visual and sound barrier.

Councilmember Nash noted that the Council has specified buffers and plantings in the past.

At 8:24 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing, noting that the Council reserves the right to reopen the hearing for public comment at a later time or date.

Councilmember Dickinson noted that the short plat application meets applicable ordinances. She mentioned that she would like the Council to establish regulations for screening or separation between light industrial and single family residential zones.

The Council and staff, in a discussion regarding a previous rezone request in the area, noted that a rezone to light industrial was approved with conditions, one of which was a buffer. The lots in question retain the single family residential zoning until all the conditions are met.

Councilmember Nash spoke to the forested nature of the area when the zoning was first determined. He commented on an obligation to protect single family zone residents from impacts associated with an adjacent light industrial zone.

Councilmember Athearn spoke of the need for the Council to consider regulations to retain some existing trees. A buffer in this area may be appropriate.

Councilmember Lackey noted the lack of Town regulations to effectively deal with "zero lot line" development. He observed that the applicant has offered to build a solid fence between the properties.

Councilmember Dickinson suggested requiring, on the face of the plat, permanent visual and sound screening between light industrial and single family residential uses.

Administrator Fitch pointed out that development in a light industrial zone will have some impact on any adjacent zone. Buffering with commercial or professional services zones can mitigate impacts. He reminded that both single family and multi-family uses are permitted uses in the light industrial zone.

The Council discussed various aspects of solid or tree screening and buffer zones.

Councilmember Nash reiterated support for some kind of buffer. He suggested the proponent and neighbors develop a mutually acceptable solution.

At the Council's request, Administrator Fitch and Attorney Eaton reviewed the screening and buffering requirements of the Browne Lumber Conditional Use Permit. It was also pointed out that a 50' berm with trees was required in the Evergreen rezone.

The Council discussed requesting the applicant return on 3/19/92 at 7:45 PM with a mutually acceptable screening/buffering proposal. The hearing would be continued to that date.

At 8:52 PM, Mayor Cahail reopened the hearing for public input.

Mr. Jim Shelton, 530 Hemlock Court, asked that the neighbors and the applicant be given time to work out a solution.

At 8:54 PM, the hearing was continued to 3/19/92 at 7:45 PM, open for public input.

After a short recess, Mayor Cahail introduced draft resolution #829, a resolution authorizing the Mayor to execute an inter-governmental agreement with San Juan County for judicial, criminal defense, and prosecutorial services.

Attorney Eaton explained the particulars of the agreement. He pointed out the increase in fees for handling various traffic and civil infractions.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #829. The motion passed unanimously.

At 9:00 PM, Mayor Cahail introduced draft resolution #830, a resolution authorizing the Mayor to execute a contract between the Town of Friday Harbor and Carlson Enterprises, Inc. for logging services on the Town's watershed property.

Attorney Eaton explained the particulars of the agreement. Mayor Cahail reiterated that the purpose of the project is to clean up storm downed trees, not log the watershed.

At 9:04 PM, Councilmember Potter moved and Councilmember Lackey seconded to adopt Resolution #830. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #865, an ordinance changing the location of certain land use zoning boundaries bordering Turn Point Road and located within the SW ↖ of the NE ↖ of Section 13, Township 35N, Range 3 WWM, designating the area commonly known as the Kwan Lamah property as Shoreline Public Accommodation zone (SPA).

At 9:06 PM, Councilmember Potter moved and Councilmember Nash seconded to adopt Ordinance #865. The motion passed unanimously.

Town Clerk Dubail gave a presentation on the requirements of the Americans with Disabilities Act (ADA).

Mayor Cahail appointed Town Clerk Dubail as ADA Coordinator for the Town of Friday Harbor.

At 9:29 PM, Councilmember Potter moved and Councilmember Lackey seconded to continue the meeting to 3/12/92 @ 7:00 PM for a GMA workshop. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - March 12, 1992 @ 7:00 PM**

The Town Council met in regular session continued from 3/5/92 7:30 PM for a joint work session with the Town Planning Commission, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch

Planning Commission Chairman Boothman called the Planning Commission meeting to order.

Planning Commissioners present: Boothman, McClintock, Smith, & Wilson

Sandra & Richard Butler, Butler & Associates, Town Planning consultants working on the Comprehensive Plan update, gave a presentation of photographic slides taken by Council and Planning Commission members of various positive and negative aspects of the Town.

Each Council and Planning Commission member, as well as all others present, commented on their impressions of Friday Harbor. The Butlers recorded the comments to help develop a working model of community character and values.

At 8:35 PM, Ms. Nancy Larsen gave a presentation regarding preservation of local historical buildings and suggested including a Historical/Cultural element in the updated Comprehensive Plan.

The Council, Planning Commission, and the Butlers discussed Ms. Larsen's suggestion. The Planning Commission will initially address the element in the County-wide Planning Policies.

At 9:05 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

The Planning Commission took a short recess and continued with their meeting.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - March 19, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Treasurer Picinich & Attorney Eaton

Susan Risser, Town of Friday Harbor Fire Department member, explained the Friday Harbor Fire Fighter's Association Clothing Bank. She emphasized that the increased use of the clothing bank has caused the clothing bank to out-grow its present location in the fire station. The Fire Fighter's Association would like to move their clothing bank operation to the Town's rental house on Tucker Avenue.

The Council agreed that the clothing bank provides a much needed community service and that the Town's rental house would be a good location.

The Fire Fighter's Association will work with the Town Administrator in working out the details.

at 7:50 PM, Mayor Cahail reopened the Public Hearing to consider a short plat application by Aley Enterprises within the Mullis industrial area.

®FC

All input is on tape.

®FL

Mike Aley, proponent, introduced Stephen Quesenberry of John Linde's law firm. Mr. Quesenberry explained to the Council the legal limitations of their authority to put restrictions or conditions on a short plat application. He further explained that the Council cannot put conditions on permitted uses allowed in a zoned area.

Attorney Eaton explained that the Council may put conditions on a short plat application under certain circumstances.

At 8:10 PM, Mayor Cahail asked the public for non-repetitive input. Hearing none, the Mayor asked the Council if they had any questions of the audience, applicant, or staff.

At 8:20 PM, Mayor Cahail closed the public input portion of the hearing and the Council began their deliberations.

At 8:25 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt the Aley Short Plat with the changes recommended in the Facts & Findings of the Town staff. The motion was approved with Councilmember Nash dissenting.

At 8:30 PM, Mayor Cahail opened the Public Hearing to consider modifying Shoreline Permit #41 by expanding the list of allowable uses of the Town Square complex located at 1 Front Street North.

®FC<sup>-</sup>

All input is on tape.

®FL<sup>-</sup>

Attorney Eaton explained the applicant's request to modify Condition #1 of Shoreline Permit #41, the list of permitted uses.

At 8:45 PM, Mayor Cahail invited the proponent, Bill Percich, to explain his request to modify Shoreline Permit #41.

At 8:50 PM, Mayor Cahail opened the hearing for public input. Those speaking against modifying Shoreline Permit #41 were: Susie Campbell, Arthur Johnson, Tim Greenelsh, Paul Ahart, Rob Waldron, Stacey Brem, Jim Guard, Grace Swan, Norman Schwinge, and Helen Winters.

Those speaking in favor of the proposal were: Howard Smith, John Ford, and Dextra Miller.

Letters from Dana Roberts and Irene Warner opposing the application were read into the record.

At 9:20 PM, Mayor Cahail asked if there was any non-repetitive input from the public.

At 9:21 PM, the Mayor asked if the Council had any questions of the applicant, audience, or Town staff.

At 9:24 PM, Mayor Cahail closed the hearing to public comment and the Council began their deliberations.

At 9:31 PM, Councilmember Potter moved and Councilmember Athearn seconded to deny the request to modify Shoreline Permit #41. The motion passed unanimously.

Mayor Cahail presented draft ordinance #864, an ordinance granting Final Plat Approval to the Amended Surina Short Plat.

Councilmember Dickinson moved and Councilmember Nash seconded to adopt Ordinance #864. The motion passed unanimously.

Mayor Cahail introduced for first reading draft ordinance #866, an ordinance amending Ordinance #600, 636, #658, and Friday Harbor Municipal Code Chapter 13.20 concerning sewer connection fees, and repealing Ordinance #754 in its entirety.

Mayor Cahail presented draft ordinance #867, an ordinance adopting updated sewer system extension requirements.

Councilmember Athearn moved and Councilmember Dickinson seconded to adopt Ordinance #867. The motion passed unanimously.

Mayor Cahail presented draft ordinance #868, an ordinance adopting updated water system extension requirements.

Councilmember Dickinson moved and Councilmember Potter seconded to adopt Ordinance #868. The motion passed unanimously.

Councilmember Athearn moved and Councilmember Dickinson seconded to approve payment of claims warrants #4498 through 4537 in the amount of \$23,838.15. The motion passed unanimously.

Treasurer Picinich distributed copies of the Town's 1991 Annual Financial Report and copies of the Town's 1992 Budget to the Mayor and Councilmembers.

At 10:00 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn until March 26, 1992 at 7:00 PM to discuss growth management with the Planning Commission.

H. James Cahail, Mayor  
Wendy J. Picinich, Clerk Pro tem

### **Town Council - March 26, 1992 @ 7:00 PM**

The planned Council work session with the Planning Commission to discuss the subject of Urban Growth Areas as required by the Growth Management Act was postponed to April 9, 1992 due to circumstances which necessitated the absence of the Town's planning consultants. All members and the press were notified.

Members present:  
Others present: Andrew Dubail

At 7:01 PM, Town Clerk Dubail declared the meeting adjourned for lack of a quorum.

Steven Dubail, Town Clerk

### **Town Council - April 2, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, Attorney Eaton, & Maintenance Supervisor Reitan

Town Clerk Dubail informed the Council that Councilmember Nash had contacted his office and asked to be excused from the April 2nd, April 9th, and April 16th Council meetings.

The Council reviewed the claims.

Maintenance Supervisor Reitan reported:

The Street Department is working on Linder and Nelson streets

He informed the Council that Mr. William Lembcke of the Street Department had passed away at home on 3/18/92. Mr. Reitan suggested that the Town consider placing a commemorative bench in Mr. Lemke's name. He noted that he does not intend to fill the position left vacant at this time.

The parks are being "spruced up". The Town reservoir is still full. The filter anthracite at the water treatment plant has been replaced. The logging contractor is ready to start logging the watershed. The Town may wish to replace an aging water line on Web Street. Cost estimates are being prepared to replace the water main from Ackley's corner to Leonard Boe's property in conjunction with the planned Town/County Spring Street/San Juan Valley road reconstruction project. The Town rental house adjacent to the wastewater treatment plant is being cleaned up for use by the clothing bank. The new sewer main installation on Maple Street is complete. The Refuse Department has extended their building to cover the cardboard recycling operation. Don Reitan, Wastewater Department, has received his Group 2 certification. Rod Whitfeldt, Water Department, is now a Certified Water Treatment Plant Operator. The crew is acquiring Commercial Drivers Licenses and Flagging cards.

Mayor Cahail thanked Maintenance Supervisor Reitan for his report.

Town Administrator Fitch asked the Council to review Friday Harbor Municipal Code Section 2.28.170 regarding sick leave for consideration of paying a portion of Mr. Lemke's acquired sick leave to his surviving spouse.

The consensus of Council was to pay same.

The Council discussed placing a commemorative bench downtown for Mr. Lemke. Administrator Fitch will take a collection from staff & crew to acquire the bench.

At 12:50 PM, Councilmember Lackey moved and Councilmember Athearn seconded to approve for payment Claims Warrants #4539 through 4625 in the amount of \$56,304.59 and Payroll Warrants #2408 through 2450 in the amount of \$71,522.27. The motion passed unanimously.

Town Clerk Dubail introduced draft ordinance #870, an ordinance amending Ordinance #825, concerning reduced base rates for water, sewer, and refuse services to low income senior citizens and low income disabled citizens and repealing Ordinance #855 in its entirety. The purpose of this ordinance is to amend Ordinance #825 which establishes the base rate to be charged for water, sewer, and refuse services, as the same apply to certain low income senior citizens and certain low income disabled citizens.

Councilmember Athearn moved and Councilmember Potter seconded to adopt Ordinance #870. The motion passed unanimously.

Town Clerk Dubail introduced draft ordinance #871, an ordinance amending Ordinance #559 and Friday Harbor Municipal Code Chapter 5.04.070 concerning Business License late application fees. The purpose of this ordinance is to remove conflicting statements regarding determination of Business License late application fees.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #871. The motion passed unanimously.

Mayor Cahail introduced draft resolution #831, a resolution authorizing the Mayor to execute an intergovernmental agreement with the San Juan County Health Department for Public Health Services for the calendar year 1992. Administrator Fitch explained the intent of the proposed resolution.

Councilmember Potter moved and Councilmember Lackey seconded to adopt Resolution #831. The motion passed unanimously.

The Council and staff discussed what provision of County services Town residents receive for taxes paid to the County by Town residents.

At 1:00 PM, Town Administrator Fitch presented a memo and supporting documentation regarding parking enforcement and law enforcement program costs.

At 1:03 PM, Attorney Eaton joined the meeting.

Administrator Fitch noted that Sheriff Cumming has decided to "back out" of the parking enforcement portion of the law enforcement contract for the remainder of 1992. There is presently no time-limit parking enforcement in Friday Harbor.

Administrator Fitch asked the Council for direction as to which option mentioned in his memo or other option to pursue in regard to parking enforcement.

Treasurer Picinich distributed a worksheet showing Town/County resident and tax revenue ratios.

Councilmember Lackey noted that, in effect, the Sheriff is forcing his will on Town residents.

The Council and staff discussed parking enforcement funding and options.

The Council would like a timely incident summary from the Sheriff which would detail whether each incident involved a Town or county resident or both. It was noted that the last report was received in December of 1991.

Councilmember Lackey asked how many incidents in Town involved county residents. He asked that if, as previously stated by the Sheriff, 31% of incidents county-wide occur in Town, what is the ratio for other urban areas in the county. It was pointed out that previous Sheriff's incident reports do not include that information.

Attorney Eaton noted that the Sheriff is required by State law to provide many law enforcement services with or without a contract with the Town. The Town in part contracts with the Sheriff for enforcement of certain Town ordinances and to provide an additional police presence in Town.

At 1:22 PM, Councilmember Potter left the meeting due to a previous commitment.



The Council and staff reviewed what portion of the County Current Fund is distributed to the Sheriff and what taxes collected in town go to the County. It was noted that 15% of the sales tax generated in town goes directly to the County.

It was stated that the Town has no obligation to hire the terminated County parking enforcement officers.

Mayor Cahail commented that Sheriff Cumming has not directly contacted him regarding the parking enforcement issue.

The Council and staff discussed discontinuing time-limited parking. The necessity of appropriate legislation was discussed. Mayor Cahail suggested legislation removing time-limited parking be prepared.

The Council and staff discussed the dollar amount to be deducted from the 1992 Sheriff's contract payments. Administrator Fitch noted that the Sheriff has come up with a number of "hidden costs" regarding parking enforcement that are not reflected in the contract. The consensus of Council was to deduct \$10,300 from the contract for the remainder of 1992.

At 1:45 PM, Mayor Cahail introduced draft ordinance #872, an ordinance amending portions of Ordinances #574, 726, 732, 769, 793, 796, and 802, relating to time limit parking, and restricted parking for first reading. The purpose of this ordinance is to repeal certain portions of current Town ordinances which prohibit or restrict parking of motor vehicles on public streets.

At 1:50 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - April 2, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Mayor Cahail noted receipt of correspondence and an exhibit from the Town's sister city of Terschilling, the Netherlands, describing their solid waste facilities and programs.

At 7:38 PM, Mayor Cahail opened a new public hearing for the Gene & Susea Gearhart revised Shoreline Substantial Development application and informed the meeting in the procedure to be followed.

Hearing no objection to his or any Councilmember's participation, Mayor Cahail asked Attorney Eaton to summarize the pertinent facts and events regarding the revised application.

Attorney Eaton noted that the original application had been denied by the Council, appealed to the State Shoreline Hearings Board, and a revised application had been submitted to the Town. The proposed dock has been reduced in length from 320' to 200'. Other revised provisions, including dredging, were noted.

At 7:45 PM, Attorney John Linde, representing Mr. & Mrs. Gearhart and Mr. & Mrs. R. Gary Jones, adjacent property owners, summarized the particulars of the application. He noted that a joint use agreement to run with the property in perpetuity would be recorded.

At 7:51 PM, Mayor Cahail opened the hearing for public input.

Mr. Mike Tavenner, 286 Culver Avenue, representing some condominium owners in the area, spoke against the application. He felt the site was not suitable for a dock and that the Port facilities nearby were sufficient.

Mr. Frank Jensen, 2021 East Mineral Way and owner of the Journal building, spoke in support of the application.

Mr. Linde noted that this is the first objection heard from the condo owners. The permit has been in the process for almost 2 years. The condo owners are not on waterfront property. Dredging was necessitated by the reduced length of the dock and, as stated in previous testimony, long term commercial activity in the harbor.

Mr. Tavenner stated that he represents 100% of the 4 condo owners.

The Council and staff discussed the provisions of the joint use agreement.

At 8:00 PM, hearing no further public comment, Mayor Cahail closed the public input portion of the hearing, noting that the Council retains the right to reopen the hearing for public input at a later time or date.

Councilmember Dickinson felt the revised application was a good compromise.

Councilmember Potter approved of the reduced length but noted that the Port is close by and that an adjacent property owner holds a valid dock permit.

At 8:04 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to accept the staff facts & findings and approve the dock per revised Shoreline Substantial Development application #48.

Attorney Eaton noted that the length specified in the revised application could not be exceeded.

At 8:05 PM, the motion passed unanimously.

The Council heard a presentation by Mr. Robert Carrieri, Roberto's Restaurant, requesting permission to temporarily restrict use of the public right of way in front of his restaurant at First & "A" Streets. He proposes to install a free swinging gate across the sidewalk at the upland end of

his fence, as required by the State Liquor Control Board, so he can serve beer and wine in conjunction with his restaurant on the deck located on a leased portion of the public right of way. Mr. Carrieri stated that a sign on the gate would indicate that the right of way was for use by the public as well as patrons of his restaurant. He must cross a 4' wide strip of public right of way to reach said deck.

The Council discussed various aspects of the request. Attorney Eaton recommended that, if the Council approves the request, the lease with Mr. Carrieri should be appropriately modified.

Councilmember Potter moved and Councilmember Athearn seconded to authorize the Attorney to prepare a revised lease for Council approval. The motion passed unanimously.

At 8:25 PM, Mayor Cahail presented draft ordinance #851, an ordinance imposing a Business and Occupation (B&O) Tax on those businesses operating within the corporate limits of the Town of Friday Harbor, for 3rd reading.

Treasurer Picinich explained the need for additional funding for the Street Fund. The point of the proposed B&O Tax is to raise money for streets. A B&O Tax would affect visitors as well as Town and county residents. Other funding scenarios only impact Town residents. She mentioned that raising the Property Tax is an alternative. The Town's levy limit is \$3.12/1,000. The Town currently levies \$1.12/1,000. It was noted that an increased property tax directly impacts people on fixed incomes.

Treasurer Picinich distributed a worksheet showing the effect of a B&O Tax on the price of various commodities. Attorney Eaton & Treasurer Picinich noted that the proposed ordinance has been designed to be easy to understand, administer, and comply with.

At 8:45 PM, Mr. Forbes Powell, Luxel Corporation, Tucker Avenue, expressed his concerns about the proposed tax.

The Council and staff discussed the proposed tax. Treasurer Picinich noted that the B&O Tax is subject to referendum.

Attorney Eaton inquired if the Council wished to explore different rates for establishments that serve liquor.

At 9:12 PM, the Council decided to give the proposed B&O Tax further consideration on May 7th.

At 9:15 PM, Mayor Cahail presented draft ordinance #850, an ordinance relating to gambling, providing for tax upon certain gambling activities and providing for the collection and enforcement of such tax, for 4th reading.

The Council and staff discussed the proposed tax.

Mr. Bernie Glennon, American Legion, suggested that instead of looking for additional sources of revenue, the Town and County try to "hold the Line. He suggested "privatization" of certain municipal functions. He commented that actions by the Town affect the whole island.

At 9:22 PM, Councilmember Athearn moved and Councilmember Dickinson seconded to deny draft ordinance #850. The motion passed unanimously.

Mayor Cahail presented draft ordinance #866, an ordinance amending Ordinance #600, #636, #658, and Friday Harbor Municipal Code Chapter 13.20, concerning sewer connection fees, and repealing Ordinance #754 in its entirety, for 2nd reading.

Town Administrator Fitch explained the particulars of the proposed ordinance.

At 9:25 PM, Councilmember Potter moved and Councilmember Athearn seconded to adopt Ordinance #866. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #869, an ordinance amending Ordinance #515 and Friday Harbor Municipal Code Chapter 13.08 concerning the regulation of water service lines, for 1st reading.

Town Administrator Fitch explained that this is basically a "housekeeping" ordinance. He noted changes from the current standards specified by the FHMC and other changes.

The minutes of the 3/5/92 12:30 PM, 3/5/92 7:30 PM, 3/12/92 7:00 PM, 3/19/92 7:30 PM, and 3/26/92 7:00 PM meeting were approved as submitted.

At 9:33 PM, Attorney Eaton presented and explained draft ordinance #872, an ordinance amending portions of Ordinances #574, 726, 732, 769, 793, 796, and 802, relating to time limit parking, and restricted parking, for 2nd reading. He noted that the purpose of this ordinance is to repeal certain portions of current Town ordinances which restrict parking of motor vehicles on public streets.

The Council and staff discussed the proposed ordinance. Any prohibited parking and State statutes remain in force. Town Administrator Fitch gave a brief overview of events leading to the proposed ordinance.

Mr. Bernie Glennon, Pelican Way, took exception to the proposed ordinance and stated that he would be willing to "pay extra" to retain time limited parking. He felt it was an essential Town function.

At 9:45 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #872. The motion passed with Councilmember Potter voting no, all others affirmative.

Councilmember Lackey informed the Council that he would be on vacation next week and would be absent for the April 9th Council meeting.

At 9:50 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 4/9/92 at 7:00 PM for a GMA work session with the Planning Commission. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## **Town Council - April 9, 1992 @ 7:00 PM**

The Town Council met with the Planning Commission for a work session, Mayor Cahail presiding.

Members present: Athearn, Dickinson, & Potter

Others present: Town Administrator Fitch, Planning Commission chairman, Gary Boothman, Commissioner Mary Smith

The Planning Commission did not have a quorum.

Mayor Cahail informed the meeting that the subject of the work session with the Planning Commission was to discuss the Comprehensive Plan update with special emphasis on the subject of Urban Growth Areas as required by the Growth Management Act.

Sandra & Richard Butler, Butler & Associates, planning consultants for the Town, presented a video of areas at and adjacent to the Town perimeter.

Discussion followed on the Town's current water service area and the relationship of the UW Labs to the Town. Potential Urban Growth boundaries, and service impacts and capabilities were discussed. The need for sensitivity by both the Town and County regarding development along the Urban Growth Area (UGA) "edge" was stressed. The necessity of involving the Port of Friday Harbor in the process was mentioned.

Ms. Butler noted that, just because an area is in the UGA, it does not necessarily need to be developed to urban densities. She reminded all that the objective of this evening's meeting is to designate a study area, not the UGA. She also noted that the point of the Growth Management Act is to serve the public.

A preliminary study area was agreed to which included the UW Labs on the north, the County designated Suburban area on the west, the airport to Cattle Point Road on the south, and Turn Point/Pear Point and Brown Island on the east.

It was suggested that the Council, Planning Commission, and staff expand their mental picture regarding areas around the Town.

The next joint workshop, "Planning Tools", will be on April 23rd.

At 9:18 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## **Town Council - April 16, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Attorney Eaton & Fire Chief Galer

The Council reviewed the claims.

Mayor Cahail proclaimed the week of May 3 through May 9, 1992 as Municipal Clerks' Week in the Town of Friday Harbor, and further expressed appreciation to Town Clerk, Steven Dubail, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

The minutes of the April 2nd 12:30 PM & 7:30 PM and the April 9th 7:00 PM meetings were approved as amended.

At 7:38 PM, Fire Chief Galer reported that there have been 51 fire calls this year to date, 5 of which were motor vehicle fires. Fire training at the North Bend Training Center will now cost \$90.00 per day, there was no charge in the past. He remarked that much more training will now be done on the island. The cost for firefighters' physical examinations in 1993 will increase from \$50 to \$75, \$100 with a drug test. The fire boat is back in service.

Chief Galer informed the meeting that the annual Easter egg hunt would again be at Jackson's Beach on Sunday, April 19th at 1:00 PM.

At 7:44 PM, Mayor Cahail opened the Public Hearing to consider a Conditional Use Permit application by Susie Campbell to construct a single family residence that exceeds 27 feet in height on lot #28, Top of the Harbor Subdivision, and instructed the meeting in the procedure that would be followed.

Hearing no objection to his or any Councilmember's participation, Mayor Cahail asked Warren Jones, Permit Coordinator, to present the staff report.

Mr. Jones explained the transportation, utility, zoning, and location characteristics of the property. He outlined the procedures followed in processing the Conditional Use Permit (CUP) Application. Mr. Jones noted that a Variance had been previously granted to the subject property to allow encroachment into the building setback area abutting the cul-de-sac. He stated that the proposed building would be 11.5 feet over the Town 27 foot height limit. One of the 16 completed homes in the area was granted a CUP to be built to 30.5 feet. Mr. Jones pointed out that the recommendation, by a 2 to 1 vote, of the Planning Commission at their Public Hearing on March 24, 1992 was approval with conditions. He stated that the staff feels the proposed house does not meet the CUP requirements and recommends denial.

At 7:52 PM, Stephanie O'Day, attorney for the applicant, referred to Exhibits "A" through "I" and "1" & "1a" presented at the Planning Commission Public Hearing. Ms. O'Day pointed out the steeply sloped nature of the lot. She distributed an extract from Chapter 17.48 of the Friday Harbor Municipal Code (FHMC), which she stated was not an exhibit, and said that if the applicant does not interfere with the health, welfare, and safety of the citizens of Friday Harbor, the Conditional Use Permit should be granted. She noted that allowing a conditional use does not set a precedent.

She noted that other homes in the area to the west of the subject property are oriented to the west, away from the proposed house. A landscaping plan would be presented showing coverage of the lower west story. She noted that the Planning Commission voted 2 to 1 to recommend approval of the application.

At 8:10 PM, at Ms. O'Days' request, Mr. Terry Bebeau, landscape architect and land use planner from the Tacoma area, noted that the "monumental visual element" of the front of the house can only be seen from Hillcrest Place. He has prepared a landscape plan to mitigate the visual element of the first story using locally compatible vegetation materials. Said landscaping plan was designated Exhibit "J".

He remarked that relocating the proposed building up the hill would adversely impact the potential for developing the full right-of-way width of Jennifer Place. He said the building plan works out to approximately 25% lot coverage. He felt the FHMC should allow this to be a variance rather than a conditional use request.

At 8:24 PM, Mayor Cahail opened the hearing for public comment.

Dick Wade, 395 Hillcrest Place, noting the unique nature of the lot, felt the proposed house would not have a large negative impact. A very small house may be a more significant impact.

Shirley Nielsen, 400 Charles Place, felt the house was "in keeping with what's there" and should be approved. She mentioned that timing of the landscaping was a concern.

Florence Enzensperger, 455 Hillcrest Place, felt it was a great plan as long as there was no access off of Hillcrest Place.

John Owens, Hillcrest Place, recommended approval.

Ms. O'Day stated that access from Hillcrest Place had been eliminated from the plan and asked for approval of the application.

Mr. Jones pointed out, per the exhibits, that the height of the face of the proposed house was at least 50 feet. As an example, he noted that the Masonic Hall when viewed from Reed Street is 37 feet high, the aspect of the proposed house from Hillcrest Place would be at least 13 feet higher. Additionally, Hillcrest Place averages 10 feet below the foundation of the proposed house. The house is to be built approximately 14 feet from the Jennifer Place cul-de-sac, other homes in the area are setback 20 feet or more from the ROW. Mr. Jones reiterated the provisions of the FHMC and commented that the proposed house would be taller than any other residence in Friday Harbor.

Ted Elfving, 1420 Roche Harbor Road, co-owner of the subject property, stated that only 1 corner of the proposed house would be 52 feet high. The house would be built 16 feet from the cul-de-sac and that landscaping would mitigate the visual element of the front. He said they were asking to be allowed to build 11 feet higher than what's allowed.

At 8:41 PM, hearing no further public testimony or questions by the Council, Mayor Cahail closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later time or date, and asked for Council deliberations.

Councilmember Athearn felt the staff had reviewed the application under Town regulations and noted that the applicant had tried to mitigate with landscaping. She recommended approval of the staff report.

Councilmember Potter agreed and added that she had visited the subject property and reviewed the written public comments. She pointed out that it is not the Council's role to design the house.

Councilmember Dickinson concurred and remarked on the need to consider existing Town ordinances. A "not so high" application may be an option.

Councilmember Lackey commented that the Planning Commission liked the idea. He noted that he had visited the lot and that it would be difficult to build on. He took exception to the 27 foot height restriction and asked if a retaining wall to change the grade would work.

Attorney Eaton replied that grade calculations are made from the natural grade.

At 8:49 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to accept the staff findings and recommendations and to deny the application. The motion carried with Councilmembers Athearn, Dickinson, & Potter in the affirmative. Councilmember Lackey - against.

Mayor Cahail introduced draft resolution #833, a resolution adopting a revised Memorandum of Agreement regarding a procedure for development of a Joint Town and County Planning Policy.

Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #833. The motion passed unanimously.

At 8:52 PM, Mayor Cahail presented for Council consideration the draft Facts & Findings regarding denial of modifications to Shoreline Permit #41 - Town Square complex located at 1 Front Street. Attorney Eaton gave a brief review of the draft, particularly Conclusion #4.

Councilmember Dickinson asked if the Council wished to reopen discussion on the request or delay their decision. She noted the public access and view area provisions of the project.

Councilmember Potter stated that she did not wish to reconsider the issue at this time. Councilmember Athearn concurred.

At Mayor Cahail's inquiry, Attorney Eaton noted that if the Facts & Findings are adopted, the formal denial is accomplished and the 30 day appeal period commences.

At 9:00 PM, Councilmember Potter moved and Councilmember Lackey seconded to adopt the Facts & Findings regarding denial of modifications to Shoreline Permit #41. The motion carried with Councilmembers Athearn, Lackey, & Potter in the affirmative. Councilmember Dickinson - against.



At 9:02 PM, Mayor Cahail presented for Council consideration the draft Facts & Findings regarding approval of revised Shoreline Permit #48 - Gene Gearhart dock permit on lot #1-12 of Friday Harbor Playgrounds.

Councilmember Dickinson moved and Councilmember Potter seconded to adopt the Facts & Findings regarding approval of revised Shoreline Permit #48. The motion passed unanimously.

At 9:04 PM, Mayor Cahail presented draft resolution #835, a resolution authorizing the Mayor to execute an Addendum To Lease Agreement, relating to a portion of the unopened right-of-way area of "A" Street and First Street with Robert Carrieri, d/b/a "Roberto's" restaurant.

Councilmember Dickinson moved and Councilmember Potter seconded to approve Resolution #835. Councilmember Athearn noted that the 4/16/92 memo from Warren Jones, Permit Coordinator, pointed out that the Town has not received evidence that Conditions Precedent To Possession 5(B) of the original agreement, "Proof of liability insurance in an amount not less than \$1,000,000, as to which policy the Town shall be named as additional insured." has been met. Additionally, Mr. Carrieri has failed to apply for a sign permit for his business signage.

At 9:06 PM, Councilmember Nash joined the meeting.

Mr. Carrieri stated that he would submit the required documents the following day.

Councilmembers Dickinson and Potter amended their original motion to specify that proof of insurance and a complete sign permit application be received before the Addendum to the Lease Agreement is executed by the Town. The amended motion to adopt Resolution #835 passed unanimously.

The Mayor indicated he would not sign the Addendum to the Lease Agreement until all the appropriate documents are submitted.

Mayor Cahail presented draft Ordinance #869, an ordinance amending Ordinance #515 and Friday Harbor Municipal Code Chapter 13.08 concerning the regulation of water service lines, for second and final reading.

At 9:09 PM, Councilmember Athearn moved and Councilmember Lackey seconded to adopt Ordinance #869. The motion passed unanimously.

Mayor Cahail introduced draft resolution #834, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Kramer, Chin, & Mayo, Inc. to prepare a Wastewater Sludge Forest Application Permit.

Mr. Kif Brown, San Juan Organics, presented a letter and 2 copies of his March 1992 Biosolids Utilization Permit Application to DOE. Mr. Brown offered to provide Wastewater Sludge Forest Application Permit services to the Town. He felt he could do it "for fifty cents on the dollar". He also offered to provide wastewater sludge land application services to the Town for \$.065 (six & one-half cents) per gallon. Mr. Brown stressed his willingness to work with the Town to keep costs down and be environmentally responsible.

Mayor Cahail noted that the Town was, by draft resolution #834, preparing a "fall back" option for sludge disposal.

Councilmember Nash took exception to Section K, Ownership of Documents, of the Professional Services Agreement prepared by KCM which states that drawings, specifications, reports, programs, manuals, or other documents produced under the agreement shall remain the property of KCM. He also commented, that, considering the incinerator and Augmentation Project II, perhaps an indemnity clause would be warranted. The Council discussed the issue and concurred that Town ownership of all the work product was appropriate.

Councilmember Athearn pointed out that Subtask 2.2, "Design Criteria and Sludge Volume and Characteristics" of the Scope of Services of the proposed Professional Services Agreement made laboratory testing an additional expense to the Town beyond the contract amount.

Councilmember Nash again mentioned AUG II and reiterated that he would like to see some sort of performance guarantee. Councilmember Athearn concurred. The Council will convey additional concerns with the proposed professional services agreement to staff.

The Council deferred consideration of draft resolution to their May 7th meeting.

Kif Brown related forest application concerns expressed by Kevin Berry, San Juan County Public Health, and DOE. Councilmember Nash asked that Mr. Berry be contacted and his concerns conveyed in writing to the Town.

Mr. Brown commented on what he termed a \$100,000+ error in the present worth analysis done by KCM regarding forest and agricultural land sludge application. He felt agricultural and forest land application costs would be comparable.

At 9:34 PM, Mayor Cahail introduced draft resolution #832, a resolution authorizing the Mayor to modify and execute the law enforcement contract with San Juan County for the calendar year 1992.

After discussion, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #832. The motion passed with a 4-0 vote. Councilmember Nash abstained because he was not present for previous discussions.

At 9:38 PM, Councilmember Potter moved and Councilmember Lackey seconded to approve payment of claims warrants #4628 through 4673 in the amount of \$30,074.33. The motion passed unanimously.

At 9:39 PM, Councilmember Lackey moved and Councilmember Potter seconded to adjourn and continue the meeting to 4/23/92 at 7:00 PM for a GMA work session. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## **Town Council - April 23, 1992 @ 7:00 PM**

The Town Council met with the Planning Commission for a work session, Mayor Cahail presiding.

Members present: Athearn, Lackey, & Potter

Others present: Planning Commission chairman, Gary Boothman, Commissioner Mary Smith, Commissioner Mark McClintock

Mayor Cahail informed the meeting that the subject of the work session with the Planning Commission was to discuss the Comprehensive Plan update with special emphasis on the subject of Planning Tools for developing said plan and consistent land use regulations.

Sandra Butler, Butler & Associates, planning consultants for the Town, distributed additional pages, titled Work Session 4, for the Comprehensive Plan Workbook. She noted that the Growth Management Act requires that land use regulations be consistent with the Comprehensive Plan and that the Plan takes precedence. A Comprehensive Plan must consist of at least 5 elements: Land Use, Capital Facilities, Housing, Utilities, and Transportation. An option element, Economic Development, has been recommended.

At 7:30 PM, Planning Commissioner Boothman joined the meeting.

Ms. Butler gave an overview of various land management tools: Traditional Zoning, Performance Zoning, Master Plan Area, Performance Standards, Mixed Use, Clustering, Transfer of Development Rights, Development Capacity, Housing Distribution Schedule, and Incentives. Economic viability and motivation were discussed.

The Council and Planning Commission discussed the tools and various development scenarios. Master Site Plans, where the property is not to be subdivided, were considered.

The Council and Planning Commission discussed Performance Zoning and Performance Standards. Managing diversity through standards rather than rigid zoning was suggested. Development capacity and assessed valuation were discussed. The need to reflect community values was stressed.

The next joint workshop, "Capital Facilities and Mitigation", will be on May 14th.

At 9:17 PM, Councilmember Potter moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor

Steven Dubail, Town Clerk

## **Town Council - May 7, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Nash

Others present: Town Administrator Fitch, Treasurer Picinich, Maintenance Supervisor Reitan, & Fire Chief Galer

The Council reviewed the claims.

Maintenance Supervisor Reitan reported:

The Town reservoir is 6" from the top of the spillway. Two new fire hydrants have been installed in the Kwan Lamah area. Storm cleanup logging at the watershed is proceeding quite well and hopefully will be completed by the end of June. Town personnel are videotaping the logging operation on a daily basis. A new sewer main is planned for installation on Caines Street. The cardboard baling program at the Solid Waste facility is going well. The parks are being mowed. The maintenance department may be looking for a part-time person for parks and streets. Installation of the water main for the planned new water tank is almost complete. Trout Lake dam received a safety inspection on 4/9/92. A structural engineer also inspected the dam. No immediate concerns were expressed but the back of the dam should be pressure washed.

The Mayor thanked Maintenance Supervisor Reitan for his report.

Fire Chief Galer reported:

Seven fire calls so far this quarter. The Easter egg hunt went very well, over 900 cans of food were collected for the food bank. His proposal to the Confidence Foundation for partial funding of a new fire truck should be ready this Friday. The fire boat is operational.

The Mayor thanked Fire Chief Galer for his report.

Mayor Cahail presented draft resolution #834, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Kramer, Chin, & Mayo, Inc. (KCM) to prepare a Wastewater Sludge Forest Application Permit.

Town Administrator Fitch asked the Council to review his memo of 5/7/92 on the subject. He noted the presence in the audience of Jim Santroch, KCM, engineer for the proposed project. He also reported receipt of a revised proposed contract and a recommendation, as stated in his memo, to delay the permit application pending issuance of new Federal regulations.

Mr. Santroch spoke briefly about the anticipated new Federal "503" regulations. He concurred with Councilmember Dickinson that the new regulations may change requirements and that it may be prudent to wait until after the July 31, 1992 issue date. The Town does need to obtain a interim site for biosolids disposal.

Kif Brown, San Juan Organics, responded to Council inquiries about biosolids regulations and disposal organizations.

Councilmember Nash complimented Administrator Fitch on the information packet and recommendations he prepared on the subject.

Councilmembers Athearn and Lackey recommended following Administrator Fitch's recommendations.

Mr. Santroch stated that KCM was trying to find the most environmentally sensitive and cost effective biosolids disposal method for the Town. He noted that Metro routinely applies 200 lbs/acre/year of nitrogen load to forest lands. The KCM Forest Application plan proposed 50 lbs/acre/year of nitrogen load. He mentioned the need for a winter storage facility for an agricultural land application program. Mr. Santroch stated that forest land application is possible at least 11 months per year and suggested a winter forest land application program and a summer agricultural land application program. He noted that Chuck Henry, UW forest land application specialist, recommended a "multi-pronged" approach.

Mr. Santroch distributed a handout prepared by KCM of forest land application data. He and the Council reviewed the data and the proposed Federal 503 regulations.

The Council and staff discussed the economic feasibility of forest land application and the direction or directions in which to proceed. Biosolid (sludge) water content reduction was discussed. Mr. Santroch noted the Town of Friday Harbor sludge is approximately 97% water and contains approximately 1% nitrogen.

Kif Brown stated he would not pass proposed holding facility construction costs on to the Town. He felt that land on the island becomes water saturated in the winter and noted the need for storage during storm events. It was his contention that hydraulic loading rather than nitrogen loading was the limiting factor. He also asked the Council to consider hiring a local contractor.

At 1:41 PM, Councilmember Nash moved and Councilmember Lackey seconded to indefinitely table draft resolution #834 and that the Town Administrator be directed to prepare a new resolution per the recommendations of his 5/7/92 memo. The motion passed unanimously.

At 1:45 PM, Mayor Cahail presented draft resolution #836, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Kramer, Chin, & Mayo, Inc. to complete the Water Treatment Plant Phase I Design & Construction Contract Documents.

Administrator Fitch gave a brief overview of events leading to the proposed resolution and introduced Mr. Mort Thomas, KCM, engineer for the project.

Mr. Thomas stated that July 1, 1993 was the target date for State implementation of the Surface Water Treatment Rule. He observed that financial restraints necessitate a phased approach to water treatment solutions for the Town.

The Council questioned Mr. Thomas about various aspects of KCM's proposal. Phase I would use the existing pressure filters. The capacity of the Town's transmission line is approximately 1 million gallons per day. Phase II would look at replacing the filter system and increasing capacity. Utilization of AUG II water may require a clarifier in front of the filters.

At Councilmember Nash's inquiry, Mr. Thomas stated that a particular package treatment plant has not been selected.

Administrator Fitch reminded the Council of Steve Deem's (Department of Health, Drinking Water Operations) previous presentation regarding chlorine contact time.

At 1:58 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #836. The motion passed unanimously.

At 1:59 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims #4678 through 4745 in the amount of \$53,969.70 and payroll warrants #2451 through 2488 in the amount of \$68,065.80. The motion passed unanimously.

Mayor Cahail proclaimed May 15th & 16th, 1992 "Poppy Days" in the Town of Friday Harbor.

Administrator Fitch asked the Council to consider rescheduling their 5/14/92 Comprehensive Plan work session with the Planning Commission to 5/28/92. A public hearing is scheduled before the Planning Commission on 5/14.

Administrator Fitch informed the Council that the Town has been served with a lawsuit regarding denial of the Susan Campbell Conditional Use Application to construct a single family residence within the Top of the Harbor subdivision, that is approximately 38.5 feet above the average grade line.

He noted that an "affordable housing" meeting was being held this date at the Grange Hall. He also asked the Council for suggestions on what color to paint the new water tank.

Administrator Fitch noted a request from residents of the Evergreen II subdivision that the Town pay the electric bill for their private street light system and added that the Council had declined to favor a previous request.

The Council indicated no desire to pursue the issue.

At 2:07 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - May 7, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes of the 4/16/92 & 4/23/92 meetings were approved as submitted.

Mayor Cahail noted receipt of a letter from Pam Olsen, President of the Washington Municipal Clerk's Association (WMCA), informing the Town that Town Clerk Dubail had been unanimously elected to the Board of Directors of the WMCA.

Town Administrator Fitch noted that Treasurer Picinich was President-elect of the Washington Municipal Treasurer's Association.

Mayor Cahail and the Council congratulated both.

At 7:40 PM, Mayor Cahail introduced draft resolution #837, a resolution authorizing the Mayor to sign the Upper Spring Street Reconstruction plans.

Administrator Fitch commented on community concerns recently expressed to San Juan County Public Works officials regarding the project.

At 7:42 PM, Attorney Eaton joined the meeting.

Consideration of draft resolution #837 was postponed to a future meeting.

Mayor Cahail introduced draft resolution #838, a resolution authorizing the Mayor to accept the 1991 Town of Friday Harbor Land Use Compendium Update.

Administrator Fitch informed the Council that a similar project has been initiated to identify and compile information on the Town's out-of-town service area.

The Council and staff discussed the use and potential of the Land Use Compendium Update.

At 7:48 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #838.

The Council and staff discussed maintenance of the Land Use Data Base.

At 7:59 PM, Councilmember Nash left the meeting to attend to a personal matter.

At 8:00 PM, the motion to adopt Resolution #838 passed unanimously.

Councilmember Nash rejoined the meeting.

Mayor Cahail presented draft ordinance #840, an ordinance creating new requirements for off-street parking regulations and introducing a fee-in-lieu-of-parking element, for second reading.

Permit Coordinator Jones reviewed with Council revisions to the proposed ordinance. The revision date of this draft is 4/29/92. School and various commercial parking requirements were discussed. Expansion, change of use, and fee-in-lieu-of-parking were reviewed. Mr. Jones commented that the proposed requirements and fees are initially set "on the low side".

Administrator Fitch spoke to possible parking development of the extension of First Street. He noted that the suggested figure is an approximate per stall cost for parking development of said street extension. The fee would have to be raised when other projects are considered.

Councilmember Nash requested that the in-lieu-of-parking fee be revised to reflect approximate current acquisition and development costs.

The consensus of the Council was to direct staff to discuss the proposed revised ordinance with the business community and to move toward consideration of adoption.

At 8:53 PM, the Council discussed possible changes to Land Use Ordinance #486. Attorney Eaton distributed an extract from Title 17, FHMC, with suggested changes. The revision date of this extract is 5/7/92. Excluding driveways and pathways from the setback requirements was discussed.

Attorney Eaton noted that the suggested changes are not in final form but are intended to stimulate discussion.

Suggested changes in the organization of the 27' structure height limit were reviewed. Revision of yard requirements based on use in the Light Industrial zone were considered. Time-share condominiums in the Multi-family Residential zone were mentioned.

At 9:17 PM, Administrator Fitch presented the Administrator's report.

He reported that Town Hall has received very few comments regarding discontinuation of time limit parking enforcement. The San Juan Island Chamber of Commerce will make a presentation at the May 21st meeting regarding the proposed B&O tax and parking enforcement. Administrator Fitch noted that the Chamber of Commerce may request a 4 month (summer) parking enforcement program.

Mayor Cahill mentioned that Sheriff Cumming has stated that his office is not interested in providing parking enforcement services, additional funding would not be an incentive.

The Council recounted their experiences and comments received concerning time limit parking enforcement.

Administrator Fitch noted that in other communities the business community typically takes an active role in parking enforcement program development and funding.

Administrator Fitch presented a letter dated 4/15/92 from Steve Simpson, Port Director, requesting "partial" vacation of a portion of Front Street.

The Council discussed the request.

At 9:33 PM, the consensus of Council was that they were not interested in pursuing the request. Administrator Fitch noted that 85% of disputed parking tickets are generated in Port parking areas.



At Administrator Fitch's request, Permit Coordinator Jones presented a request from a Hillview Terrace III resident to locate a drain field on adjacent Town property to serve lot #34.

Attorney Eaton and Councilmember Potter suggested that a request be made to extinguish the existing easement for lot #33 which is served by an on-site mound system. The Council directed the staff to proceed.

At 9:48 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - May 21, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Town Administrator Fitch & Treasurer Picinich

The minutes of the 5/07/92 12:30 & 7:30 PM meetings were approved as amended.

Robert (Dutch) Mueller, 295 Marguerite Place, asked if Town residents were being charged in the monthly utility rates for possible future sewer system expansion.

Town Administrator Fitch explained the Town budgeting process and the Waste Water Capital Improvement Plan.

Ingrid Fabianson, 505 Linder Street, expressed her feeling that there was a lack of notification and commented on discussions concerning screening in regard to a proposed development adjacent to her property. She expressed concern over possible tree removal. She submitted copies of letters she has sent to government officials.

April Taylor, Primo Taxi, asked the Council to consider legislation regulating taxi businesses specifying year-round operation and requiring evidence of a need for additional service. She stated she was willing to pay an additional license fee.

At 7:45 PM, Mayor Cahail opened the joint public hearings for the Catholic Church property and San Juan Historical Society property rezone applications and instructed the audience in the procedure to be followed.

Mayor Cahail noted that he is a member of the local Catholic parish. No objection was raised to his participation.

Councilmember Nash choose to step down for appearance of fairness reasons as he is a member of the parish.

Councilmember Lackey choose to step down for appearance of fairness reasons as he is a property owner in the subject area.

Councilmembers Lackey and Nash left the hearing.

Hearing no objections, Mayor Cahail asked Permit Coordinator Jones to present the staff report.

Mr. Jones pointed out that the parcels under consideration are adjacent. He noted that the Planning Commission held a public hearing on April 30, 1992. Mr. Jones reviewed the current zoning and uses of the subject and surrounding properties. He stated that some streets and utilities in the area are not sufficient to support further development. He noted substantial changes in the traffic and size of the nearby Friday Harbor Airport. Mr. Jones recommended, in light of the changed characteristics of the airport, that, by concomitant agreement, new residential use not be permitted on the subject properties except through the conditional use process. He also recommended that additional development setbacks between new non-residential development and existing residential uses be required. Town acquisition of additional right-of-way on Price Street and Marguerite Place was recommended. The staff recommendation is to rezone both properties from single family residential (SFR) to commercial (COM). He noted that the Planning Commission had recommended rezoning to professional services commercial (PSC) with the recommended conditions.

Mayor Cahail asked proponents of the Catholic Church rezone request to speak.

Father Tom Garvin, S.J., Pastor of the Friday Harbor Catholic Church, gave a brief history of parish use and plans for the property. He stated that the parish intends to hold on to the property and continue the current use for approximately the next 20 years. He further stated that the parish is in favor of the existing community baseball and gardening uses. Additionally, Fr. Garvin expressed that the parish did not have a problem with deeding property on Price Street and Marguerite Place for public right-of-way.

Stephanie O'Day, officer of the San Juan Historical Society, commented on the existing non-conforming uses on their property; the museum and a day care center. She stated the reason for requesting the rezone was to bring the uses into conformity with Town land use regulations. Ms. O'Day asked that the property be rezoned from SFR to COM. She stated that the Historical Society had no major development plans. They may want to start a gift shop in the existing museum structure.

At 8:10 PM, Mayor Cahail opened the hearing for public comment.

Bill Sargeson, member of the parish, spoke of the desire of the parish to expand the existing recreation hall and daycare activity in the previous rectory. He stated that the parish does not want to sell the land.

Mary Smith, John Place, mentioned previous discussions concerning air port expansion and uses of adjacent properties.

Sam Pope, School House Road, spoke in support of the existing ball field and garden uses on the property. He asked if control of the sale of the property was in local hands or higher in the church hierarchy.

Robert (Dutch) Mueller, Marguerite Place, requested some sort of guarantee that the church would not use the property for commercial uses.

At 8:19 PM, hearing no further comment from staff or audience, Mayor Cahail asked for questions from the Council.

At Councilmember Dickinson's inquiry, Permit Coordinator Jones clarified that the conditions proposed by the staff would require a conditional use permit for residential use.

At the Council's request, Fr. Garvin responded to questions previously raised by the audience. He stated that the Archdiocese of Seattle does own the property but that sale without local agreement would be very unlikely. He could not guarantee "forever" use of the property but would like the baseball field to exist and be used for 20 to 30 years.

At Councilmember Dickinson's inquiry, Mr. Jones pointed out the location of a possible wetland on the subject properties.

Mayor Cahail remarked that rezoning would not change any wetland regulations.

At Councilmember Potter's inquiry, Mr. Jones responded that the proposed additional development setbacks would only apply along the north boundary.

Stephanie O'Day stated that the Historical Society had no plans at this time to expand or change the use.

At Town Administrator Fitch's inquiry, Historical Society representatives stated that they were exempt from property tax only on the museum property. Mr. Jones added that the church is allowed 5 acres exempt.

At 8:30 PM, hearing no further comments, Mayor Cahail closed the public input portion of the hearing and opened the hearing for Council deliberation. He noted that the Council reserved the right to reopen the hearing for public input at a later time or date.

Councilmember Potter expressed a desire to protect existing residential use from possible impacts of a rezone.

Councilmember Athearn and Potter stated that they were in agreement with the staff recommendations and the findings and conclusions dated 5/21/92.

Councilmember Dickinson commented on changes in the adjacent area since the initial zoning and noted that the 1991 Land Use Compendium Update shows a possible need for additional COM zone land.

Councilmember Potter moved and Councilmember Dickinson seconded to rezone approximately 6.62 acres of land, commonly known as the Catholic Church property between Marguerite Place and Price Street, from single family residential (SFR) to commercial (COM) and to rezone approximately 1.29 acres of land, commonly known as the Historical Museum property at 323 & 405 Price Street, from single family residential (SFR) to commercial (COM) and to adopt the 5/21/92 findings and conclusions. The motion passed unanimously.

At 8:44 PM, after a short recess, Councilmembers Lackey and Nash rejoined the meeting.

Mark Kendziorek, President of the San Juan Island Chamber of Commerce gave a presentation regarding draft ordinance #851 imposing a Business & Occupation (B&O) tax on businesses located within Friday Harbor. He referred to his letter and proposals of 5/20/92 to the Town. Mr. Kendziorek briefly reviewed each proposal, including working with San Juan County and the institution of a B&O tax with a sunset clause. He also mentioned the inter-relationship of streets and parking.

The Council discussed the proposals. Councilmember Athearn suggested scheduling a work session with the Chamber of Commerce.

Administrator Fitch remarked on the development of a good working relationship with the Chamber of Commerce and endorsed Councilmember Athearn's suggestion.

The Council will set a date for a work session at their 6/04/92 meeting. Mayor Cahail asked the Council and staff to thoroughly review the proposals.

The Council and Administrator Fitch briefly discussed cost and response time concerns about proposed County street maintenance service to the Town.

At 9:05 PM, Mayor Cahail introduced draft ordinance #874, an ordinance adjusting the salary of the elected Treasurer.

Administrator Fitch referred to his memo to the Council of 5/12/92 and noted that although Wendy is an elected official, she has continually performed services to the Town beyond her statutory duties.

At 9:09 PM, Councilmember Athearn moved and Councilmember Potter seconded to adopt Ordinance #874. The motion passed unanimously.

Councilmember Nash moved and Councilmember Lackey seconded to approve payment of claims warrants #4749 through 4799 in the amount of \$84,885.10. The motion passed unanimously.

Mayor Cahail introduced draft resolution #839, a resolution authorizing the Mayor to execute an agreement with KS&M Engineering for construction inspection services in conjunction with the new 1 million gallon water reservoir.

Administrator Fitch explained the need and provision for subcontracting construction inspection services. At Councilmember Nash's inquiry, Administrator Fitch explained the nature of the intended construction services.

At 9:16 PM, Councilmember Nash moved and Councilmember Dickinson seconded to adopt Resolution #839. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #873, an ordinance adjusting the disposal rate for recyclable cardboard.

Administrator Fitch explained the intend and provisions of the proposed ordinance. He pointed out the reduced cost to the producer and the benefit to the environment. He noted that last month the Town exported 33 bales of cardboard at approximately 1,800 pounds per bale. Approximately 40% of the Town incoming waste stream is cardboard.

The Council and staff discussed the program.

At 9:26 PM, Councilmember Potter moved and Councilmember Lackey seconded to adopt Ordinance #873. The motion passed unanimously.

Administrator Fitch reported receipt of a letter from the San Juan Island School District requesting use of the Town's lot at Tucker Avenue and Harbor Street, north of the Waste Water Treatment Facility, for organized sports.

Councilmember Nash noted a previous preliminary commitment of use of the property to a proposed fish hatchery program. Administrator Fitch will look into the matter.

The Council and staff discussed the use of paver tiles as are currently being installed in the walkway by the Royal Theater between Spring Street and Sunshine Alley.

At 9:20 PM, Councilmember Nash suggested the Council consider reinstating time-limit parking enforcement, perhaps for a limited period. Mayor Cahail and the Council discussed reinstating parking enforcement towards the middle or end of June. Councilmember Athearn suggested a longer test period without enforcement. Councilmember Potter commented on the increased misuse of yellow zones.

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At 9:33 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn and continue the meeting to 5/28/92 at 7:30 PM for a GMA work session. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - May 28, 1992 @ 7:30 PM**

The Town Council met with the Planning Commission for a work session, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter

Others present: Gary Boothman, Planning Commission chairman, Commissioner Mark McClintock

Chairman Boothman noted that the other commission member's absences were excused. The Planning Commission did not have a quorum.

Mayor Cahill informed the meeting that the subject of the work session with the Planning Commission was to discuss the Comprehensive Plan update with special emphasis on the subject of capital facilities planning under the Growth Management Act (GMA).

Sandra Butler, Butler & Associates, planning consultants for the Town, distributed a document entitled "Capital Facilities Planning under Growth Management" produced by Henderson, Young, & Company, made available by the Association of Washington Cities. Ms. Butler informed the meeting that the Washington State Public Works Trust Fund is offering no interest 5 year loans with a 3/1 match for capital facilities planning. The maximum amount of a loan is \$30,000. There is a 6/19/92 application deadline.

Ms. Butler noted that a capital facilities elements is required in the new Comprehensive Plan. New capital facilities may be considered a shared responsibility among residents, the business community, public agencies, and new users or developers.

The community definition of concurrency was discussed. Flexibility in the definition is important. Concurrency includes public sector as well as private sector performance.

A inventory of Town systems and local levels of performance were discussed.

Town Administrator Fitch remarked on extensive previous planning and studies done by the Town and distributed a list of same prepared by Treasurer Picinich.

Ms. Butler illustrated various approaches to developing capital facilities plans.

Determination and specification of levels of service were discussed. Adopting same by reference in the Comprehensive Plan was suggested. Upper and lower limits and tiered levels of service standards were discussed. Level of service standards must be equitably applied. A level of service may be considered a guide for management of the service environment.

Options to balance revenues and costs were reviewed.

Converting capital improvement plans to capital facilities plans was discussed.

The relationship of GMA requirements to special interest districts such as school and port districts was commented on.

Exactions and impact fees were discussed. Exactions are the process by which an agency negotiates contributions from a developer.

Preparation of an application for the aforementioned Public Works Trust Fund loan was discussed. The term is 5 years from date of execution. Council directed staff to prepare an application for Council review.

At 9:23 PM, the Council concluded the work session portion of the meeting.

Administrator Fitch presented an update of the status of the proposed Town/San Juan County Spring Street/San Juan Valley Road reconstruction project and water and sewer upgrade considerations. Various funding plans were mentioned. He presented draft resolution #837, a resolution authorizing the Mayor to sign the Upper Spring Street Reconstruction plans. Administrator Fitch noted that some right-of-way acquisition is still pending and that the relocation of a portion of the Town's water transmission main must be accomplished. He noted that approval of the resolution does not obligate the Town to the project.

At 9:33 PM, Councilmember Nash moved and Councilmember Lackey seconded a "sense of the Council resolution" that the Council would approved draft resolution #837 at their next regularly scheduled meeting. The concern was that action on the proposed resolution was not a stated agenda item.

It was noted that the Council had previously considered the draft resolution at their May 7th 7:30 PM scheduled meeting and postponed action at that time. After discussion the motion and second were withdrawn.

Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #837. The motion passed unanimously.

Mayor Cahail asked the Council to designate 3 voting delegates to the upcoming Association of Washington Cities convention. Councilmember Dickinson moved and Councilmember Nash seconded to so designate Councilmembers Athearn and Potter and Town Clerk Dubail. The motion passed unanimously.

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At 9:38 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - June 4, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, Maintenance Supervisor Reitan, & Fire Chief Galer

The Council reviewed the claims.

Fire Chief Galer reported the department had received 70 fire calls so far this year, twice as many as this time last year. He commented on the increase in aid and marine related calls. He also noted the increase in false alarms from automated systems and suggested penalty fees for repeat of same.

The chief and Council discussed differentiating in the reporting of various types of "fire" calls. They also discussed the nature and personnel involved in responses in the Town and in the Town's response area in Fire District #3.

The Mayor and Council thanked Chief Galer for his report.

At 12:45 PM, Maintenance Supervisor Reitan reported:

The Town reservoir is approximately 20" below the spillway and that flows through the filter plant have increased. He noted that increased frequency of filter back washing has resulted in temporary water pressure reductions in certain locations. Back washing is done at 5:30 AM, 12:30 PM, and 7:00 PM. Back washing takes at least 1 hour. Mr. Reitan suggested promoting voluntary water conservation. The storm clean-up logging of the water shed is close to completion and he is very pleased with the project so far. Videos of the operation are available. Work will start on the Caines Street water line this coming Monday concurrently with sewer and storm drain projects in the area. Application of an oil and rock surface to Caines Street is scheduled for the end of June. Mr. Reitan noted some problems with old private sewers in the Bel-Air section of Town. Work is proceeding on sludge disposal permit applications. Commercial refuse pick-up on Sunday and weekend pick-up of street refuse containers has begun. The crew will proceed from the Caines Street project to the Linder Street project to the Carter Avenue project.

Councilmember Athearn noted that Ken McCutcheon is definitely an asset to the Street Department.

At 1:03 PM, the Mayor and Council thanked Maintenance Supervisor Reitan for his report. Mayor Cahail noted the outstanding efforts of the crew in keeping the Town clean.

Town Administrator Fitch distributed the final draft of the Town/County Joint Planning Policies and noted the scheduled 6/23 joint work session and scheduled 6/30 joint public hearing. He will prepare a draft resolution for adoption of the policies.

Administrator Fitch informed the Council of a scheduled 6/23/92 1:30 PM meeting with Department of Transportation representatives regarding transportation and ferry terminal location issues. He will work to reschedule the meeting to alleviate the scheduling conflict with the joint work session.

Mayor Cahail asked the Council to consider reinstating time-limit parking enforcement. He noted the item is on this evening's agenda.



The Council remarked on numerous instances of abuse of downtown on-street parking, yellow zone infractions, and mid-block U-turns.

Councilmember Nash expressed support for reinstating time-limit parking enforcement.

Councilmember Athearn asked for inclusion of a sunset clause in any time-limit parking enforcement proposal. Councilmember Dickinson concurred.

At 1:17 PM, Councilmember Potter left the meeting due to a previous work commitment.

Administrator Fitch noted that it costs the Town approximately \$6.00 to process a \$5.00 parking ticket. Fines most likely will not cover the cost of enforcement.

Councilmember Nash commented on the necessity of enhancing ease of use of the downtown business district.

Councilmember Dickinson expressed concern about enforcement costs.

The Council discussed various aspects of the philosophy and mechanics of parking provision and enforcement.

Councilmember Athearn asked that the Council be provided with a revenue report.

At 1:47 PM, Councilmember Nash moved and Councilmember Lackey seconded to approve payment of claims warrants #4804 through 4856 in the amount of \$109,294.91 and payroll warrants #2493 through 2532 in the amount of \$65,744.92. The motion passed unanimously.

At 1:48 PM, Councilmember Athearn moved and Councilmember Nash seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - June 4, 1992 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Potter moved and Councilmember Athearn seconded to appoint Councilmember Nash Mayor Pro tem. The motion passed unanimously.

The minutes of the May 21st & May 28th 7:30 PM meetings were approved as submitted.

Town Administrator Fitch reported that a representative of Fire District #3 had contacted the Town regarding their intent to increase the 6 year Emergency Medical Services (EMS) levy to .40/\$1,000. They are currently collecting approximately \$28,000 per year. The levy increase would result in approximately \$62,000. The expressed purpose of the increase is to acquire a new emergency response vehicle and associated facilities.

Town Clerk Dubail summarized his 6/01/92 memo to the Council regarding San Juan County's intent to form a Local Law & Justice Council. He informed the Council that the initial organizational meeting will be scheduled for a Monday in June according to Superior Court Clerk Mary Jean Cahail. The Town is requested to provide a Councilmember for service on the council.

Councilmember Potter volunteered to serve on the proposed council but will be unable to attend the first meeting.

Administrator Fitch updated the Council on progress on construction of new access steps from the upper Port parking lot to First Street in the Town ROW between the American Legion building and the Grange building. The consensus of Council was to authorize the administrator to exceed the current budgeted line item.

Mr. Kif Brown, San Juan Organics, expressed interest in meeting with the Council to discuss bio-solid disposal issues.

At 7:45 PM, Mayor Pro tem Nash opened the public hearing to consider an application by James W. Slocomb to rezone approximately .72 acres of land from Multi-family Residential to Light Industrial at 320 Carter Avenue, and instructed the audience in the procedure to be followed.

Hearing no objection to his or any Councilmember's participation, Mayor Pro tem Nash asked Permit Coordinator Jones to present the staff report.

Mr. Jones gave an overview of the location, current use, and structures on the subject property. He reviewed surrounding property uses, utility and transportation provisions, and existing vegetative screening on the property and in the area. A SEPA determination of mitigated non-significance has been issued. Mr. Jones briefly recounted previous rezoning attempts for the property. He pointed out the changing nature of the neighborhood reflected in recent expanded light industrial, multi-family, and bed & breakfast uses.

The staff and Planning Commission recommend approval of the rezone with conditions. Mr. Jones stated that the Town Attorney has recommended a concomitant agreement regarding setbacks and uses in the setback area.

At 8:00 PM, Jim Slocomb, proponent, noted that the property is in the airport noise impact zone and pointed out the location of multi-family housing and commercial and light industrial uses.

Mayor Pro tem Nash opened the hearing for public comment.

Dick Robinson, 365 Carter Avenue, owner of a bed & breakfast in the neighborhood, asked that the Council consider conditioning rezone approval to address noise.

Mr. Jones reiterated remarks made by Attorney Eaton at a previous rezone hearing concerning this property specifying the requirements for rezoning. He felt the property met the requirements.

Councilmember Potter inquired about noise conditions imposed on Mr. Ed Pinnow, a previous applicant for a permit in the area. Attorney Eaton responded that Mr. Pinnow applied for and was granted a conditional use permit.

Mr. Slocomb noted that any industrial use of his property would be in an enclosed building at the end of the property away from the bed and breakfast establishment across the street.

At 8:12 PM, hearing no further comments, Mayor Pro tem Nash closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later time or date.

At 8:15 PM, after discussion, Councilmember Potter moved and Councilmember Lackey seconded to rezone the property from MFR to IND and adopt the facts & findings and the staff report. The motion passed unanimously.

Mayor Pro tem Nash presented draft ordinance #840, an ordinance creating new requirements for off-street parking regulations and introducing a fee-in-lieu-of-parking element for 3rd and final reading.

Permit Coordinator Jones pointed out minor revisions from the 5/29/92 draft.

Administrator Fitch noted receipt on 6/04/92 of a letter from Mark Kendziorek, president of the San Juan Island Chamber of Commerce (C of C), commenting on the proposed ordinance.

Mayor Pro tem Nash expressed support for the draft ordinance as revised.

Attorney Eaton noted that, by adoption, the Town will in effect be changing some of the parking requirements set forth in the Land Use ordinance. The new ordinance supersedes the old requirements. He recommended preparation of a "house keeping" ordinance to "clean up" the old regulations.

The Council and staff discussed parking requirements for restaurants.

Mark Kendziorek, C of C, stated that the Chamber endorses the current proposed ordinance. He felt the parking improvement fund needed to be augmented from other sources.

Dr. Chris Clarke suggested businesses or buildings which benefit from on-street parking should be assessed fees for those benefits. Additionally, if time limit parking enforcement is reinstated, similar fees should be assessed to help support the program.

Mayor Pro tem Nash stressed the need for a fair assessment method and wanted to not impose a hardship on new or struggling businesses.

At 8:48 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Ordinance #840. The motion passed unanimously.

The Council began discussion regarding the need to reinstate time limited parking in certain areas of the Town.

Administrator Fitch noted discussion on the subject at today's 12:30 PM meeting and referred to his 6/01/92 memo on the subject. He has prepared a draft ordinance to reinstate time limit parking. He reiterated that implementation would take at least 2 weeks. Administrator Fitch also noted receipt of letters from the C of C and Western Prince Cruises on the subject.

Mr. Kendziorek felt the parking situation downtown has gotten worse. He recommended increasing the ticket fees to at least \$10 and suggested that perhaps a system could be set up to excuse the fee for first offenders in a calendar year.

Brian Brown, President, San Juan County Bank, supported reinstating time limit parking enforcement and strongly suggested working toward establishment of a municipal parking facility.

Dr. Clarke suggested that businesses should consider enforcing tow-away signs in their private parking lots. He stressed the difference in the parking situation between the winter and summer. He felt part of the situation was due to the increase in the number of people coming to the island. He suggested that off-street parking be developed to give people an alternative before reinstating parking enforcement. Dr. Clarke suggested at least a 1 year trial period without enforcement and expressed the sentiment that the Town "was chasing symptoms, not solving the problem". He also suggested asking building owners for donations to help solve parking problems.

Blair King cautioned against moving too rapidly on such a complex subject. He also noted the increase in driving infractions downtown without apparent enforcement.

Mr. Kendziorek felt there were too many cars for the available parking. He supported an interim program and urged development of long term solutions.

Dr. Clarke expressed support for a \$10 to \$15 ticket fee with escalating fees for repeat offenders.

The Council discussed various aspects of the issue. Councilmember Lackey noted the 2 hour parking spot "shuffle" downtown under parking enforcement. Councilmember Athearn reiterated her desire for a sunset clause in the proposed enforcement ordinance. Councilmember Potter expressed support for increased fines. Councilmember Lackey stressed the need for enforcement to decrease mid-block U-turns on Spring Street.

The Council discussed establishing a temporary program to run through the end of September. Councilmember Dickinson felt a short term program may be an incentive to develop long term solutions.

At Councilmember Athearn's inquiry, Allison Arthur, Journal of the San Juans, noted little response to her recent article on parking.

The Council and staff discussed costs of reinstating parking enforcement.

Dr. Clarke urged a longer test period of no parking enforcement.

Mayor Pro tem Nash recommend enforcement through September.

Mayor Pro tem Nash moved and Councilmember Potter seconded to adopt Ordinance # 877, an ordinance amending Ordinance #574, Ordinance #732, and Chapter 10.04 Friday Harbor Municipal Code, concerning time limit parking, and repealing Ordinance #872 in its entirety, to be in effect from 6/20/92 to 9/20/92.

The Council recommended raising the parking fines and research into establishing a program of escalating fines for repeat offenders.

At 9:31 PM, the motion passed with Councilmembers Dickinson, Nash, and Potter voting aye and Councilmembers Athearn and Lackey against.

The Council discussed scheduling a work session for 6/08/92 from 7:00 to 9:00 PM.

At 9:42 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 10:09 PM, Councilmember Potter moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:10 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn and continue the meeting to 6/08/92 at 7:00 PM for a work session. The motion passed unanimously.

Albert M. Nash, Mayor Pro tem  
Steven Dubail, Town Clerk

### **Town Council -June 8, 1992 @ 7:00 PM**

The Town Council met in for a work session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Nash, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Mayor Cahail introduced and Town Administrator Fitch elucidated on the subject of the work session; a preliminary discussion on establishment of a street improvement district and other alternatives for funding street improvements. It was noted that street improvements include storm drainage, sidewalks, and street lighting as well as street maintenance and upgrading. Administrator Fitch noted that funding is also inadequate for the Arterial Street Fund.

Ron Loewen, Director, San Juan County Public Works, spoke of changed State calculation methods of determining and disbursing Capron Act funds.

The changing allocation of Current Fund revenues to the Street Fund was mentioned.

Treasurer Picinich spoke about Transportation Benefit Districts (TBD's) which are, in effect, junior taxing districts. She stated that they can be established by the Town, County, or jointly. The levy does not have a local cap and must be established by vote of the people. A TBD is a separate taxing district and is an overlay over existing districts.

Councilmember Nash suggested the possibility of establishing a TBD to include the "core" area and 200' around the core.

Treasurer Picinich noted that the Council could raise the property tax levy but the burden would be placed on local property owners. A local option vehicle tax of up to \$15 per vehicle could be **enacted by the County. The County would receive 1« of the revenue that the Town would receive.**

Mayor Cahail noted that all the options mentioned placed the burden on local residents.

Mr. Loewen stated that the County may be looking to borrow money to fund part of their road program next year. Maintenance is becoming an increasing expense.

At Mayor Cahail's inquiry, Mr. Loewen felt the County would be willing to contract to perform some street maintenance functions for the Town. Economies of scale may be realized in materials and full time staffing.

Administrator Fitch remarked on the different needs and level of service between the Town and County street/road departments.

Councilmember Dickinson suggested exploring mutual increased revenue sources as well as contracting for services.

Treasurer Picinich noted the Town is allocated approximately 10% of the Capron Act funds received in the county.

Councilmember Nash suggested seeking State legislation to increase the sales tax level for municipalities without public transportation to help fund streets.

Treasurer Picinich noted that the County can enact an additional gas tax. Again, the County **would receive 1« of the revenue that the Town would receive.**

Mr. Loewen spoke to the method of allocation of County Public Works funds. County road levy funds most likely could not be spent in Town, Federal funds received by the County are not so restricted. The County Commissioners have diverted road funds to other projects in the past. County implementation of the \$15 license fee could be orchestrated with a smaller percentage increase in the annual 6% County road levy increase.

Administrator Fitch reported on information received from Municipal Research and Services Center (MRSC) regarding Business Improvement Districts, Local Improvement Districts (LID's), Street Utilities, and Parking & Business Improvement Areas. The focus was on methods to implement a Parking & Business Improvement Area. The consensus for forming same must come from the business community.

At 8:30 PM, Councilmember Dickinson indicated interest in further review of a possible contract with San Juan County for certain street maintenance services.

Councilmembers Potter and Nash would like research into obtaining State legislation to increase sales tax for street maintenance.

The Council thanked Mr. Loewen for his comments and interest.

At 8:37 PM, Mayor Cahail introduced draft ordinance #878, an ordinance establishing the date, time, and place for two meetings of the Friday Harbor Town Council, to take place at a location other than that specified in Ordinance #556. A joint work session and a joint public hearing on Growth Management Act matters are scheduled with the Board of County Commissioners at the Commissioners' hearing room at the San Juan County Court House.

Councilmember Potter moved and Councilmember Dickinson seconded to adopt Ordinance #878. The motion passed unanimously.

Mayor Cahail introduced for Council review, draft resolution #840, a resolution to submit a loan application to the Washington State Public Works Trust Fund for a \$30,000 zero interest loan to help fund a Capital Facilities Plan.

Administrator Fitch noted that action would be required by June 18th to meet the June 19th application deadline.

The Council will consider action on the draft resolution at the scheduled 6/18/92 meeting.

Councilmember Potter informed the Council she would be out of town from 6/20 to 7/15/92.

At 8:45 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 9:05 PM, Councilmember Potter moved and Councilmember Nash seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

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At 9:06 PM, Councilmember Nash moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## **Town Council - June 18, 1992 @ 7:30 PM**

The Town Council met in regular session.

Members present: Dickinson, Lackey and Nash

Others present: Town Administrator Fitch & Attorney Eaton

Mayor Cahail called the meeting to order at 7:30 PM.

Deputy Clerk Avery called the roll and asked if the absences of Councilmembers Athearn and Potter were excused. Mayor Cahail said the absences were excused because the Councilmembers were at an AWC conference.

Town Administrator Fitch distributed a memo from C. Hopkins & Associates, Friday Harbor, WA regarding a willingness to make a presentation addressing a possible solution to the Town's parking problem. The Council directed the staff to research who C. Hopkins & Associates is before scheduling them on the agenda.

At 7:35 PM April Taylor, owner of Primo Taxi Service, made a presentation regarding the regulation of taxi service within the Town of Friday Harbor and asked that the Town require proof of need for additional taxi services requesting a business license from the Town. She would like to discourage other taxi services from coming to Friday Harbor for the 2 - 3 profitable summer months because this would cut into her taxi business and make it economically difficult, if not impossible, for her to continue her year round service which the community needs and has grown to depend upon. She presented the Council with a petition signed by several people supporting her views.

Administrator Fitch had assembled information from Municipal Research, and copies of RCWs which give authority for towns to regulate taxis. Also attached were sample ordinances from other towns for the Council to study regarding the issue of regulation of taxi services.

The Mayor and Council unanimously acknowledged the value of a stable year round taxi service to the community and a desire to keep one going. Councilmember Dickinson was concerned about liability in regulating business. Councilmember Nash, supported by Councilmember Lackey, requested that the staff research the topic and make a recommendation to the full Council.

At 7:48 PM Mayor Cahail opened for discussion the topic of increasing the fines for overtime parking.

Administrator Fitch indicated that all the Council needs to do is legislatively change the fees within the limits of reason.

Discussion continued on the purpose of fines, warning tickets, visitors vs locals, fee schedules, incremental fines, compounded fines and the cost of parking control to the Town.

Attorney Eaton introduced Ordinance #880 amending Ordinance #574 concerning fines for violation of time limited parking. This ordinance will increase the fine for overtime parking from \$5.00 to \$10.00.



At 8:17 PM Councilmember Dickinson moved to adopt Ordinance #880. Councilmember Lackey seconded the motion. The motion passed unanimously.

The Council requested that warning tickets only be issued until Wednesday, June 24, 1992 so that Ordinance #880 will become effective at that time.

At 8:20 PM Mayor Cahail introduced Resolution #840 which calls for submitting a loan application to Department of Community Development to help fund a Capital Facilities Plan.

Administrator Fitch said the Town would apply for the whole amount - \$30,000.00, 0% interest, and 5 year payback - and that we would not be required to accept the entire amount. What we actually borrow would depend upon the cost of the project which is not known at this time. THE loan application deadline is June 19, 1992.

Councilmember Nash moved to adopt Resolution #840 and Councilmember Lackey seconded the motion. The motion was unanimously passed and Resolution #840 was adopted.

At 8:25 PM Mayor Cahail introduced Resolution #841 authorizing the Mayor to execute an agreement with KS&M Engineering for additional construction inspection services in conjunction with the one million gallon water reservoir project.

Councilmember Nash moved to adopt Resolution #841 and Councilmember Dickinson seconded the motion. The motion passed unanimously and Resolution #841 was adopted.

At 8:35 PM Administrator Fitch gave the Administrator's report. Items discussed included the EMS report, Council participation in the 4th of July parade, the fair building renovation project, joint planning policies with San Juan County and a work session request by Kif Brown of San Juan Organics. Also Administrator Fitch requested that paver bricks be used for the American Legion stairway job.

The Council indicated that they would like to see the Legion/Grange stairway landing completed with pave bricks.

At 8:50 PM Mayor Cahail gave Kif Brown 5 minutes to state in more detail why he was requesting a work session with the Council. The Council agreed to set a date for a work session at the July 2, 1992 meeting.

At 9:10 PM Councilmember Lackey moved and Councilmember Dickinson seconded a motion to pay claim warrants #4858 through 4895 in the amount of \$48,962.51. The motion passed unanimously.

At 9:13 PM Councilmember Dickinson moved and Councilmember Nash seconded the motion that Council go into an executive session regarding pending legislation. The motion passed unanimously.

At 9:53 PM Councilmember Nash moved and Councilmember Lackey seconded the motion to go back into regular session. The motion passed unanimously. No Council action was taken in executive session.

At 9:55 PM Councilmember Dickinson moved and Councilmember Nash seconded the motion to adjourn the meeting. The motion passed unanimously.

H. James Cahail, Mayor  
Andrea Avery, Deputy Clerk

### **Town Council - June 23, 1992 @ 2:00 PM**

The Town Council met for a work session with the San Juan County Board of Commissioners regarding Growth Management Joint Planning Policies in the San Juan County Board of Commissioners (BOCC) Hearing Room.

Members present: Athearn & Dickinson  
Others present: Town Administrator Fitch & Attorney Eaton

Town Clerk Dubail noted that Mayor Cahail, Councilmember Lackey, Councilmember Nash, and Councilmember Potter had previously contacted his office and requested that their absences be excused due to business or travel commitments.

The Town Clerk declared that the Council lacked a quorum. After a brief discussion, Town and County representatives agreed to continue the joint work session without a Council quorum.

County Commissioners Bill LaPorte, Bruce Orchid, and Tom Cowan were present.

Commissioner Cowan gave a brief review of Town and County Planning Commission and staff efforts on the draft joint planning policies. He noted that the respective Planning Commissions recommended adoption of the draft policies. He also noted that a joint public hearing on the subject would be held in the San Juan County Board of Commissioners Hearing Room on 6/30/92 at 10:00 AM.

Town Administrator Fitch introduced Town planning consultant Sandra Western-Butler, Butler & Associates and Town Permit Coordinator Warren Jones.

Commissioner Cowan introduced Laura Arnold, San Juan County Deputy Planning Director and Darcie Nielsen, San Juan County Senior Planner. Ms. Nielsen gave a brief summary of the draft policies.

At 2:15 PM, Richard Grout, San Juan County Planning Director joined the meeting.

Ms. Butler gave a brief review of policy development.

The Town of Friday Harbor staff, Councilmembers, and the BOCC discussed specifics of the proposed policies for designation of the Friday Harbor Urban Growth Area (FHUGA). Concerns

were expressed regarding the State Office of Financial Management (OFM) 20 year population forecast. The OFM number is considered a minimum projection.

Commissioner Orchid noted that the Town is effected by the County population and said population's need for government and other services. Other population centers in San Juan County will need to absorb some of the projected growth.

Councilmember Dickinson noted that the policies are intended as a framework for consistency and coordination between the Town of Friday Harbor and San Juan County.

Discussion continued on population projections in regard to the Town of Friday Harbor and San Juan Island or San Juan County. Commissioner Orchid reiterated that the projected population needs to be allocated with other urban areas in mind. Ms. Butler explained the rationale behind specifying San Juan Island rather than San Juan County.

Discussion followed on the proposed policies for joint Town and County planning and policies for promotion of contiguous and orderly development. Ms. Butler and Ms. Nielsen explained the need for cooperation in administering the FHUGA outside the Town limits. Annexation policies and development regulations were discussed.

Ms. Butler pointed out that the proposed provision for annexation agreements was intended to be between the Town of Friday Harbor and applicants for annexation, not between the Town of Friday Harbor and San Juan County. The intent is to provide guidelines for orderly annexation and development.

At Commissioner LaPorte's inquiry, Ms. Butler explained the use of Developer Extension Agreements (DEA) for the construction of required capital facilities.

The Town staff, Councilmembers, and the BOCC discussed the Land Use section of the above proposed policy. Following Councilmember Dickinson's comments, the word "existing" was added before "water service area" in section D.1(b).

Ms. Butler pointed out that ReSHB 1025 requires a separate plan element for siting capital facilities of County or State-wide significance. The inclusion of a local capital facilities policy was arrived at during work sessions by the respective Planning Commissions. It was agreed to specify that capital facilities section E was intended to address local (Town) facilities. The need for and intent of the two capital facilities sections were discussed.

Mr. Grout remarked that the State Department of Transportation has mentioned that concurrency works both ways - local and county governments may need to consider State facility capabilities when reviewing local development proposals.

Commissioner Orchid noted that there isn't Town representation on the County Housing Committee. The County will extend an invitation to the Town for same.

Concerning the proposed policies for affordable housing, Commissioner Cowan asked if it was government's role to "provide affordable housing choices for all incomes", as stated in the draft. Would this include the wealthy? "For all incomes" was deleted.

A brief discussion continued regarding the proposed policies for economic development and employment.

Discussion regarding the proposed analysis of fiscal impacts, policy #4, led to substituting "distribution of" for "sharing" tax and non-tax revenues.

At 3:14 PM, Mr. Grout introduced a draft resolution for adopting a Regional Implementation Strategy and Funding Distribution Formula for Activities to be Carried Out Under the Growth Management Act of 1990. He indicated that this resolution is comparable to a previously adopted resolution and is part of the "Regional Strategy" addressing GMA compliance guidelines. The referenced Exhibit "A" addressing funding distribution between the Town and County was not provided.

At 3:26 PM, after a 10 minute recess, Town and County planning representatives presented revised wording for the proposed policies to address concerns raised during the work session. Administrator Fitch asked that the revisions be made available to the respective Planning Commissions. It was noted that additional revisions may be made following the upcoming public hearing.

At 3:32 PM, the BOCC thanked the Town of Friday Harbor representatives and their staff and adjourned the work session.

Steven Dubail, Town Clerk

### **Town Council - June 30, 1992 @ 10:00 AM**

The Town Council met for a joint public hearing with the San Juan County Board of Commissioners regarding Growth Management Joint Planning Policies in the San Juan County Board of Commissioners (BOCC) Hearing Room. Mayor Cahail called the Council meeting to order.

Members present: Athearn, Dickinson, Nash, & Lackey

Others present: Town Administrator Fitch & Attorney Eaton

Town Clerk Dubail noted that Councilmember Potter had previously contacted his office and requested that her absence be excused due to travel commitments.

County Commissioners Bill LaPorte, Bruce Orchid, and Tom Cowan were present.

Commissioner Cowan gave a brief review of Town and County Planning Commission and staff efforts on the draft joint planning policies to date and opened the public hearing.

Darcie Nielsen, San Juan County Senior Planner, summarized the joint planning policy development process and pointed out the minor changes agreed upon at the previous joint work

session. She noted that the Town Council & BOCC holding joint meetings as well as the Town & County Planning Commissions joint meetings was a historic moment.

At Councilmember Nash's inquiry, Sandra Western-Butler, Town Planning Consultant, specified that the only document to be considered today was the Joint Planning Policies (JPP), not the Multi-year Regional Strategy.

At 10:17 AM, Commissioner Cowan opened the hearing for testimony from the audience.

Eric Huart, Department of Community Development (DCD), Growth Management Division, noted that the Town and County would be among the first in the state to adopt Joint Planning Policies. Mr. Huart congratulated both bodies.

Hearing no further comment, Commissioner Cowan closed the public input portion of the hearing and asked for recommendations from staff.

Ms. Butler recommended that the County adopt the JPP with the changes specified in the 6/26/92 joint memo from Town & County Staff. She further recommended that the Town Council support adoption of same by motion.

At Councilmember Nash's inquiry, Councilmember Dickinson explained her position on and indicated support for the draft JPP.

At Councilmember Nash's request, Town Administrator Fitch expressed his support for the draft JPP.

At Mayor Cahail's inquiry, the consensus of the Council was to support adoption.

At 10:25 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to proceed with support of the BOCC's adoption of the JPP as revised per the 6/26/92 memo. The motion passed unanimously.

Commissioner LaPorte expressed support for adoption and spoke of the dedication of both staffs and Planning Commissions.

Commissioner Orchid indicated support for adoption and commented on the productive discussion between the Town Council members and the BOCC at the joint work session. He noted the revisions in the affordable housing element and reiterated his invitation for Town representation on the County's Housing Board.

Commissioner Cowan commented on the benefit of joint Town Council/BOCC meetings.

At 10:30 PM, Commissioner LaPorte moved and Commissioner Orchid seconded to adopt the Joint Planning Policies as revised and directed County staff to prepare a resolution for same. The motion passed unanimously.

At 10:32 PM, Councilmember Lackey moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - July 2, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Nash

Others present: Town Administrator Fitch, Treasurer Picinich, Maintenance Supervisor Reitan, & Fire Chief Galer

The Council reviewed the claims.

Fire Chief Galer reported there have be 82 fire calls so far this year, 44 this time last year. There are 29 people in his department including the transfer of a trained firefighter from Orcas. Chief Galer reported on a fire at the Island Flower Pictures business at Starr Storage on 6/23. There were no fire walls in the attic space of the building. His personnel experienced only 15 PSI water pressure from the hydrant on Malcolm Street. He noted that the Board of County Commissioners will be holding a public hearing to consider a partial ban on fireworks in San Juan County.

Mayor Cahail thanked Chief Galer for his report.

At 12:28 PM, Maintenance Supervisor Reitan reported:

The Town reservoir is approximately 34" below the spillway. Water Department personnel will be replacing 2 main pumps at the treatment facility. The pumps have been online since 1975. The utility installation on Caines Street is nearly completed. Several small leaks in that water main have been repaired and a new 30" storm drain is in place. Work will start on the new Linder Street water main next week. Mr. Reitan noted praise from Wade Sundstrom regarding agricultural land application of biosolids by Town personnel. He commented on the increase of refuse collected from street refuse receptacles. Mr. Reitan noted that the Town is billing for Town service work on private side sewers. The 4" water main on Caines Street will be replaced by a 8" line.

Treasurer Picinich reported that Town revenue for sale of watershed blowdown timber was approximately \$108,000. Revenues are held in the Water Capital Reserve Fund for Land Acquisition.

Maintenance Supervisor Reitan reported that the logging project is nearly done except for road grading.

Mayor Cahail thanked Maintenance Supervisor Reitan for his report.

At 12:53 PM, Councilmember Nash moved and Councilmember Lackey seconded to approve payment of claims warrants #4900 through 4981 in the amount of \$79,702.46 and payroll warrants #2535 through 2578 in the amount of \$74,493.89. The motion passed unanimously.

Treasurer Picinich distributed debt service schedules for various financing options for the upper Spring Street Reconstruction project. The Town plans to finance a principal not to exceed \$175,000.

The Council and staff reviewed the various options. Repayment is to be made from Town property tax revenues. Depending on the option selected, other street projects may be precluded for most of the term of the loan.

Mayor Cahail suggested consideration of the local financing option for the first year to reduce the principal and then refinancing with Flexline general obligation bonds.

The Council felt a shorter term payoff was desirable. The Council requested that staff provide analysis of variations on the suggested options, including 10 year Flexline general obligation bonds and prepayment after 10 years.

Mayor Cahail noted that San Juan County has awarded the contract for the joint reconstruction contract to the qualified bidder.

Treasurer Picinich noted that a decision for Flexline financing must be made by 7/16/92.

Councilmember Nash felt financing should be resolved before committing by resolution to participation in the project. Consideration of draft resolution #844 was deferred to the evening meeting.

At 1:35 PM, Councilmember Nash submitted his letter of resignation from the Council to be effective as soon as possible and thanked the Mayor, Council, and staff for years of support. He asked the Town Clerk to inform the local papers, Councilmember Potter, and the Town staff.

Mayor Cahail thanked Councilmember Nash for his years of dedicated service to the Town and community.

The Council will take action on Councilmember Nash's submission of resignation at the end of the evening meeting.

At 1:45 PM, Councilmember Athearn encouraged Councilmembers to attend future Association of Washington Cities annual conventions.

At 1:52 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## **Town Council - July 2, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Nash

Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes of the June 4th 12:30 & 7:30 PM meetings, the June 8th 7:00 PM meeting, the June 18th 7:30 PM meeting and the June 23rd 2:00 PM meeting were approved as amended.

Mr. John Burke, San Juan Island, regarding the proposed EMS levy, spoke of possible taxation without representation issues, and that the aid unit should be part of the hospital district, not the fire district.

At 7:38 PM, Joyce Sobel, Citizens Advisory Committee for the EMS levy, introduced other members of the committee present; Bruce Street and Kathy Mohrweiss. She noted that the current Town EMS levy of \$.25/1,000 ends this year. Fire District #3 will be requesting a \$.40/1,000 levy in the County and wish to do the same in Town. The increase of \$.15/1,000 would be used to purchase a new aid vehicle and construction of a building to house same. Ms. Sobel asked the Council to support the request for the increase in Town. By special arrangement the issue would be on the ballot for the September 15th primary election.

Mayor Cahail, Council, Town Administrator Fitch, Ms. Sobel, and Frank Wilson discussed various aspects of the proposal. Ms. Sobel noted that levy particulars must be submitted to the County election officer by 7/31/92.

At Councilmember Dickinson's inquiry, Frank Wilson, EMT, stated that the citizens of Fire District #3 and the Town would own the proposed capital improvements. The instrument of ownership was not stated.

Mayor Cahail noted that the proposed increase is intended for capital improvements, the cost of services to the public has not increased.

The consensus of Council was to support the proposal and take action at the 7/16/92 meeting.

At 8:09 PM, Administrator Fitch presented the draft 1993/98 Six Year Transportation Improvement Plan and noted changes from the previous plan. He asked the Council to review, discuss, and propose changes. Public input is invited.

Councilmember Nash suggested consideration of adding the opening of Jensen Street. Mayor Cahail commented that funding for maintenance of neighborhood streets should be obtained through local improvement districts. Marguerite Place was moved up on the list and the Council and staff discussed designating Marguerite Place as an arterial.

At 8:25 PM, Attorney Eaton presented proposed changes to the Land Use Ordinance concerning procedures for over height structures, yard requirements for light industrial zones, permitted uses



for light industrial zones, and deleting parking requirements. Attorney Eaton explained the intent of each suggested change. Council and staff discussed the proposal.

Administrator Fitch additionally suggested referring the updating of the Land Use (Zoning) map to the Planning Commission.

Town Clerk Dubail suggested asking the Planning Commission to consider changing the name of the Land Use map to Zoning District map.

The consensus of the Council was to refer the various matters to the Planning Commission.

At 8:40 PM, Attorney Eaton presented issues regarding implementing increases in fines for miscellaneous parking infractions.

After discussion, the Council chose not to pursue changes at this time.

At 8:47 PM, Mayor Cahail introduced draft resolution #842, endorsing a Regional Strategy for implementing activities to be carried out under the GMA.

Administrator Fitch gave a summary of particulars of the process and noted efforts at staff level to reach a mutually acceptable arrangement with San Juan County. He noted that a Regional Strategy is to be adopted by the County and that they transmit same to DCD.

Mayor Cahail and the Council discussed options. Mayor Cahail suggested sending a copy of the resolution and associated attachment, if adopted, to the County Commissioners to keep them apprised of the issue. The Council commented on the notable effort on the Town's part to date and the need to continue.

At 9:03 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #842 and forward a copy to the Board of County Commissioners. A copy also to be sent to DCD for their file. The motion passed unanimously.

Treasurer Picinich presented draft resolution #843, a resolution authorizing the Mayor to execute a loan agreement between the Town of Friday Harbor and San Juan County Bank, and other options for financing the reconstruction of upper Spring Street. She spoke to the attributes of the various options. She noted that the Town is authorized, without a vote of the people, to take on approximately \$1 million additional debt. The Town currently has approximately \$78,000 of unvoted liabilities.

The Council and staff discussed various aspects of the options.

At 9:39 PM, draft ordinance #881, 10 year Flexline financing for the reconstruction of upper Spring Street, was introduced and given first reading.

Mayor Cahail introduced draft resolution #844, a resolution authorizing the Mayor to enter into an agreement with San Juan County Public Works for the reconstruction of upper Spring Street.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #844. The motion passed unanimously.

Administrator Fitch noted receipt of the 1992 Solid Waste Management Plan for the San Juan Islands. He asked the Council to review said document.

Administrator Fitch asked the Council to review a preliminary proposal from the engineering firm of Gray & Osborne regarding a stormwater utility.

Administrator Fitch noted receipt of a report from Envirometrics regarding recommended alterations to the Town incinerator. He asked the Council to consider the options set forth. He noted that incineration is the recommended disposal method for medical waste.

Administrator Fitch noted a proposal from KCM regarding a reduced scope of services for biosolids disposal. Draft RFPs for biosolids transportation, storage, and utilization have been prepared. A plan to devise increased testing of the Town's biosolids is in draft form and available for review.

At 9:55 PM, Mayor Cahail informed the audience that Councilmember Nash had submitted his resignation from the Council at the 12:30 PM meeting. The Council will take action on same.

Councilmember Dickinson (reluctantly) moved and Councilmember Athearn (regretfully) seconded to accept Councilmember Nash's resignation and thanked him for his years of service to the Town. The motion passed unanimously.

Mayor Cahail requested that Mr. Nash continue to serve the Town from time to time as an unpaid consultant. Mr. Nash graciously accepted.

At Mayor Cahail's request, Councilmember Athearn moved and Councilmember Dickinson seconded to confirm the Mayor's reappointment of Gary Boothman to Planning Commission position #3 for a 6 year term. The motion passed unanimously.

At 10:00 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 10:15 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Attorney Eaton briefly mentioned 3 recent Washington Supreme Court land use cases. He will provide the Council with additional information.

At 10:18 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 7/8/92 at 7:30 PM for a work session. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## Town Council - July 8, 1992 @ 7:30 PM

The Town Council met for a work session regarding biosolids, Mayor Cahail presiding.

Members present: Athearn, Dickinson, & Lackey

Others present: Town Administrator Fitch & Maintenance Supervisor Reitan

The Council discussed the current status and planning for biosolids utilization and disposal and reviewed various options. Town Administrator Fitch summarized possible procedures to follow such as issuing Requests for Proposals (RFP's) for sludge hauling, storage, and utilization.

At Councilmember Dickinson's inquiry, Mr. Kif Brown, San Juan Organics, stated he could have a biosolids agricultural land application permit "pretty quick" for his property assuming an acceptable solution to biosolids storage could be developed.

Mayor Cahail felt that agricultural application was one of a number of viable solutions but did not want to eliminate other future options.

Mr. Brown suggested permitting the "Wade Sundstrom" site as well as his property. Arrangements could be made to ensure continued Town use of his site.

Administrator Fitch distributed draft RFP's as mentioned above. He also spoke to storage needs during part of the year.

The question of who would acquire the necessary permits was discussed.

Mayor Cahail suggested that a sample contract be sent with the RFP's.

The advisability of a 5 year as opposed to a 1 year contract was mentioned.

Mr. Brown noted that the Friday Harbor Sand & Gravel site may be a permissible site. A combination of agricultural land application and forest land application may provide the desired solution.

Administrator Fitch, noting the approximate 6 month minimum lead time to obtain a permit from Department of Ecology and San Juan County Public Health, stressed that the Town will have to make arrangements for sludge hauling, storage, or utilization for this winter.

Councilmember Dickinson noted that site permitting is crucial to considering options.

Maintenance Supervisor Reitan mentioned that the federal government is considering requiring onsite sludge storage. Kevin Kirk, Wastewater Treatment Plant Operator, should have additional information about onsite storage in the next few weeks.

The Council, staff, and Mr. Brown discussed how to proceed toward finding viable solutions. It was noted that the Town is never absolved of ultimate responsibility for the sludge. Also, sludge is considered a "solid waste" in the 1992 Solid Waste Plan for the San Juan Islands.

Mayor Cahail, staff, and Mr. Brown discussed various proposal options.

Councilmember Athearn noted that "the clock is ticking" and the Town must move toward finding a viable sludge disposal solution. She suggested issuing the RFP's.

Councilmember Lackey suggested both continuing with the investigation of the viability of forest land application and issuing the RFP's.

At 9:01 PM, the consensus of the Council was to proceed per Councilmember Lackey's suggestion.

At Mr. Brown's inquiry, the Council indicated their desire was for the most cost effective, environmentally sound solution.

The Council and staff discussed various lengths for the proposed contract. The Council decided on a term longer than 1 year.

At 9:13 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - July 16, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter

Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes of the 6/30/92 10:00 AM, 7/02/92 12:30 PM, 7/02/92 7:30 PM, and 7/08/92 7:30 PM meetings were approved as amended.

The Council reviewed the claims.

Hans Albrecht, superintendent for Gene Bouma, Inc. (GBI), presented a request for reduced water and sewer connection charges for a 20 unit multi-family development on Linder Street. He also asked that GBI be allowed to install their own rather than Town supplied water meters. He felt that the 1991 connection charges should apply and that this Farmers Home Administration funded project was intended to provide affordable housing.

Council and staff discussed the requests. Councilmember Potter noted that all others are required to pay the applicable fees. Councilmembers Athearn and Dickinson concurred with Councilmember Potter and pointed out that delays in the Short Plat processing had been caused by the applicant. Councilmember Lackey spoke to the need for affordable housing but concurred with the other Councilmembers.

The consensus of Council was that the applicable rates should be applied.

At 7:45 PM, Mayor Cahail opened the public hearing to consider an application by Robert Greenway to vacate a portion of a subdivision containing approximately 1.41 acres, commonly known as Lots 10, 11, 12, & 13 of Evergreen Addition, Phase I, and to rezone those parcels of land from Single Family Residential to Light Industrial.

Stephanie O'Day, agent for the applicant, challenged Councilmembers Athearn and Dickinson on appearance of fairness as they are property owners in the area.

Mayor Cahail noted that both challenged Councilmembers could not step down as the meeting would lose a quorum.

Ms. O'Day asked that Councilmember Dickinson step down. Councilmember Dickinson chose to step down and left the hearing. Councilmember Athearn noted that she is a property owner in the area but felt she could hear the matter objectively.

Hearing no further challenges, Mayor Cahail instructed the audience in the procedure to be followed and asked Warren Jones, Permit Coordinator, to present the staff report.

Mr. Jones itemized receipt of correspondence regarding the issue and stated that the Planning Commission had held a public hearing on the application on June 11, 1992 and adopted facts and findings for same on June 25th. Mr. Jones noted the zoning, use, utilities, structures, and other planned development in the area. The Town has issued a SEPA Determination of Mitigated Nonsignificance. The Planning Commission recommended approval with conditions. Mr. Jones remarked on opposition in the neighborhood to the proposal. He pointed out a number of changes in the area including expansion of the airport and the construction of Mullis Street. Mr. Jones outlined significant drainage problems in the area and summarized the proposed mitigation requirements. He noted the proposed requirements, by concomitant agreement, for a sight obscuring buffer, setbacks, vehicle access limitations, and the possible specification of natural building colors. The staff findings and conclusions were not presented due to the many options open to the Council.

At 8:01 PM, Ms. O'Day distributed to the Council additional conditions proposed by the applicant and summarized the intent of the proposal. She noted significant changes in the nature of the surrounding area and commented on the need for area for industrial development as mentioned in the 1989 Land Use Compendium and the 1991 Compendium Update. She mentioned various legal considerations and procedural matters and noted the willingness of the applicant to minimize any impacts and to develop with regard to adjacent uses. She reviewed the intent of the applicant's proposed additional conditions and spoke to intended construction methods and materials. She asked the Council to approve the proposal and summarized the potential benefits to the community.

At 8:13 PM, Mayor Cahail opened the hearing for public input and outlined the procedure to be followed.

Mr. Robert Greenway, proponent, noted his willingness to increase setbacks and provide view corridors.

Cindy Mullis, Hemlock Court, recounted the gist of a neighborhood meeting held the previous week with the applicant and related that the neighbors and the applicant were unable to agree on a compromise. She felt the neighbors couldn't trust Mr. Greenway to meet conditions and that the neighbors "didn't want to look at a blank wall".

Jerry Mullis, Hemlock Court, provided 2 photographs to illustrate a 27 foot building height and commented on his desire to retain his view.

John Hart, 545 Hemlock Court, spoke to the perceived barrier by the proposed industrial development to the adjacent residential use and noted the availability of vacant industrial zoned land elsewhere in Town. He stated that the subdivision covenants would be violated by the proposed partial vacation. He added that he did not have a major objection to a single story structure. He threatened that a lawsuit may be forthcoming if the vacation is approved.

Harlan Anderson, 550 Hemlock Court, agreed with the previous speakers and expressed concern over possible loss of view and reduced property values.

Hedda King, 530 Hemlock Court, noted that the lots in question have never been offered for sale and felt the proponent had not fulfilled the conditions of a previous adjacent rezone.

Ken Hedin, 540 Hemlock Court, felt the Town didn't need any additional industrial zoned land at this time and that the development of an industrial building with a concrete wall would adversely impact the neighborhood and property values. He introduced the neighbor's attorney, Mr. Stephen Quesenberry, of the law firm of John O. Linde.

Mr. Quesenberry spoke to the significance of a partial vacation of a subdivision and pointed out the provisions of RCW 58.17.212 regarding the vacation of subdivisions. He noted that the understood purpose of the requested vacation was to allow the proponent to construct a 27 foot high "tilt-up" concrete building. He felt the proposal would be detrimental to adjacent residential property uses and commented that the adjacent area is comprised of people's homes. He remarked that Mr. Greenway wrote the original covenants. Mr. Quesenberry felt the proponent was the only one who would benefit from the vacation and did not feel there had been significant change in the area. He spoke of the need for trust in government and that the property owners had relied on the provisions of the original plat when purchasing their property. He reiterated the existence of the restrictive covenants.

Mayor Cahill asked if there were any non-repetitive comments.

Bob Greenway pointed out the existence of 27 foot high houses in the neighborhood and commented that he had designed the subdivision and built all but 3 houses in it.

Hedda King felt that if the lots in question were used for single family residential purposes the homes might not be built to 27 feet.

Cindy Mullis asked that the 1992 Springtide magazine published by the Journal of the San Juans be accepted as an exhibit as it contained an advertisement that showed the 4 lots sold and indicated proposed professional services. The exhibit was accepted.

Ms. O'Day reiterated that change is always with us and felt that vacation of the lots would not be a violation of State law. She responded to previously voiced concerns and summarized the applicant's position.

John Hart stated that Mr. Greenway had expressed at a neighborhood meeting that "no homes will ever be built on those lots".

Nina Anderson, 550 Hemlock, said that Mr. Greenway had previously alluded to using the area as a neighborhood park.

Ken Hedin commented on positive discussions with the Port District regarding planting trees along Mullis Street. He pointed out that opposition to the proposal is from "common, ordinary" people.

Cindy Mullis contested various points made by Ms. O'Day.

Administrator Fitch noted receipt on 7/15/92 of a fax from R. L. & Phyllis Vincellette opposing the proposal.

At 8:57 PM, Attorney Eaton emphasized that the applications are for vacation of a portion of a subdivision and rezone of same, not development. Conditional rezones are not illegal but must be done carefully. Zoning is intended to provide a simple, understandable scheme of uses.

Administrator Fitch read the last paragraph of the Findings & Conclusions from Rezone file #18. He pointed out comments by the Council at that time that commercial rather than single family residential use may be more appropriate for the 4 lots.

At Councilmember Athearn's inquiry, Mr. Greenway stated that he did own the 4 lots.

Mayor Cahail pointed out that the hearing was continuing beyond the allotted time and asked the Council how they wished to proceed.

The consensus of Council was to continue the public hearing for 10 to 15 minutes.

At Councilmember Athearn's inquiry, Administrator Fitch responded that the conditions of the original rezone had not been fulfilled and that the Town holds a bond for Mr. Greenway's uncompleted commitments in Evergreen, Phase II.

At Councilmember Athearn's inquiry, Attorney Eaton stated that "all owners" are specified by RCW 58.17.212.

At 9:06 PM, hearing no further questions from the Council, Mayor Cahail closed the public input portion of the hearing, noting that the Council reserves the right to reopen the hearing for public input at a later time or date.

Councilmember Athearn suggested that the Council delay action until Mr. Greenway met all the conditions of Rezone #39.

At 9:08 PM, Councilmember Athearn moved and Councilmember Potter seconded that the application to vacate a portion of the Evergreen Addition, Phase I subdivision and to rezone those parcels of land from Single family Residential to Light Industrial be denied at this time.

The Council noted the large number of neighbors present and that trust in the applicant by the neighbors was lacking. The Council pointed out that Mr. Greenway does have a right to develop his property.

Attorney Eaton asked for clarification of the intent of the motion and reminded that the applications must be processed and acted upon in a timely manner. The motion as stated would require the applicant to re-apply. He pointed out that there are 2 applications before the Council, Vacation #14 and Rezone #39.

The Council indicated that they were aware of the 2 applications and the effect of the motion.

At 9:16 PM the motion to deny the applications passed unanimously.

Councilmember Dickinson rejoined the meeting.

Mayor Cahail opened the public hearing for the 1993/98 6 year Road Improvement Plan.

Administrator Fitch summarized the revised plan. He noted receipt of a petition by several residents abutting Scenic Place for road grading of same. Mayor Cahail directed that the request be forwarded to the Maintenance Supervisor Reitan.

Mayor Cahail opened the hearing for public comment. No comments were forthcoming.

At 9:23 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #845, a resolution providing for a Six Year Transportation Improvement Program for the years 1993 through 1998. The motion passed unanimously.

Mayor Cahail presented the revised draft of resolution #847, a resolution to submit to the voters of the Town of Friday Harbor an additional regular property tax levy to fund emergency medical services and construct needed capital facilities for six (6) consecutive years, commencing in 1993.

Attorney Eaton reviewed with Council the revisions from the previous draft.

Frank Wilson, EMT, spoke of provisions in the siting agreement for the proposed capital improvements with the Medical Center specifying that in the event of change in status of Fire District #3 the property and improvements would revert to Hospital District #1.

Councilmember Lackey related research into the number of tax parcels, tax payers, and voters in the Town. He noted the monetary impact of the proposed increase on the average tax payer. He also thanked the EMS people for their timely, comprehensive report of activities and commented on the lack of same, although requested, from the Sheriff's Department.



Mr. Wilson pointed out that Town residents will be paying approximately 20% of the capital improvements budget.

At 9:35 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #847. The motion passed with all Councilmember voting in the affirmative, Councilmember Potter abstaining as she was not present for previous discussion of the topic. The staff was directed to cause Resolution #847 to be published.

Mayor Cahail introduced draft resolution #846, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Kramer, Chin, & Mayo, Inc. for biosolids (wastewater sludge) management services.

Administrator Fitch explained the provisions and staff preparation for possible implementation of same.

At 9:40 PM, Councilmember Athearn moved and Councilmember Lackey seconded to adopt Resolution #846. The motion passed with all Councilmember voting in the affirmative, Councilmember Potter abstaining as she was not present for previous discussion of the topic.

Mayor Cahail introduced draft resolution #848, a resolution authorizing the Mayor to enter into an agreement for the acquisition of additional right of way for Spring Street, and to pay compensation therefore.

At 9:43 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #848. The motion passed unanimously.

At Mayor Cahail's request, Treasurer Picinich introduced draft resolution #849, a resolution authorizing the Treasurer to initiate an Inter-Fund Loan from the Current Fund (001) to the Fire/Refuse Bond Redemption Fund (201), not to exceed \$15,000, to be repayed by 11/15/92.

At 9:44 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt Resolution #849. The motion passed unanimously.

Town Administrator Fitch reported on the bid results for supplying the Town with 3,200 lineal feet of twelve inch (12") class 52 Ductile Iron Pipe, and 1,000 lineal feet of eight inch (8") C900 PVC pipe, as well as valves, elbows, and tees. He advised the Council that Maintenance Supervisor Reitan recommended accepting the bid of \$56,798.53 from Familian NW of Bellingham.

At 9:47 PM, following discussion, Councilmember Dickinson moved and Councilmember Lackey seconded to accepted the recommended low bid. The motion passed unanimously.

Administrator Fitch asked the Council to review a proposal from the San Juan County Fair Board regarding a new main building and a possible request for water service. He also reminded the Council of his request by memo for a determination on the course of action to take regarding possible repairs at the Town's incinerator. Treasurer Picinich distributed a financing plan for same.

The Council indicated a desire to ensure the health, welfare, and safety of incinerator employees, citizens using the facility, and community residents.

The Council discussed continuing the meeting to the following week to discuss and possibly take action on Flex-line financing for the Upper Spring Street Reconstruction project.

Administrator Fitch informed the Council that the Board of County Commissioners (BOCC) has scheduled a special meeting for 7/27/92 at 1:15 PM at the BOCC hearing room with the BOCC, the Mayor and Town Council, Administrator Fitch, Town Planning Commission chair, SJC Prosecuting Attorney, SJC Public Works Director, Town and County Growth Management staff, and Mr. Bill Nielsen, a Mt. Vernon attorney appointed by the Governor to the Growth Management Hearings Board for Western Washington to discuss the function, organization, and procedures of the GMA Hearings Board. The Council and staff discussed attending same.

The Council directed Administrator Fitch to issue Requests for Proposals (RFP's) for repairs at the incinerator.

At 10:03 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve claims warrants #4983 through 5038 in the amount of \$138,762.71.

Treasurer Picinich distributed a proposed funding plan utilizing Harbor Improvement funds for construction of the steps to the waterfront. Council and staff discussed same.

At 10:06 PM, the motion passed unanimously.

Mayor Cahail read a 7/13/92 news release from the Washington Municipal Treasurers Association announcing that Wendy Picinich was recently elected as President-Elect for the coming year. The Mayor & Council congratulated Treasurer Picinich on same.

At 10:08 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn and continue the meeting to 7/22/92 at 7:00 PM to discuss and possibly take action on Flex-line financing for the Upper Spring Street Reconstruction project. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - July 22, 1992 @ 7:00 PM**

The Town Council met for a work session to consider Flex-line financing for the Upper Spring Street reconstruction project.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Athearn moved and Councilmember Potter seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

Mayor Pro tem Dickinson introduced the topic and asked the Council to review draft ordinance #881, an ordinance relating to contracting indebtedness; providing for the issuance of \$175,000 par value of Limited Tax General Obligation Bond, Series 1992C of the Town for general Town purposes to provide funds with which to pay a part of the cost of road improvements; fixing the date, form, maturities, interest rates, terms and covenants of the bond; establishing a bond redemption fund and an acquisition fund; approving the sale of the bond, and providing for the delivery of the bond to Seattle-First National Bank, as Trustee, in connection with the FlexLine Borrowing Program sponsored by the Association of Washington Cities and the Washington State Association of Counties.

Following review and discussion, Councilmember Potter moved and Councilmember Athearn seconded to adopt Ordinance #881. The motion passed unanimously.

Administrator Fitch informed the Council that work on the project will commence Monday 7/27/92. Detour signage and alternate route plans will be in effect. Richard Lawson Construction is the general contractor.

Treasurer Picinich introduced draft resolution #850, a resolution authorizing an Inter-Fund loan of \$6,600 from the Capital Reserve Projects fund to the Capital Reserve Harbor Improvements fund to be repayed by 7/15/95.

Following discussion, Councilmember Lackey moved and Councilmember Potter seconded to adopt Resolution #850. The motion passed unanimously.

Administrator Fitch announced that a copy of the San Juan County Fair Proposed Community and Exhibition Building Study and Report is available for Council review.

Administrator Fitch informed the Council that the Port of Friday Harbor has applied for an out-of-town sewer connection for the new observation tower at the airport and that approval by the Council is required by the FHMC. He gave a brief overview of the Town water and sewer infrastructure at the airport and pointed out that the Port had been formally notified in 1988 that Town approval is required for all connections to same.

The Council and staff discussed the application and the procedure to be followed for Council review. The Council requested a staff report and a letter regarding the application from the Port.

Administrator Fitch noted that some vehicles from the Jazz Festival will be staged on Park Street and that RV's may be staged on East Street on Sunday and possibly Monday following the festival.

Administrator Fitch reminded the Council of a scheduled 7/27/92 1:15 PM meeting at the BOCC hearing room regarding the GMA Hearings Board.

Administrator Fitch noted receipt of a letter and revised proposed Regional Strategy from Dick Grout, SJC Planning Director. The Council will review same.

The Council and staff discussed GMA funding. The Council reiterated support of the provisions of Resolution #842. It was noted that the Town is moving forward in its efforts to meet the GMA

requirements and time lines. Mayor Pro tem Dickinson remarked that the Town is in the preliminary 1993 budget preparation process and needs fairly firm GMA revenue projections.

At 7:49 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem  
Steven Dubail, Town Clerk

### **Town Council - August 6, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Cahail present a plaque on behalf of the Town to retired Councilmember Albert M. Nash in recognition of his 15 years of service to the Town of Friday Harbor and the island community as a Town Councilman and member of the initial Planning Commission.

Mr. Nash thanked the Council and staff and expressed regret that he was unable to complete the current term of office.

At 12:36 PM, Maintenance Supervisor Reitan reported:

The Town reservoir is approximately 4' below the spillway. Water Department personnel are busy with the Spring Street reconstruction project. Caines Street and Linder Street are pretty much completed. They've upgraded 2 pumps at the water treatment facility. The sewer department will be upgrading a portion of the Linder Street sewer line. They've installed a new sewer manhole at the intersection of Nichols and "C" Streets. The pump station at the Evergreen II subdivision is not operating. The design seems to be the problem. The Town will be rebuilding the pump station so it is serviceable. The cleanup of an old underground petroleum spill on Spring Street in the vicinity of the Town Shops is proceeding. The new pipe is on site for rerouting a portion of the water transmission main.

Maintenance Supervisor Reitan asked the Council to consider appropriating funds for applying an asphalt (A/C) rather than rock and oil surface on Caines Street.

Maintenance Supervisor Reitan reported that the Bobcat loader at the solid waste facility needs a new engine. He recommended that the planned 1993 replacement of the Bobcat be done this year. The Council concurred.

Maintenance Supervisor Reitan would like to purchase a surplus dump truck from San Juan County in September for \$7,500 for use by the solid waste department. He would make arrangements for the Town not to be billed for same until 1993.

Maintenance Supervisor Reitan noted donation of funds to purchase new basket ball backboards for the Sunken Park.

The Mayor Cahail thanked Maintenance Supervisor Reitan for his report.

At 12:50 PM, Mayor Cahail opened the Public Hearing for consideration for adoption of the 1992 Town/County Joint Solid Waste Plan.

Town Administrator Fitch gave an overview of action leading to the final draft plan and referred to his 8/6/92 memo to the Council on the subject.

Mr. Ed Stuhr, San Juan County Solid Waste & Recycling Manager, noted changing regulations and conditions. He stated that the County will continue to offer recycling and disposal services to the Town regardless of the ultimate disposal method.

Mr. Bob Erickson, Town Solid Waste Department Leadman, felt the Town was doing a good job on recycling and suggested that rate incentives should be implemented. He noted that "self haulers" were counterproductive to the recycling program. He stressed that he felt the Town should stay in the refuse collection business.

At Administrator Fitch's inquiry, Mr. Stuhr indicated that DOE has expressed no objection to the final draft. He noted that county wide, there is currently a 30% diversion of the waste stream to recycling.

Maintenance Supervisor Reitan expressed support for the Town continuing to provide the refuse collection service.

At Mayor Cahail's inquiry, Mr. Stuhr outlined some of the attributes of "long haul" disposal.

The Council, staff, and audience discussed various aspects of the final draft plan.

The Council thanked Mr. Stuhr for his efforts in developing the plan. The Council continued the public hearing to their August 20th meeting.

At 1:18 PM, Councilmember Dickinson moved and Councilmember Potter seconded to approve payment of claims warrants #5044 through 5107 in the amount of \$83,443.92 and payroll warrants #2585 through 2622 in the amount of \$79,042.71. The motion passed unanimously.

Mayor Cahail proclaimed the week of August 9th through the 15th as Municipal Treasurer's Week in Friday Harbor and thanked Treasurer Picinich for her service and dedication.

At 1:23 PM, Councilmember Potter left the meeting due to a previous commitment.

Administrator Fitch noted discussions with April Taylor, Primo Taxi, regarding taxi regulations. Ms. Taylor will research the issue and report to the Council.

Administrator Fitch reported that the Town issued 729 parking tickets in July, 400 were issued for the month last year. He noted that about 1 hour of his time per day is spent dealing with enforcement complaints.

The Council and staff briefly discussed the issue.

Administrator Fitch reminded the Council that he will be on vacation from 8/10 through 8/14/92 and that he will be attending the AWC Budget Workshop on 8/20/92.

Administrator Fitch noted that the State Auditor had reported that he has not located any problems with the current Town audit in progress.

Administrator Fitch reported on a discussion with a group interested in public cable channel broadcasting of local political events, possibly including Council meetings.

Administrator Fitch expanded on Maintenance Supervisor Reitan's remarks regarding the petroleum contamination at Spring Street and Marguerite Place. He noted that DOE was contacted in a timely manner.

Administrator Fitch informed the Council that he had received a communication from Mr. Brown, DOE, which was insistent that air controls be installed on the incinerator. The County is moving toward not using the incinerator for county self-haul residents. A County operated transfer station at the site could be established. It was noted that the Town is handling the majority of San Juan Island county resident generated refuse.

The Council indicated that approval of a previously considered solid waste grant is still valid.

Treasurer Picinich asked the Council to consider scheduling a budget work session. The Council and staff discussed various current and future budget issues. The Council also requested cost projections for an A/C coat on Caines Street.

Councilmember Potter rejoined the meeting.

Town Clerk Dubail informed the Council that he has received 4 formal expressions of interest in being considered for appointment to the vacant Council position. The Council discussed how to proceed with the matter.

At 2:16 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn and continue the meeting to 8/6/92 at 7:00 PM for an executive session regarding pending litigation and potential land acquisition. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

**Town Council - August 6, 1992 @ 7:00 PM**

The Town Council met in a meeting continued from 8/6/92 12:30 PM for an executive session, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter

Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Ron Gordon of the law firm of Eaton & Gordon.

At 7:05 PM, Councilmember Potter moved and Councilmember Lackey seconded to go into executive session regarding pending litigation and potential land acquisition. The motion passed unanimously.

At 7:38 PM, Councilmember Athearn moved and Councilmember Potter seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 7:39 PM, Councilmember Athearn moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - August 6, 1992 @ 7:40 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter

Others present: Town Administrator Fitch & Treasurer Picinich

The minutes of the 7/16/92 and 7/22/92 meetings were approved as submitted.

Mr. Jeff Webster inquired as to the status of the "Gollywobble application".

Administrator Fitch responded that the matter is currently under discussion by the developers and the appellants.

At 7:43 PM, Town Administrator Fitch explained the particulars of, and the Council reviewed, a Port of Friday Harbor request to connect the "Unicom building" at the Friday Harbor Airport to the Town's wastewater system. It was noted that the service is in the public interest. Mayor Cahail specified that Council action on this application would not be considered as setting a precedent for out-of-town sewer hookups.

At 7:48 PM, following discussion, Councilmember Athearn moved and Councilmember Potter seconded to approve the application subject to the conditions specified in Administrator Fitch's 8/3/92 memo to the Council. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #882, an ordinance adopting the 1991 Washington State Uniform Building Codes, for 1st reading.

Building Official Jim Hodges explained that the intent of the proposed ordinance was to adopt the updated codes. He noted that adoption of the 1991 codes will necessitate revision of various other Town codes.

At 7:53 PM, Administrator Fitch commented that the proposed sidewalk deferral program had not received attention 1990. A memo to him from the building official lists 25 building permits which can't be closed until curb, gutter, sidewalk, and stormdrain issues are addressed. Councilmember Athearn agreed to meet with the staff to work on the project.

At 8:00 PM, the Council reviewed the 7/21/92 SJC Planning Department draft of a revised Regional Strategy for implementing activities to be carried out under the GMA. The Council and staff noted the lack of usable product forthcoming from SJC. The Town will need to redo the majority of the work contracted with SJC. The Town is moving forward with developing interim regulations, a land use data base, and will be starting "from scratch" to obtain usable critical area maps. The Council expressed disappointment with the lack of cooperation from San Juan County. The Council will suggest revisions to the proposed revised Regional Strategy to be forwarded to San Juan County.

At 8:13 PM, Mayor Cahail introduced draft resolution #851, a resolution authorizing the Mayor to execute a contract with the engineering firm of Gray & Osborne, Inc. for preparing a Stormwater Utility Study.

Following discussion, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #851. The motion passed unanimously.

At 8:20 PM, Mayor Cahail introduced draft resolution #852, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Krabbe, Starr, & Metke, Inc. to provide construction services in conjunction with the water main replacement project.

Following discussion, Councilmember Lackey moved and Councilmember Athearn seconded to adopt Resolution #852. The motion passed unanimously.

Administrator Fitch presented a request for extinguishment of a water line easement on 40 acres of property owned by Brad & Pat Gislason. The original agreement, #1374, was recorded March 14, 1912 between the Town of Friday Harbor and Robert Erickson.

At 8:28 PM, Councilmember Dickinson moved and Councilmember Potter seconded to vacate said easement. The motion passed unanimously.

Councilmember Lackey asked to be excused from the 8/20/92 Council meeting as he will be attending the AWC Budget Workshop. The Council concurred.



Mayor Cahail suggested designating 1 on-street parking space in Town for electric vehicles. OPALCO would provide a meter and power, at no cost to the Town, for recharging, for a fee, said vehicles. The Council discussed the suggestion.

The Council discussed the process to follow regarding filling the vacant Council position.

At 9:51 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - August 20, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, & Potter  
Others present: Treasurer Picinich, & Attorney Eaton

Councilmember Lackey and Town Administrator Fitch were absent to attend the AWC Budget Workshop.

The minutes of the 8/6/92 12:30, 7:00, & 7:30 PM meetings were approved as amended.

At 7:35 PM, Fire Chief Galer presented his report. Discussion at the recent Fire Chief's Association meeting on Lopez was primarily concerned with revision of the County fireworks ordinance and revision of the County hydrant ordinance. There has been 114 incident responses by the department so far this year, 2 major responses to the Port of Friday Harbor last week. The 2 responses to the Port concerned a hazardous situation and fuel spill due to the improper fueling of a pleasure boat. The boat owner will be billed \$500.00 per call and \$25.00 per firefighter per hour. The thrift house is making approximately \$100.00 per day. Repairs on said facility are underway.

The Council thanked Chief Galer for his report.

The Council heard a presentation by Mike Anderson regarding his request for modification of a franchise agreement at 600 Warbass Way. Mr. Anderson asked the Council to direct the Town Attorney to research the issue and prepare the necessary documents for resolution of same. Mr. Anderson stated he was willing to pay the Town Attorney's fees at the same rate as would be charged the Town.

Attorney Eaton explained the situation. The Council directed Mr. Eaton to proceed expeditiously with preparations for modifying the franchise agreement for their consideration.

At 7:45 PM, Mayor Cahail opened the Public Hearing to consider a revised Conditional Use Permit application by Susie Campbell to construct a single family residence that exceeds 27 feet in height

on lot #28, Top of the Harbor Subdivision, and explained the procedure to be followed. Hearing no objection to his or any Councilmember's participation in the hearing, Mayor Cahail asked Warren Jones, Town Permit Coordinator, to present the staff report.

Mr. Jones noted receipt on 8/19/92 of a letter from Don & Susan Leff (exhibit "E") regarding the proposal. Copies of this letter have been provided to the Council and the applicant's attorney. Mr. Jones summarized the staff report and actions on the proposal to date. He noted that this is a revised application and a revision of the previous house plan. The revised proposed house will appear lower when viewed from Jennifer Place and will be farther from Hillcrest Place. The proposed house would be compatible with the Comprehensive Plan. The staff recommendation is to accept the staff report and approve the C.U.P.

At 7:57 PM, Stephanie O'Day, agent for the applicant, commented on the difficult topography of the site. She summarized previous discussion and testimony. Ms. O'Day pointed out that the design revision resulted in a house 7 feet above the allowable building height. She stated that approval by the Council would not necessarily set a precedent as future applicants would have to follow the conditional use permit process. She asked the Council to approve the application.

At 8:05 PM, Mayor Cahail opened the hearing for public comment.

David Waldron, architect for the applicants, reiterated the reduced aspect of the house from Jennifer Place and that the square footage of the main floor had been reduced to enlarge the setback from Hillcrest Place.

Rick Adams, owner of an adjacent lot (#29), Mercer Island resident, read a prepared statement (exhibit "F") in opposition to the proposal. He and his wife had purchased their lot with the assumption that the Town height requirements would be complied with on neighboring lots. He inquired if the Town would compensate him for loss of property value if the conditional use permit was granted.

Ted Elfving, co-proponent, noted that a variance was granted for the subject property before the Adams bought their property and that a conditional use permit was a viable course of action under Town laws.

Dave Waldron stated that the topography of the site was a compelling reason for granting the conditional use permit.

Mr. Adams noted that when he purchased his property, preliminary work on what appeared to be a driveway had been done on the lower portion of the subject property.

Susan Campbell, proponent, noted that the subject property had been purchased in 1983 and asked the Council to allow her to build her house.

At 8:17 PM, hearing no further testimony, Mayor Cahail closed the public comment portion of the hearing, noting that the Council reserved the right to reopen the hearing for public comment at a later time or date. He then opened the hearing for Council discussion.

Councilmember Dickinson remarked on the efforts by the applicants to revise the design to meet Town requirement.

Councilmember Athearn commented on mitigation measures presented by the applicants and noted that the conditional use process is open to others in the area.

Councilmember Potter reiterated appreciation of the applicant's efforts, in particular lowering the roof line and backfilling around the lower perimeter.

At 8:22 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adopt the staff report, facts & findings, and grant Conditional Use Permit #31. The motion passed unanimously.

At 8:23 PM, the Council discussed requests for appointment to the vacant Council position. Councilmember Dickinson remarked that she would like the Council to act in a timely manner. Councilmember Athearn would like all the sitting Councilmembers to vote. All the Councilmembers indicated a desire to talk with the latest applicant, Mr. Gene Wilson.

The Council will again consider the matter at their 9/3/92 12:30 PM meeting.

At 8:28 PM, the Council and staff discussed the proposed A/C coating of Caines Street. The Council approved the additional expenditure for an A/C coating rather than a rock & oil surface as previously planned.

It was noted that the Town will be purchasing 20 street light standards due to utilities being undergrounded on Nichols Avenue and upper Spring Street.

Treasurer Picinich noted that budget amendments will reflect corrections of items charged to incorrect budget lines.

The Council and staff commented that 1993 is shaping up to be a "maintenance and repair" year rather than a "new construction" year.

Treasurer Picinich distributed the MRSC Revenue Guide to the Council. She noted that the Seattle August CPI is 3.6%.

The Council and staff discussed scheduling at the 9/3/92 evening meeting a budget work session for the following week.

At 8:45 PM, Mayor Cahail introduced draft resolution #853, a resolution adopting the 1992 Solid Waste Management Plan.

Town Clerk Dubail reported that the Board of County Commissioners (BOCC) had continued their 8/18/92 meeting to 9/16/92 at 11:00 am to take further public testimony on the draft plan. The Commissioners expressed reservations about long haul provisions, cost estimates, alternatives to the Orcas landfill, and obtaining State and Federal permits. The Solid Waste Advisory Committee (SWAC) will be meeting on 9/14 to discuss long haul concerns.

Councilmember Athearn noted that she had attended the BOCC meeting and expanded on the above. She commented that grant monies will not be released until the plan is accepted.

Mayor Cahail remarked that any plan would need revision over time and suggested that the Council adopt the plan.

Councilmember Athearn noted that the next revision is scheduled for 1994.

At 8:50 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #853. The motion passed unanimously. The Town Clerk was directed to forward a copy of said resolution to the BOCC and Ed Stuhr, SJC Solid Waste & Recycling Manager.

Mayor Cahail presented draft ordinance #882, an ordinance adopting the 1991 Washington State Uniform Building Codes for second and final reading.

Councilmember Athearn moved and Councilmember Potter seconded to adopt Ordinance #882. The motion passed unanimously.

Councilmember Dickinson moved and Councilmember Athearn seconded to pay claims warrants #5110 through 5158 in the amount of \$53,258.52 with the exception of warrant #5139. The motion passed unanimously.

At 8:54 PM, Councilmember Potter moved and Councilmember Athearn seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 9:15 PM, Councilmember Potter moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Attorney Eaton asked the Council whether they wished to appeal the State Shoreline Hearings Board decision regarding permitted uses at Town Square.

Following discussion, at 9:18 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to not appeal the decision and to modify the list of approved uses for the Town Square Shoreline Substantial Development Permit. The motion passed unanimously.

Councilmember Potter noted that the Law & Justice Committee will be meeting with local and state candidates to lobby for monies for local law and justice use. She asked for a possible alternate to attend the 8/31/92 Law & Justice Committee meeting.

Councilmember Athearn reminded the Council of a census workshop on 8/27/92 at the San Juan Island library.

At 9:23 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

## Town Council - September 3, 1992 @ 12:30 PM

The Town Council met in regular session.

Members present: Athearn, Dickinson, & Lackey

Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Athearn moved and Councilmember Lackey seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

Town Clerk Dubail noted receipt and distribution to Council of a 9/2/92 memo from Councilmember Potter notifying the Council that due to job restrictions she would be unable to attend any of the 12:30 PM Council meetings. She asked that these absences be excused and advised that if the Council wished to reschedule the meetings to 2:00 or 2:30 PM she would be able to attend. She additionally stated that she would review the tapes of the 12:30 meeting prior to the next Council meeting.

Fire Chief Galer reported 142 responses to calls so far this year. He noted that the Kiwanis would be holding a pancake breakfast at the fire station this Saturday.

The Council thanked Chief Galer for his report.

Maintenance Supervisor Reitan reported on Wastewater Treatment Plant (WWTP) operations and referred to a spreadsheet and graphs previously distributed to the Council. He pointed out that shipping problems resulted in delay of the installation of additional diffusers. The correct diffusers arrived this week. He mentioned the availability of a "fogging device" to reduce noticeable odor at the plant. The projected operational cost of same would be approximately \$5,000 per year.

Maintenance Supervisor Reitan hopes to have Caines Street resurfaced with A/C starting next week. He reported on progress on projects by other departments. The water reservoir is about 68" below the spillway. Progress is being made on replacement of a portion of the water transmission main and construction of the new water tank. He recommended a A/C coating instead of oil & rock for the reconstructed portion of Spring Street from the Price Street intersection to the Airport intersection. The cost would be approximately \$54,000. He recommended that the Town make provisions in the Spring Street right-of way for relocating a portion of the airport water main.

Council, staff, and Maintenance Supervisor Reitan discussed response procedures for water main breaks.

Kevin Kirk, WWTP operator, informed the Council of actions to alleviate concerns expressed in a petition received 8/25/92 from residents in the area. Maintenance Supervisor Reitan noted the installation of a phone alarm system at the WWTP.

The Council thank Maintenance Supervisor Reitan for his report.

At 1:00 PM, Town Administrator Fitch asked the Council to consider discussing their intent regarding the "sunset clause" in the time limit parking enforcement ordinance. Said ordinance is due to expire on 9/20/92. He suggested that an indication should be given to Roger Longley, parking enforcement officer, as to whether enforcement will be extended or allowed to terminate.

After discussion the Council asked for comments from the audience.

Mr. Al Nash expressed support for time limit parking enforcement and remarked on areas of concern and various aspects of parking enforcement. He read a letter from one of his customers supporting parking enforcement.

Mark Kendziorek, Chamber of Commerce President, asked the Council to continue some form of time limit parking enforcement. He suggested that if enforcement is terminated the Council allow the situation to extend through the next "tourist season".

Roger Longley, Town of Friday Harbor parking enforcement officer, noted numerous comments received in support of enforcement and pointed out that enforcement was 1/2 time last year. He recommended 2 hour rather than 1 hour time limit parking through the winter.

Councilmember Lackey expressed support for Mr. Longley's effectiveness and noted that people should read the parking signs.

The Council will further consider the issue at their evening meeting.

At 1:17 PM, at Administrator Fitch's inquiry, the Mayor Pro tem and Council decided to consider their appointment to fill the empty Council position at the evening meeting when the full sitting Council is present.

The Council and staff briefly discussed rescheduling the regular 12:30 PM meeting per Councilmember Potter's memo.

Administrator Fitch reported that the Town will be notified in October as to whether the Town is to receive a 0% interest Capital Facilities Planning loan.

Administrator Fitch noted receipt of a revised plan for the San Juan County Fairgrounds. He asked the Council to consider their position on the potential request for Town utility services.

The Council and Administrator Fitch discussed the current and potential impact of fairground septage/sewerage on the WWTP. He cautioned that the County is assuming approval of utility hookups unless the Council indicates otherwise.

Administrator Fitch reported an inquiry from Dick Grout, SJC Planning Director, as to the possibility of reconciling differences regarding the Regional Planning Strategy.

The Council and Administrator Fitch briefly discussed parking and recharging provisions for electric vehicles. The Council indicated that they did not want same to be located on a main street.

Administrator Fitch advised the Council that they may be asked to consider raising the property tax levy rate. He distributed a listing by levy rate and population of cities throughout the state. The Council discussed various revenue possibilities.

Administrator Fitch noted receipt of favorable bids for providing 20 street light standards. Staff will present a draft resolution to accept the qualified low bid at the evening meeting.

Administrator Fitch asked the Council to review the proposals for a Landfill Closure Plan.

Councilmember Athearn stressed the need for action to improve working conditions at the solid waste facility.

Administrator Fitch distributed a memo regarding, and summary of, biosolids (sludge) hauling, storage, and utilization proposals.

Councilmember Athearn commented on the outstanding performance of Barbara Begley, Town Street Department.

At 1:44 PM, Councilmember Athearn moved and Councilmember Lackey seconded to approve payment of claims warrants #5161 through 5207 in the amount of \$103,238.79 and payroll warrants #2626 through 2663 in the amount of \$70,220.81. The motion passed unanimously.

At 1:45 PM, Councilmember Athearn moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem  
Steven Dubail, Town Clerk

### **Town Council - September 3, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes of the 8/20/92 7:30 PM Council meeting were approved as submitted.

Mr. Art Johnson, PO Box 1143, Friday Harbor, asked the Council to consider reading a book entitled "Good Works" by E. F. Schumacher. Administrator Fitch noted that the Town has received the book. Mr. Johnson remarked that he finds life perplexing. The Council thanked Mr. Johnson for his comments.

Mayor Cahail introduced draft resolution #854, a resolution authorizing the Mayor to accept a proposal from General Pacific, Inc., to provide twenty street lighting standards for \$10,105.00 which includes sales tax.

Administrator Fitch summarized the bid procedures and proposals received. He noted that the undergrounding of electrical utilities in certain areas of the Town necessitated the acquisition of additional light standards.

At 7:41 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adopt Resolution #854. The motion passed unanimously.

Mayor Cahail opened a preliminary work session on the 1993 Town budget. The intent of the session was to discuss potential revenue, projects, levels of service, and Council priorities.

Mayor Cahail, Council, staff, and the audience discussed various aspects of government funding.

Administrator Fitch presented a list of possible projects for Council consideration.

Town Clerk Dubail noted the need for planning and initial funding to meet requirements of the Americans with Disabilities Act (ADA).

The Council and staff discussed various aspects of some of the projects mentioned. The Council will schedule a budget work session for 3:00 PM, 9/10/92.

At 9:00 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to go into executive session for approximately 20 minutes to discuss pending litigation. The motion passed unanimously. It was noted that the Council may take action after the executive session.

At 9:24 PM, Councilmember Lackey moved and Councilmember Potter seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Mayor Cahail introduced draft ordinance #883, an ordinance modifying certain water connection standards and amending portions of Ordinance #616, #869, and Friday Harbor Municipal Code 13.04.040, .050, and .145 and Friday Harbor Municipal Code 13.08.040.

After discussion, and noting the "housekeeping" nature of the draft ordinance, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #883. The motion passed unanimously.

At 9:27 PM, the Council and staff discussed whether to extend time limit parking enforcement. Administrator Fitch suggested that enforcement of "yellow zones" be specified in the 1993 law enforcement contract with San Juan County. This would reiterate the Sheriff's responsibilities under state law.

Mayor Cahail stressed the need for enforcement of same.

Treasurer Picinich pointed out that time limit parking enforcement has been a financial liability for the Town.

At 9:38 PM, the consensus of the Council was to let time limit parking enforcement "sunset" as provided by Ordinance #877.



Following discussion, at 9:42 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to appoint Mr. Gene Wilson to vacant Council position #5 until the next regular election (November 1993). The motion carried with Councilmembers Athearn, Dickinson, and Lackey voting in the affirmative, Councilmember Potter against.

The Council expressed appreciation to all who demonstrated interest in filling the position.

At 9:45 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 9/10/92 at 3:00 PM for a budget work session. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - September 10, 1992 @ 3:00 PM**

The Town Council met for a budget work session.

Members present: Dickinson, Lackey, & Potter  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Potter moved and Councilmember Dickinson seconded to appoint Councilmember Lackey Mayor Pro tem. The motion passed unanimously.

Attorney Eaton informed the Council that he would be unable to attend the 9/17/92 Council meeting.

Attorney Eaton summarized his research into the request by Mike Anderson to extend a franchise agreement for private use of an unopened portion of Warbass Way. Mr. Eaton noted that he had informed Mr. Anderson, Dockside Properties representatives, and their attorney that his recommendation to the Council would be unfavorable to the request. Mr. Eaton briefly reviewed existing Town policy and state law regarding the issue. He noted that the original franchise was given solely to allow vehicle access to the residence across the unopened portion of the public right-of-way.

Town Administrator Fitch summarized advice given to the Town by Jim McDonald, Loss Control & Risk Management Specialist, Association of Washington Cities; if the franchise extension is granted for one property owner in the area, the Town may have risk exposure in the next similar request.

Attorney Eaton concurred with this analysis. He spoke to options for addressing encroachments on Warbass Way. He noted that the proponents may be in to address the Council at their 9/17/92 meeting. Mr. Eaton's recommendation was to not extend the franchise.

The Council thanked Attorney Eaton for his efforts.

At 3:21 PM, Mayor Pro tem Lackey opened the budget work session. At Councilmember Potter's suggestion, Mayor Pro tem Lackey invited Mr. Gene Wilson, Council appointee, to join the Council at the table. Mr. Wilson will take his oath of office at the 9/17/92 meeting.

Administrator Fitch introduced various budget topics for Council discussion, including; a newsletter, cable TV broadcast of Council meetings, discontinuing access to the solid waste facility by out-of-town island residents, other solid waste issues, sludge handling/storage/utilization proposals, and other wastewater treatment issues.

The Council and staff discussed stressing Town maintenance rather than new construction in 1993. Administrator Fitch commented that all the local utilities are expressing similar sentiments regarding their 1993 priorities.

Mayor Pro tem Lackey expressed some of his budget priorities for consideration; a property tax increase partially to benefit streets, a business & occupation tax, a short term gambling tax, the street utility, and other items.

The Council and staff discussed the difficulty of determining the number of employees per business for street utility purposes.

At 4:45 PM, Treasurer Picinich distributed a preliminary Current Fund expense proposal to the Council.

The Council and staff discussed the Sheriff's budget request of \$152,000 for 1993 as stated in his 9/10/92 letter to the Town. The difficulty of obtaining usable information on in-town law enforcement activity from the Sheriff's Department, the discrepancies in the San Juan County budgets, and the perception that Town residents are taxed twice for law enforcement services was noted.

Treasurer Picinich presented preliminary cost projections for public health expenditures and street expenditures. She noted that the Street budget should be reimbursing about \$15,000 to the Current Fund for administrative, legal, communication, and other expenses.

Administrator Fitch asked the Council to consider their position regarding additional revenue sources.

The Council and staff discussed progress on review of the Solid Waste Landfill Closure/Post Closure Plan proposals. A selection may be made by the end of the month.

At 5:22 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

Sherman A. Lackey, Mayor Pro tem  
Steven Dubail, Town Clerk

## **Town Council - September 17, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson

Others present: Town Administrator Fitch

The minutes of the 9/3/92 12:30 PM, 9/3/92 7:30 PM, and 9/10/92 3:00 PM meetings were approved as submitted.

Town Clerk Dubail administered the oath of office to Gene D. Wilson. Mr Wilson was appointed to Council position #5 vacated by Albert M. Nash.

Mayor Cahail and the Council welcomed Councilmember Wilson to the Council.

At 7:35 PM, Mayor Cahail opened the Public Hearing to consider a Shoreline Substantial Development permit application submitted by UNOCAL for the excavation and treatment of approximately 2,500 cubic yards of petroleum contaminated soil, backfill excavation with treated soil and restore portions of Front Street and the subject parcel of land to its precontaminated state. Mayor Cahail instructed the meeting in the procedure to be followed. Hearing no objection to his or any Councilmember's participation, Mayor Cahail asked Warren Jones, Permit Coordinator, to present the staff report.

Mr. Jones referred to the 9/4/92 staff report. He noted the need to treat the petroleum contaminated soil on the site, outlined the excavation, incineration, and soil replacement procedures that would be followed, summarized provisions to address environmental concerns, and expressed that the Planning Commission would like the area reseeded. Mr. Jones commented that the process would have a visual and audible impact.

Mayor Cahail asked the proponent to speak.

William Halbert, engineer with GeoEngineers, agent for UNOCAL, stated that the contaminants in the soil were primarily diesel oil and some residual gasoline. He presented an overview of the incineration treatment process, testing procedures, returning treated soil to the excavation site, vehicle and pedestrian access plans and restrictions, offsite stormwater treatment provisions, street reconstruction to DOT specifications, and hydro-seeding of the treated site.

Mayor Cahail asked for comments from the audience.

Art Johnson, PO Box 423, Friday Harbor, expressed his reservations about requiring decontamination. He spoke further on his opinion that "unique solutions" were needed in the community. He expounded on his perceptions of the various ills of society.

Norman Peck, Toxic Cleanup Program, NW Regional Office, DOE, suggested minor revisions to the staff report. He also suggested shredding existing vegetation on the site to be used as mulch to control soil erosion. Mr. Peck requested that DOE be provided a copy of the Final Remediation Report.

Steve Simpson, Port Director, stated that the Port Commissioners had agreed to enter into a lease agreement with UNOCAL to use the upper Port parking lot to site the treatment facility.

Art Johnson offered additional comments on "intrusive" regulations.

Town Administrator Fitch asked Mr. Halbert about the potential for odors from the excavation, the amount to be excavated daily, and pedestrian routing.

Mr. Halbert stated that plans had been made to not restrict access to the stairs to First Street from the upper parking lot. He said that all areas would have appropriate warning signage. The average feed would be 200 to 300 cubic yards of material per day. Test results will be provided in the final report. Soil that does not meet standards will be retreated. Soil quenching will require approximately 2,000 gallons of water per day from a water truck or metered hydrant. He noted that the treated soil will support vegetative growth.

Norman Peck, DOE, commented that mulching would facilitate revegetation. He expressed satisfaction with the proposed plan.

Valerie Bohnonus, director of the Whale Museum, asked about the extent of the contamination and the need for treatment.

Mayor Cahail explained the Substantial Development Permit process and that request for same is the proponent's attempt to meet applicable federal and state regulations.

Art Johnson asked about the cost of the program.

Mayor Cahail noted that cost is not relevant to this permit process.

At Councilmember Dickinson's inquiry, Warren Jones noted that the project should take approximately 25 days and was scheduled to start as soon as possible.

Mr. Halbert stated that UNOCAL wishes to minimize the impact on the Town and will time the project accordingly.

Councilmember Dickinson requested that the project be timed to avoid heavy use seasons.

At Councilmember Lackey's inquiry, Administrator Fitch spoke to various street reconstruction alternatives.

Steve Simpson commented on the perceived need for a vehicle turn-around area on the street ROW portion of the site.

Councilmember Wilson inquired about plans to seal possibly fractured bedrock from stormwater intrusion.

Mr. Halbert stated that stormwater will be diverted to a collection basin and that a vacuum truck will be utilized for disposal.

At 8:25 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later time or date. Mayor Cahail opened the hearing for Council deliberation.

At 8:30 PM, following discussion, Councilmember Dickinson moved and Councilmember Potter seconded to adopt the staff report with the suggested revisions and the facts and findings and approve Shoreline Substantial Development Permit Application #45. The motion passed unanimously.

At Mayor Cahail's inquiry, Administrator Fitch noted that regarding the 9:30 agenda item; Ordinance #884 granting Final Plat Approval to the Village Grove Subdivision, the developers were not quite ready and asked that the item be postponed.

At 8:33 PM, Mr. John Linde, attorney for Mr. & Mrs. Mike Anderson, made a presentation regarding Mr. Anderson's request for modification of a franchise agreement at 600 Warbass Way.

Mr. Linde spoke of the terms of the original franchise agreement and asked that the franchise be extended to cover all encroachments at the site on the public ROW. He noted that both the existing and proposed franchise could be terminated by the Town for any reason at any time. He pointed out that the proposed franchise would extend the indemnity agreement to all encroaching structures on the site. Mr. Linde stated that adverse possession is not allowable by a private property owner against public property.

Administrator Fitch remarked on numerous meetings with Mr. Anderson, the existing survey, and agreement by Mr. Anderson to have the existing encroachment specifically delineated. He noted that Attorney Eaton has not had an opportunity to review the revised proposed franchise agreement.

Mr. Linde reiterated that the franchise is terminable at any time and asked for Council action at the earliest possible date.

Councilmember Athearn suggested that the issue be an agenda item at a continued meeting following review by the Town Attorney. Councilmember Dickinson concurred.

Mr. Linde asked for an indication from the Council as to approval of the proposed franchise agreement. The terms could be "worked out" with the Town Attorney.

Councilmember Dickinson expressed reservations about setting a precedent.

Councilmember Lackey restated that the existing and proposed franchise is revocable at the Town's discretion.

Mayor Cahail suggested that a franchise would clarify the situation and provide notice to property owners in similar situations.

Councilmember Athearn reported that she had reviewed the pertinent portion of the tape of the previous meeting. She noted that the existing franchise was only to provide for vehicle access. She spoke of the potential for numerous similar predicaments.

Councilmember Potter would like to have the revised proposed agreement reviewed by the Town Attorney and stressed that she wished to act in the Town's best interest.

At 8:53 PM, Mike Anderson, proponent, pointed out that the matter had been previously referred to the Town Attorney and that he recommended against extension of the franchise. He noted that Mr. Eaton felt case law provided sufficient protection to Mr. Anderson. Mr. Anderson stated that he has two legal opinions to the contrary and asked the Council to decide the issue.

Councilmembers Potter, Dickinson, and Lackey reiterated their desire for review of the revised proposal by the Town Attorney. The Council will decide at a continued meeting.

Councilmember Wilson suggested that the Council meet before Mr. Anderson's property sale closing date. The Council will set the time and date for a continued meeting at the end of the meeting. Mr. Anderson's attorney will be notified of same.

At 9:01 PM, Mayor Cahail opened the Public Hearing to consider modifying Shoreline Permit #41 by expanding the list of allowable uses of the Town Square complex located at 1 Front Street N and to relocate off-site parking to a different location. Mayor Cahail instructed the meeting in the procedure to be followed. Hearing no objection to his or any Councilmember's participation, Mayor Cahail asked Town Administrator Fitch to present the staff report.

Administrator Fitch briefly reviewed the history of the Town Square Project, the State Shoreline Hearings Board decision regarding revision of the list of allowable uses, the proposed revision of same, and the proposal to modify the parking requirements of the original permit.

The staff recommends approval of the uses as stated in the 9/4/92 staff report. The staff report recommends against relocation of the required parking but recommends allowing the option of payment of in-lieu-of fees as provided by Ordinance #840. Administrator Fitch spoke of the intent of the Town to construct additional parking beginning in 1993. He noted that the applicants have expressed willingness to exercise the pay in-lieu-of option. Administrator Fitch spoke to the need to specify the project completion date.

At 9:12, John Linde, Attorney for Bill Percich & Dave Moorhouse, applicants, summarized the Shoreline Hearings Board's decision. He pointed out that Ordinance #840 was adopted after the original permit was issued. He asked that the applicants be required to provide parking within 600' as specified by Section 3.05 of Ordinance #840, not to a specific location. He noted that the applicant's alternate proposed site for parking was within the 600' area. Mr. Linde reiterated that the Shoreline Hearings Board had reversed the Council's decision on the previous request to modify SDP #41. He noted that the applicants would like the flexibility to exercise the pay in-lieu-of option.

At 9:23 PM, Mayor Cahail opened the hearing for public comment.

Frank Boling, 245 Price Street, Friday Harbor, expressed his opinion of Council proceedings.

Grace Swan, Friday Harbor, felt the proposed relocated parking lot site was too far away.

Arthur Johnson, Friday Harbor, expressed his opinions about shoreline regulations, attorneys, and vehicle and pedestrian use patterns in the area.

At 9:30 PM, Administrator Fitch pointed out the provisions of Section 3, Ordinance #840 and the request per page 3 of the application for revision.

Mr. Linde gave his interpretation of the provisions referred to by Administrator Fitch.

Roger Bennett, PO Box 1329, Friday Harbor, expressed support for the staff recommendation to permit exercise of the fee-in-lieu-of option and not to allow relocation of the current off-site parking lot.

Councilmember Potter referred to previously submitted Exhibit "T" and expressed concern over refuse dumpster location and delivery vehicle parking at the Town Square site.

Mr. Linde spoke to the selection criteria of the site proposed for relocation of off-street parking. He noted that the lot was purchased after consultation with the Town.

Bill Percich, proponent, pointed out changes in the actual building from the site plan represented by Exhibit "T".

At 9:39 PM, hearing no further comment, Mayor Cahail closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later time or date. Mayor Cahail opened the hearing for Council deliberation.

At Council inquiry regarding parking, Administrator Fitch noted that a condition of the Substantial Development Permit is the item under consideration. If the alternate site is allowed, he asked the Council to specify a completion date for the lot to be improved to Town standards.

At 9:45 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to accept the staff recommendations regarding Shoreline Substantial Development Permit #41, to follow the Shoreline Hearings Board decision, and to use Ordinance #840 for the parking regulation. The project to be completed within 1 year. The motion passed unanimously.

At 9:48 PM, following review, Councilmember Dickinson moved and Councilmember Athearn to approve claims warrants #5209 through 5303 in the amount of \$249,844.72. The motion passed unanimously. Warrants #5220 through 5249 were voided due to printer error.

Town Administrator Fitch distributed a proposed San Juan County time line for renovation of the SJC Fair Grounds. He noted that San Juan County is proceeding as if connection to Town utility service(s) will be permitted. Administrator Fitch recommended that the Council clearly indicate to the County their intent regarding extension of Town utility service and options pertaining to same. He asked for guidance from the Council.

At Councilmember Lackey's inquiry, Administrator Fitch noted that quantities mentioned in the 8/21/92 letter from SJC Public Works had not yet been communicated to the Town.

Councilmember Dickinson asked for additional information and analysis of potential uses and projected impacts on Town utilities.

Councilmember Lackey spoke to the potential for dramatically increased utilization of the site and planned facility.

The Council discussed various aspects of the issue.

Mayor Cahail noted that the Council has 3 options: to not grant approval to connect to Town utilities, to grant approval, or to grant approval with conditions.

The Council requested analysis of options and impacts.

At 10:08 PM, Councilmember Potter read a memo asking for clarification regarding her "excused" status from attending the 12:30 PM regular Council meetings due to her teaching work schedule.

Mayor Cahail pointed out that the issue only arises following 3 unexcused absences.

Councilmember Potter stated that she has and will continue to review tapes of meetings she is unable to attend.

Councilmember Athearn referred to the provisions of the ordinance specifying Council meeting times and dates and commented that if Councilmember Potter was unable to attend it was understood.

At 10:15 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn and continue the meeting to Tuesday 9/22/92 at 7:30 PM for a work session. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - September 22, 1992 @ 7:30 PM**

The Town Council met in continued session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Mayor Cahail introduced the first agenda item, a request by Mike Anderson to modify a franchise agreement for private use of the public right-of-way (ROW) at 600 Warbass Way.



Mr. Anderson asked the Council to grant him "recognizable legal rights" to the portion of his structures which are in the public ROW. He stated that according to Paul Dossett, San Juan County Assessor, his property could be reassessed to not include the portion in the ROW and that a property tax refund for that portion could be sought for the last 3 years. Mr. Anderson felt that paying tax on the encroaching structures was a benefit to the Town.

John Linde, attorney for Mr. & Mrs. Anderson, spoke of his perception that the Town has an ongoing liability if someone is injured by the encroachment. Extension of the franchise would indemnify the Town. Mr. Linde stated that the proposed franchise would be terminable by the Town at any time at the Town's discretion. He asked the Council to allow the requested extension of the franchise.

Attorney Eaton reiterated his previous recommendation against extending the franchise. He responded to various Council inquiries on the matter. Attorney Eaton spoke to the potential risk, as corroborated by the AWC Risk Manager, to the Town of setting a precedent by granting a franchise for an encroachment. He stressed that the implications are more than the immediate issue.

The Council discussed various aspects of the issue with Attorney Eaton.

Mr. Linde reiterated the benefits of a "hold harmless" agreement for the Town.

Mayor Cahail asked if a precedent would be established by granting the request. Could a future request be denied due to different circumstances?

Attorney Eaton responded that a future franchise request could be denied depending on the situation. If a franchise is to be granted to a long term existing structure, similar requests should be granted where the situation does not present a threat to the public welfare.

Mayor Cahail felt the franchise would remove any question that the Town could demand that the encroachments be removed at the Town's discretion.

Mr. Anderson expressed his sentiment that the issue in general needs to be addressed.

At Councilmember Dickinson's inquiry, it was noted that the applicant pays all applicable costs.

At 8:12 PM, Councilmember Lackey moved and Councilmember Wilson seconded to approve draft resolution #855 authorizing the Mayor to execute the requested amended franchise agreement.

At 8:15 PM, following Council discussion, the motion failed. Councilmembers Athearn, Dickinson, and Potter - no, Councilmembers Lackey and Wilson - aye.

At the developers request, the 7:45 PM agenda item, draft ordinance #884 - Granting Final Plat Approval to the Village Grove Subdivision, was postponed to the 10/1/92 meeting.

At Mayor Cahail's request, Town Administrator Fitch gave an overview of budgeting procedures for services contracted with San Juan County. He spoke of the state mandated formula for determining the Town's contribution for Public Health services.

At 8:20 PM, Treasurer Picinich joined the meeting.

Administrator Fitch noted that Treasurer Picinich has developed a similar formula for consideration for determining the Town's contribution for Law Enforcement services. He asked the Council to hold an open dialogue with Sheriff Cumming and Under-Sheriff Larry Talbot, present in the audience. He pointed out that the staff review was done with the best information available from SJC sources.

Treasurer Picinich explained the logic and assumptions that went into developing the calculated contribution.

Sheriff Cumming concurred with the concept of developing a formula. He commented at length on the various components that make up the law enforcement services cost. He felt the formula should be primarily based on law enforcement activity in the Town of Friday Harbor. Sheriff Cumming explained his perception of the need for an increased funding contribution from the Town and his sensitivity to the Town's financial constraints.

The Council, staff, and Sheriff Cumming discussed how to develop an equitable formula. Sheriff Cumming commented on additional costs not considered in the proposed formula. He remarked that most arrests requiring incarceration occur in Friday Harbor.

Councilmember Lackey pointed out that San Juan County land use regulations force urban enterprises and activities into the Town. He also noted that Town residents pay into the County General Fund.

Sheriff Cumming felt that if accurate accounting is required it would result in "dramatically" higher costs to the Town. He expressed his willingness to work with the Town to develop a "palatable" formula.

Councilmember Lackey noted that with the exception of the Sheriff's Department and the Assessor's Department, it was a "nightmare" to get accurate information out of the County.

Councilmember Athearn and Attorney Eaton discussed the potential level of service in Town with no law enforcement contract.

At Mayor Cahail's inquiry, Sheriff Cumming noted that Friday Harbor is the center of activity. With less funding overall the level of service in Friday Harbor would decrease.

The Mayor and Sheriff Cumming discussed the type and level of service at various hypothetical funding levels. Sheriff Cumming noted that he has had to request emergency appropriations due to increased activity for the last 2 years.

The Council thanked Sheriff Cumming for his presentation.

Mayor Cahail informed the Council that Councilmember Athearn will be on vacation from 10/2/92 through 10/9/92.

The Town has received a communication from Emergency Medical Services personnel thanking the Town for support for the recent EMS levy.

Administrator Fitch reported that he had been informed that there would be not Transportation Improvement Board (TIB) street project funding for small towns in 1993.

The Council and staff continued discussion of law enforcement services, including the perceived nature of incident levels in and out of town. The need for accurate information from the County was stressed. The activity level in Town is generated primarily due to urban enterprises generally not allowed in the unincorporated portion of the island. The inequity in cost per resident between in and out of town was reiterated. The Mayor and Council pointed out the need for an increased proportion of funding by the County for law enforcement.

At 9:35 PM, Councilmember Lackey moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - October 1, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Wilson  
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Potter had notified his office that she would be unable to attend this meeting due to a previous work commitment.

Fire Chief Galer reported that there were 132 fire calls in 1989. There have been 134 calls through the third quarter of this year, 51 in the third quarter. The department currently has 25 active firefighters. The department is working with the Water Department on hydrant maintenance and a hydrant location inventory. Chief Galer mentioned interest in a retirement program for volunteer firefighters.

The Mayor and Chief Galer discussed the changing nature of fire calls. The effectiveness of the fire education/prevention program was noted. The need for a hazardous material spill prevention program was mentioned.

The Mayor thanked Fire Chief Galer for his report.

At 12:39 PM, Maintenance Supervisor Reitan reported that the rerouting of a portion of the water main transmission line was substantially complete and is now undergoing testing. The new

airport/upper Spring Street line is being installed. Next week, Town maintenance personnel will start plumbing in the lines and pump connections for the new water tank.

The Sewer Department is experiencing difficulties with pump station #2. The station is operating but a bearing is going bad in a motor. A new motor has been ordered.

Carter Street has been given an oil & rock surface. 500 feet of new storm drain have been installed.

Nelson Street, a portion of Linder Street, and a portion of Geneste Street have been given an oil & rock surface.

Maintenance Supervisor Reitan asked the Council for permission and funding to install an A/C (asphalt concrete) coating on the reconstructed portion of upper Spring Street from 200 feet below Price Street through the airport intersection to the Town limits. The estimated total cost would be \$53,900. The estimated cost would be \$13,120 if just the water tank intersection (Marguerite & Spring) were given an A/C coat with \$25,000 for the remainder in oil & rock. Mr. Reitan spoke of the need to support the numerous valve boxes in the intersection. He will need to know as soon as possible which plan the Council approves as it will determine the street grade cuts.

Maintenance projects are ongoing at the Town parks.

The Mayor thanked Maintenance Supervisor Reitan for his report.

At 12:52 PM, Mayor Cahail opened the work session regrading responses to the sludge hauling, storage, & utilization RFP.

Town Administrator Fitch referred to a 9/24/92 letter from Jim Santroch, KCM, on the subject. He noted that Kay Kohler, San Juan County Public Health, Kevin Kirk Town of Friday Harbor Wastewater Treatment Plant Operator, Ed Stuhr, San Juan County Solid Waste Coordinator, and representatives from Sumas Transport, RFP respondents, were present.

Administrator Fitch gave a brief review of the situation and noted receipt of viable proposals from Sumas Transport and San Juan Organics. He reiterated that the time is rapidly approaching for the Council to determine the future course of action on the subject. He spoke of the status of land application permit applications.

At the Council's request, Kevin Kirk spoke about the various options and proposals.

At Administrator Fitch's inquiry, Ed Stuhr stated that sludge is considered a solid waste by the State and pointed out that San Juan County has no facility for same on San Juan Island.

At Councilmember Wilson's inquiry, Ken Scheffer, Sumas Transport, introduced himself and Dennis Scheffer, owner, and spoke of their plans to initially use the Wade Sundstrom site with the option of hauling to off-island sites if necessary. Sumas Transport would apply for an additional permitted on-island site.

The Council and Mr. Scheffer discussed sludge storage tank options and costs. Tanks would be a short term solution for winter storage. A permitted storage site/facility would be sought.

Administrator Fitch pointed out that site permitting is under the jurisdiction of the San Juan County Public Health Department, not the Department of Ecology. He noted that the federal sludge regulations (503's) have been yet again delayed.

Mr. Scheffer spoke of Sumas's ongoing monitoring and records programs.

The Council asked for projected storage tank costs. Mr. Scheffer indicated that Sumas would supply temporary tanks for the first year per the RFP response cost of .0550/gallon. He spoke of plans for a permanent storage pond and on-site utilization with the capacity for future growth.

Administrator Fitch spoke to the need to formalize arrangements within the next week.

At 1:35 PM, the consensus of the Council was to pursue a contract with Sumas Transport. Staff to prepare same.

At 1:38 PM, the Council, staff, and Mr. Stuhr discussed the 7 RFP responses for a Landfill Closure/Post-closure Plan.

Mr. Stuhr candidly pointed out that the project "is going to be what Ecology says it is." He noted that new, more involved regulations are forthcoming.

Mr. Stuhr spoke to his initial experience with San Juan County's engineering firm for the Orcas landfill, Emcon, Inc. He noted that the Board of County Commissioners (BOCC) has not yet signed a contract with same.

Bob Erickson, Town of Friday Harbor Solid Waste Facility Operator, commented on his interaction with the various RFP respondents.

The Council and staff discussed prospective funding requirements and options and the engineering services selection process. The Council will continue individual review of the proposals.

At 2:12 PM, the Council reviewed San Juan County's changes to the 1992 Joint Solid Waste Management Plan with the staff and Mr. Stuhr. Said plan was adopted by Town Resolution #853 on 8/20/92.

At 2:15 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to accept the changes to the 1992 Joint Solid Waste Management Plan as put forth in the 9/8/92 memo from Ed Stuhr to the BOCC. The motion passed unanimously.

The Council directed staff to research funding capabilities to provide for an A/C coating of upper Spring Street.

At 2:16 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #5307 through 5373 in the amount of \$63,640.63 and payroll warrants #2666 through 2712 in the amount of \$76,787.15. The motion passed unanimously.

At 2:17 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - October 1, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Potter moved and Councilmember Dickinson seconded to appoint Councilmember Athearn Mayor Pro tem. The motion passed unanimously.

At 7:35 PM, Mayor Cahail joined the meeting.

The minutes of the 9/17/92 & 9/22/92 7:30 PM meetings were approved as submitted.

Mayor Cahail presented draft ordinance #884, an ordinance granting Final Plat Approval to the Village Grove Subdivision - Phase I.

Town Administrator Fitch indicated that the provisions of the draft ordinance have been met.

Attorney Eaton commented on text changes on the submitted mylar.

Councilmember Wilson stepped down for conflict of interest reasons. His brother, John Wilson, is one of the principal developers of the subdivision.

At 7:40 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #884. The motion passed unanimously. Councilmember Wilson abstaining.

Mayor Cahail asked for a volunteer from the Council to attend the exit conference for the Town audit by the State. The exit conference will be at 10:30 AM 10/12/92 at Town Hall. Councilmember Dickinson agreed to attend.

At 7:45 PM, Mayor Cahail opened the Public Hearing to consider modifications to Shoreline Substantial Development Permit #48 issued to Gene Gearhart to construct a dock and moorage approximately 300' long for private use. This permit had previously been issued for a dock 200' long and a dredging channel. Mayor Cahail informed the meeting of the procedure that would be followed. Hearing no objection to his or an Councilmembers participation, Mayor Cahail asked Attorney Eaton for his presentation.

Attorney Eaton gave a summary of action to date on Shoreline Substantial Development Permit #48 and reiterated that this is an application to modify an existing permit. Mr. Eaton spoke of the procedural intent.

At Mayor Cahail's request, Warren Jones, Permit Coordinator, presented the staff report. Mr. Jones explained the transportation, utility, zoning, and location characteristics of the property. He outlined the procedures followed in processing the application. Mr. Jones noted that existing docks in the vicinity may be considerably longer than previously assumed. He recommended that the Town require "as-built" drawings showing the actual length for this and any future dock permits. Mr. Jones noted that the original permit was applied for and considered under the previous Shoreline Master Program, therefore the request for modification was considered under same. The staff recommendation is that the request for modification be approved.

At 7:55 PM, Mr. John Linde, attorney for the applicants, gave a brief overview of the history of the permit and testimony regarding same. He commented on the State Department of Fisheries objection to dredging. The algae layer on the bottom would be disturbed by new dredging. The Department of Fisheries was firmly opposed to dredging except for maintenance, piling are acceptable. He noted that the proposed dock in this request is 35 feet shorter than proposed in the original application. He stated that the dock would still be a joint use dock and pointed out that the dock would not interfere with other activities in the bay. He reiterated that the Town staff recommends approval.

At 8:02 PM, Mayor Cahail opened the hearing for public comment.

Ed Carney, developer in the area, reiterated the points in his 9/29/92 letter to the Town Council. He expressed opposition to the proposed dock. He would like his development, Park at the Harbor condominiums, to have joint use.

Mike Tavenner, President of the Park at the Harbor Condominium Association, expressed opposition to the proposed dock as stated in his 9/29/92 letter to the Town Council.

John Mifflin, Harbor Street, expressed his sentiment that the project had become a "major undertaking."

Tom Metke, KSM, engineer for the applicants, pointed out that there is no permanent moorage currently available in Friday Harbor.

John Mifflin said there was moorage available at Shipyard Cove Marina.

Administrator Fitch noted that the original application was for a dock for private use. He referred to a 9/29/92 letter to Susan McGearhart from Bart Mathews, Harbormaster, Port of Friday Harbor, stating that the Port did not have any moorage available and that there was a 1 to 4 year waiting list.

Ed Carney noted that he is a resident in the area.

Attorney Linde spoke of the previous resolution of joint use concerns. The intent of joint use is for use by adjacent waterfront property owners. He reiterated that this is a request for modification of an existing permit necessitated to extend the length of the dock because dredging will not be permitted.

At 8:15 PM, hearing no further public comment, Mayor Cahail closed the public input portion of the hearing noting that the Council reserves the right to reopen the hearing for public input at a later time or date, and asked for Council deliberations.

Councilmember Wilson asked for a few minutes to finish reading recently submitted letters concerning the proposal.

After a short interval, Councilmember Potter reviewed the findings and conclusion of the original permit. She commented on the change of Town policy between the previous and current Shoreline Master Programs regarding mooring buoys.

Attorney Eaton explained the reason for referring to both Programs in the Staff Report.

Councilmember Dickinson remarked on the statements made by the Department of Fisheries. There does not seem to be an indication of opposition by said department to lengthening the proposed dock.

Councilmember Wilson pointed out that the current Shoreline Master Program specifically discourages mooring buoys.

Councilmember Lackey commented that this is the second time in 60 days that a state agency edict has superseded a local decision.

At 8:25 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to accept the staff recommendation and approve the modification to Shoreline Substantial Development Permit #48 and direct the staff to prepare findings & conclusions. The motion carried with Councilmembers Athearn, Dickinson, Lackey, & Wilson - aye, Councilmember Potter - no.

Attorney Eaton remarked that a case regarding San Juan County joint use regulations will be coming before Superior Court in December.

The Council and staff discussed existing docks over the permitted length.

At 8:45 PM, Attorney Eaton presented the draft concomitant agreement regarding the rezone of the St. Francis Catholic Church property and explained the rationale of same. Mr. Eaton noted that he has a few reservations about the wording in the initial draft.

Mayor Cahail noted that the conveyance of land to the Town should be a "fee simple" quit claim.

The Council directed Attorney Eaton to make the recommended changes and forward the revised document to the subject party.

At 9:00 PM, Mayor Cahail opened a work session on the 1993 draft budget.



Mayor Cahail, Council, and staff discussed interim funding to increase the rate of pay for the fire chief. It was pointed out that Council action would be required for any pay increase beyond the range of the current wage & salary ordinance.

The changing nature of fire fighting science and administration and the volunteer nature of the position was discussed. Budgetary considerations were mentioned. The requirement for responsibility and accountability in a funded position was noted. Retention incentives for volunteer fire fighters were mentioned.

The Council would like additional information on hours, rates of pay, and part-time options. The current rate of pay for full-time Town employees was noted.

At 9:25 PM, Treasurer Picinich reported on sales tax revenues through the end of July.

At 9:27 PM, Councilmember Potter moved and Councilmember Dickinson seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 10:12 PM, Councilmember Lackey moved and Councilmember Potter seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:13 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - October 15, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson

Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Mayor Cahail called for corrections or additions to the minutes. Councilmember Potter offered an addition to the minutes of the 12:30 meeting on 10/1/92. Prior to the meeting she notified the Town Hall staff of her planned absence. She requested that this fact be noted for the record. The minutes of the 10/1/92 12:30 PM meeting were approved as amended. The minutes of the 10/1/92 7:30 PM meeting were approved as submitted.

At 7:32 PM, Mayor Cahail introduced George Thorson, president of the Pear Point Water Users Association (PPWUA).

Mr. Thorson gave a brief history and summary of the PPWUA and the Town of Friday Harbor relationship regarding water connections. Lengthy negotiations have culminated in working out a settlement. Only one issue remains to be resolved.

Two PPWUA members, Harrylock and Anderson, paid for their membership before 1979, at which time the Town passed Ordinance #484 prohibiting any additional out-of-town water hook-ups. Because Harrylock and Anderson became members of the association before Ordinance #484 was passed, they have the right to hookup to the Town water system provided they pay the current right-to-connect fees. The current proposed settlement agreement with PPWUA requires these two members to hook-up within five years. Mr. Thorson requested that this limitation be waived.

Attorney Eaton said that Thorson's presentation was direct and accurate.

Councilmember Dickinson stated that because the agreement with these two users is long standing, she would see no problem in accepting that they would not have to comply with a five year requirement.

Town Administrator Fitch commented that there may come a time when the Town will have to be required to prohibit all new connections to the water system. He continued to say that even if the Town waived the five year hook-up requirement for Harrylock and Anderson through the settlement agreement, they would no longer have the right to water if they weren't connected at the time an overall prohibition was enacted.

Mr. Thorson said he would make that point clear to Harrylock and Anderson.

Councilmember Potter questioned whether there was a legal problem with the fact that these 2 members of the PPWUA would be treated differently in the agreement.

Town Attorney Eaton said it was an administrative problem, but not a legal issue, because these two properties are in fact the only two which absolutely have the right to connect even if this agreement is not finalized.

Mr. Thorson suggested eliminating Harrylock and Anderson from the proposed agreement. Town Administrator Fitch and Mayor Cahail both recommended that they be included in the agreement.

Councilmember Athearn questioned what would happen with these two hook-ups if the property sold.

Attorney Eaton replied that the unlimited time agreement would run with the property, not the current owner.

Councilmember Dickinson expressed that she would have no objection to relieving these two properties from the time limitation as long as they were subject to any subsequent regulations passed by Town including a moratorium on all hook-ups.

The Council agreed.

The proposed agreement will be amended and Mr. Thorson will secure the required signatures from the PPWUA. Mr. Thorson thanked the Council.

At 7:59 PM, Mayor Cahail called for adoption of the facts and findings regarding modification to Shoreline Permit #41 - Town Square Complex located at 1 Front Street.

Councilmember Dickinson moved for the adoption of the facts and findings as presented. Councilmember Lackey seconded the motion. The motion passed unanimously.

At 8:02 PM, Mayor Cahail called for adoption of the facts and findings regarding approval of revised Shoreline Permit #48 - Gene Gearhart dock permit on lot #1-12 of Friday Harbor Playgrounds.

Town Administrator Fitch pointed out that there was a correction and an addition to the facts and findings and that an addendum was prepared reflecting these changes.

The correction involved changing the document date to October 1, 1992.

The addition is Conclusion #5 stating: "No bottom land dredging is to be allowed under the provisions of this modification."

Councilmember Lackey moved to adopt the facts and findings as amended. Councilmember Dickinson seconded the motion.

The motion passed with Councilmembers Athearn, Dickinson, Lackey and Wilson voting "yes", and Councilmember Potter voting "no".

At 8:07 PM, Mayor Cahail opened a discussion regarding a proposed street vendor ordinance.

Town Administrator Fitch expressed that the Town Hall staff has had difficulty in interpreting and enforcing the current Temporary Vendors and Merchants Ordinance #654 (FHMC Chapter 5.08) and that the staff would like to have a clear and fair ordinance in place by next spring.

Discussion followed on definitions, challenges and conflicts in administering the ordinance, purpose of the ordinance and exceptions to the ordinance. Councilmembers will discuss this subject at a later date.

At 8:30 PM, Mayor Cahail opened the 1993 budget work session.

A preliminary budget was distributed for review. Only proposed expenditures were reflected. Treasurer Picinich is working on distributing the revenues after which the preliminary budget probably will still be unbalanced.

Town Administrator Fitch called for policy decisions from the Council.

Discussion on the preliminary budget followed.

No new positions are budgeted for.

The budget does not meet all needs the community has brought forth to the Council.

The budget reflects a 3.6% cost of living increase and a possible step increase for employees.

The 1992 budget is in the process of being amended.

No new arterial road projects are budgeted. Arterial expenditures will go to retire debt. The Town will try to complete the 2nd Street project in 1994 subject to TIB funding.

The new water treatment plant is not 100% funded, but we will budget for construction drawing and engineering for the project.

The sheriff is currently budgeted for \$132,000.00, but he is requesting \$152,000.00.

A 1993 summer parking official is not reflected in the budget.

The Council scheduled a work session for Thursday October 29, 1992 at 7:30 PM in order for Nancy Larsen to make a presentation regarding a Town newsletter. The newsletter will have to be reflected in the budget if it is approved.

Treasurer Picinich explained why the current fund appeared so high and detailed the offsets.

1992 revenue in the Refuse Department is \$40,000.00 short. Recycling has effected the revenue.

At 9:02, Councilmember Lackey moved and Councilmember Potter seconded to pay warrants #5378 through 5438 in the amount of \$77,158.02. The motion unanimously passed.

Mayor Cahail related a "thank you for the roadwork done on Carter Street" from a local resident.

Mayor Cahail announced that Data Processing Clerk Teresa Nash has exercised her right not to return to her job after her leave of absence. Lydia Hardwick, the interim temporary employee, has been offered and has accepted the data processing clerk position on a permanent full time basis.

At 9:10 PM, Town Administrator Fitch announced that the Planning Commission and Planning Consultants, Butler and Associates, are on hold with the GMA process until we have some hard concrete facts about whether we have the critical and resource lands that we are trying to regulate within the Town limits. The San Juan County Planning Department has taken an extremely long time on the GMA interim regulations which we partially paid for by giving them our portion of grant money. Further, the Town has not received a copy of the wetland report or the housing needs assessment study completed under the direction of the County.

At 9:13 PM, Councilmember Potter moved and Councilmember Lackey seconded that the Council go into executive session to discuss pending litigation. The motion passed unanimously.

At 10:00 PM, Councilmember Lackey moved and Councilmember Dickinson seconded that the Council return to regular session. The motion passed unanimously. No action was taken in executive session.

Councilmember Dickinson moved and Councilmember Lackey seconded that the meeting be adjourned to October 22, 1992 at 7:30 PM to work on the 1993 budget. The motion passed unanimously.

H. James Cahail, Mayor  
Andrea Avery, Deputy Clerk

### **Town Council - October 22, 1992 @ 7:30 PM**

The Town Council met for a budget work session.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Potter moved and Councilmember Lackey seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

Mayor Pro tem Dickinson opened the work session on the draft 1993 Town Budget.

Treasurer Picinich distributed updated budget worksheet pages.

The Council and staff discussed procedures to follow in reviewing the draft budget. Town Administrator Fitch pointed out projects cut and items still provisionally funded.

Funding for Fire Department personnel and benefits was discussed.

Various alternatives for Refuse Department operation and funding were considered. The impacts of discontinuing accepting out-of-town refuse was discussed.

Mayor Pro tem Dickinson suggested that the Town consider diversifying its refuse handling functions. The necessity of continued incineration of medical waste and animal carcasses was stressed.

The use of street refuse containers for dumping household garbage by county residents was mentioned.

The Council and staff continued discussion of closing the solid waste facility to county self-haulers. Councilmember Potter stressed that the County should be given as much notice as possible.

Mayor Pro tem Dickinson asked that initial steps be taken to begin working with San Juan County to formulate a plan to discontinue acceptance of county self-hauled refuse. The self-hauled refuse would be diverted to the San Juan County Orcas landfill. The Council directed staff to research the financial and operational impacts.

The Town's low refuse rates were again mentioned.

At 8:35 PM, the Council began review of the Current Fund.

The Council discussed proposed Public Access TV and Town newsletter funding. A monthly newspaper column rather than a newsletter was suggested. The Council decided against funding Public Access TV at this time.

Adjustments were made in the equipment budget line.

Parking enforcement and on-street/off-street parking were discussed.

The Fire Department budget was briefly reviewed. The Council asked that the Fire Chief prioritize his equipment requests.

Planned expenditures in Planning were reviewed.

At 9:37 PM, Treasurer Picinich distributed proposed amendments to the 1992 Town Budget.

Councilmember Athearn reiterated interest in a newspaper column rather than a newsletter.

At 9:46 PM, Councilmember Potter moved and Councilmember Lackey seconded to adjourn and continue the meeting to 10/29/92 at 7:30 PM for a presentation on the proposed newsletter and a budget work session. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem  
Steven Dubail, Town Clerk

### **Town Council - October 29, 1992 @ 7:30 PM**

The Town Council met for a presentation and budget work session, Mayor Cahail presiding.

Members present: Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Nancy Larsen gave a presentation regarding producing a Town newsletter.

Ms. Larsen spoke of the importance of public relations in times of changing government services and tightening budgets. She noted that a municipal newsletter could cover events and issues pertinent to the Town that are not adequately covered by the local newspapers.

The Council and Ms. Larsen discussed various concepts and objectives of producing a newsletter.

Mayor Cahail mentioned that if people won't come to meetings perhaps the Town could take the meetings to them.

Ms. Larsen noted that other towns have found that a newsletter increases citizen participation, cooperation, and understanding.

The Council and Ms. Larsen discussed alternatives to a newsletter such as press releases, paid advertisements, brochures, flyers, door hangers, etc.

Councilmember Dickinson and Ms. Larsen stressed the need for a newsletter to have a clear purpose. Ms. Larsen reiterated that a newsletter must be done well and produced on a regular schedule.

Ms. Larsen presented a summary of potential production and distribution costs. She pointed out it would take at least 6 issues to get an indication of the newsletter's effectiveness. The popularity of previous community information publications was mentioned.

Ms. Larsen noted that audience and purpose will define the design of a newsletter. Design and content will be reflected in cost. She asked the Council to think about the various components that go into having a newsletter.

Potential staff time and costs, outside costs, and production procedures were discussed.

Councilmember Dickinson noted that operational benefits to Town functions and staff would be an important factor. She suggested that an annual directory/guide to Town functions might be more beneficial to the public. Councilmember Dickinson reiterated that it must be kept in mind that the taxpayers would be paying for any eventual publication.

The overwhelming quantity of unsolicited mail already received by the average resident was mentioned.

Councilmember Potter noted that a newsletter helps to get the populace involved and working with you.

Ms. Larsen offered to discuss the issue further with the Council at a future work session. She asked the Councilmembers to call her with any questions.

At 8:50 PM, the Council thanked Ms. Larsen for her presentation.

The Council began a work session on the draft 1993 budget.

Administrator Fitch pointed out changes in the draft salary ordinance distributed to the Council.

Treasurer Picinich distributed a tax revenue summary and Capital Reserve Fund worksheets.

The Council began review of the proposed Water Department budget.

The Council and staff discussed various proposed projects in the System Expansion portion of the water budget. Resolution of individual water supply concerns in the vicinity of the water treatment plant was discussed.

The need for fencing the Town shop was noted.

Administrator Fitch distributed photographs showing the recently painted 1 million gallon water tank.

Administrator Fitch informed the Council of plans to transfer Andrea Avery, Clerk/Receptionist, to the Town Maintenance Facility for clerical tasks. She would spend 50% or more of her work time at the Town shop.

At 9:36 PM, Council and staff reviewed the proposed Sewer Department budget.

Potential Department of Transportation (DOT) ferry sewage off-loading was discussed.

In regard to possible wastewater treatment plant expansion, Administrator Fitch noted that an engineering study would be required prior to design engineering.

At 9:48 PM, the Council discussed scheduling another budget work session for 11/12/92.

Treasurer Picinich distributed additional pages for the proposed 1992 amended budget.

Administrator Fitch noted that, following review by a local independent engineer, he has developed a "short list" of proposals for development of the Landfill Closure/Postclosure Plan.

At 9:50 PM, Councilmember Dickinson moved and Councilmember Potter seconded to go into executive session to discuss potential litigation. The motion passed unanimously.

At 10:06 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Administrator Fitch informed the Council of a request by the local Kiwanis Club to take on maintenance and upgrade responsibilities for one of the Town's public spaces. The Council concurred with the request.

Administrator Fitch reported on a meeting with San Juan County GMA Planning Personnel regarding a Citizens Advisory Group appointee or two from the Town to attend weekly meetings for approximately 4 months to provide Town input on Urban Growth Area discussions. Mayor Cahail will propose 1 appointee and 1 alternate.

Mayor Cahail introduced a memo and draft resolution #856 from Jim Hodges, Town Building Official, regarding proposed revisions to the Washington State Energy Code for non-residential buildings. The Council will consider same at their 11/5/92 afternoon meeting.



Administrator Fitch noted that the AWC 1992 Tax & User Fee Survey, the AWC 1992 Wage & Salary Survey, and the City Engineer's Association Utility Rate Study were available for Council review. It was again noted that the Town of Friday Harbor still has the lowest refuse rates in the state and was 5th lowest in the state for property taxes.

At 10:16 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - November 5, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Treasurer Picinich

Mayor Cahail noted that Town Administrator Fitch and Attorney Eaton were attending the Shoreline Hearings Board hearing for the Harbor House Substantial Development Permit appeal at the Community Theater.

At Mayor Cahail request, Maintenance Supervisor Reitan reported that the Water Department was installing a new water line to the Port facility on upper Spring Street. The new 12" water transmission main along the San Juan Valley Road reconstruction project is now online. The Town reservoir is approximately 94" below the spillway. The Water Department pumped 350,000 gallons from Augmentation Project I last week to test the pumps. **There have been recurring sewer problems at Wisteria Court.** The Street Department will be asphaltting potholes in Town and performing temporary repairs on Warbass Way.

Mr. Reitan expressed support for the Kiwanis' request that they be allowed to assume maintenance responsibility for one of the Town's public places.

**Councilmember Potter commented on reports of an odor emanating from the Wastewater Treatment Facility.**

Mayor Cahail informed the Council of power outages scheduled for 11/13/92 from 1:00 AM to 5:00 AM and 11/15/92 from 7:00 AM to 10:00 AM.

Maintenance Supervisor Reitan commented on expenditures for new switching gear due to undergrounding of power lines.

The Mayor and Council thanked Maintenance Supervisor Reitan for his report.

At 12:45 PM, Fire Chief Galer reported that there have been 142 incident calls so far this year. There were 3 false alarm calls recently from Friday's B&B due to rainwater intrusion in an alarm

system electrical junction box. A practice burn of a house to be demolished next to Islander's Bank is scheduled for this Sunday. Provisions have been completed so that the Fire Station can use power from the Telephone Company's generator during power outages.

The Mayor and Council thanked Fire Chief Galer for his report.

Town Building Inspector Jim Hodges reported on progress on engineering for upgrading the exhaust stack on the incinerator.

Mayor Cahail presented draft resolution #856, a resolution regarding proposed revisions of the Washington State Energy Code for new nonresidential buildings, for Council consideration.

Mr. Hodges spoke to the motivation behind the draft resolution as summarized in his 10/28/92 memo to the Mayor and Council. He noted that other jurisdictions are in favor of the proposed resolution and are considering same. Mr. Hodges spoke of the economic impact on builders and the Town and the difficult task of enforcement.

Mayor Cahail and Building Inspector Hodges commented on various aspects of the proposed regulations.

At 12:56 PM, Councilmember Athearn moved and Councilmember Lackey seconded to adopt Resolution #856. The motion passed unanimously.

Councilmember Lackey moved and Councilmember Potter seconded to approve payment of claims warrants #5442 through 5503 in the amount of \$70,313.70 and payroll warrants #2715 through 2752 in the amount of \$70,482.99. The motion passed unanimously.

Mayor Cahail informed the Council that he would be unable to attend this evenings meeting.

Mayor Cahail asked Councilmember Potter to consider being the Town representative on the Criminal Justice Coordinating Committee. Councilmember Potter agreed to the appointment.

The Mayor and Council briefly discussed some of the scheduled evening agenda items.

At 12:59 PM, Councilmember Potter moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - November 5, 1992 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Dickinson moved and Councilmember Athearn seconded to appoint Councilmember Potter Mayor Pro tem. The motion passed unanimously.

The minutes of the 10/15/92, 10/22/92, and 10/29/92 7:30 PM meetings were approved as submitted.

Town Administrator Fitch distributed the detailed Fire Department 1993 equipment request list.

Administrator Fitch reported on plans to begin paving upper Spring Street next week. The project should be completed in approximately 2 weeks.

At 7:35 PM, Mayor Pro tem Potter opened the Public Hearing to consider a Bed & Breakfast (B&B) Conditional Use Permit application by Steve and Debbie Demarest to provide nightly lodging for transient guests in an existing dwelling and to offer food service for compensation to transient guests at 595 Park Street, and instructed the meeting in the procedure to be followed. Hearing no objection to her or any Councilmember's participation, Mayor Pro tem Potter asked Warren Jones, Permit Coordinator, to present the staff report.

Mr. Jones summarized the pertinent points in the staff report, including SEPA compliance, location, zoning, land use in the vicinity, curb, gutter, sidewalk, and storm drainage requirements. He noted that the applicants were aware that they must reside onsite. He spoke of requirements for an oil/water separator and that the parking lot must be surfaced. The staff recommendation was for approval of the application.

At 7:43 PM, Mr. Steve Demarest, applicant, recounted events leading to the application to establish a bed & breakfast operation and explained plans for utilization of the house and property. He said that he and his wife's desire was to enhance the property and be a benefit to the community.

At 7:48 PM, Mayor Pro tem Potter opened the hearing for public input.

There was no public input or additional comments from the staff.

At Councilmember Dickinson's inquiry, noting that the applicants don't yet own the subject property, Attorney Eaton suggested any permit could be conditioned that the property must be in the applicants name or the current property owner could sign the application.

At Councilmember Wilson's inquiry, Mr. Demarest stated that the planned garage apartment would be of a design compatible with the design of the main house.

Councilmember Wilson asked about Town policy and interpretation of "primary residence" as stated in 17.08.070 FHMC.

Attorney Eaton replied by explaining the possible sequence of construction events.

Mr. Demarest stated that he would be living on the property, either in the main house or planned garage apartment before renting any rooms.

At Councilmember Wilson's inquiry, Mr. Demarest pointed out plans for a "service" kitchen and utility room in the main house.

Attorney Eaton spoke to the provisions of the B&B section of the municipal code.

Councilmember Wilson noted that allowing B&B operations is a way to save historic structures.

Councilmember Dickinson expressed the opinion that the intent of the ordinance was to preclude a B&B operator from adding an unlimited number of rental units.

Attorney Eaton stated that the Council could condition the permit to specify the maximum number of units. Other conditions could be added to address additional Council concerns.

Mr. Demarest spoke of his intention for a future single family residence for his family on the west side of the property. He elucidated on his plans to retain the original interior and exterior look of the house. He noted that setback requirements preclude future subdivision and residential development of the property.

Mr. Demarest stated that Dr. Mahan, an adjacent property owner, was interested in installing storm drainage along the front of his property when same was installed along the front of the Demarest's property. He said that Dr. Mahan was noncommittal regarding sidewalk installation.

At 8:15 PM, hearing no further comments, Mayor Pro tem Potter closed the public input portion of the hearing noting that the Council retains the right to reopen the hearing for public input at a later time or date. She then opened the hearing for Council deliberation.

Attorney Eaton suggested that the hearing could be continued to allow staff time to draft conditions to address Council concerns. Alternatively, the Council could articulate for the record additional conditions and vote on the application. The staff would draft a revised finding of fact.

At Councilmember Wilson's inquiry, Administrator Fitch stated that a separate water and sewer hook-up would be required for each building.

At 8:20 PM, Councilmember Dickinson moved and Councilmember Wilson seconded to accept the staff report with the additional conditions that the proposed bed & breakfast operation meet the property owners approval and that the bed & breakfast operation in the main house be limited to 4 units and that there may be a residential apartment for the owners. The motion passed unanimously.

At 8:23 PM, Mayor Pro tem Potter opened the Public Hearing to amend the 1992 Town Budget.

Hearing no public comment, Mayor Pro tem Potter closed the Public Hearing and introduced draft ordinance #886, an ordinance amending the 1992 Town Budget.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #886. The motion passed unanimously.

Mayor Pro tem Potter introduced draft ordinance #885, an ordinance fixing and levying the amount of Ad Valorem taxes for the Town of Friday Harbor for 1993.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #885. The motion passed unanimously.

Mayor Pro tem Potter introduced draft resolution #855, a resolution authorizing the Mayor to execute an Intergovernmental Agreement with San Juan Fire Protection District #3 for Emergency Medical Services to be provided to the Town of Friday Harbor.

Administrator Fitch gave a brief overview of the history and intent of the proposed agreement. He noted that Fire District #3 had executed same on 10/8/92.

Councilmember Athearn moved and Councilmember Lackey seconded to adopt Resolution #855. The motion passed unanimously.

At 8:30 PM, the Council began review of San Juan County Public Works Department plans to renovate the County Fair Grounds.

Permit Coordinator Jones summarized his 11/3/92 staff report. He pointed out potential impacts to the Town, including stormwater management, parking, water use and fire flow, and the capacity of the sewer system. The staff anticipates greater eventual use and associated impacts than currently assumed by SJC Public Works. Mr. Jones asked the Council to consider accepting the staff report for forwarding to the County as the Town's comment to the San Juan County Conditional Use Permit Application. The Council concurred.

Councilmember Wilson pointed out the addition of "and commercial" [use] of the property as stated on page 1, #6 of the San Juan County Fair Board San Juan County Conditional Use Permit Application.

Councilmember Lackey felt that the applicants should additionally be required to help fund additional waste water treatment capacity.

Councilmember Athearn noted that the Town has a commitment to serve current and potential in-town users.

The Council and staff discussed various aspects of the proposal, including future uses, expansion, size limitations, GMA concerns, adjacent uses, and off-site impacts.

Attorney Eaton pointed out that the Town can formally appeal the County's SEPA determination.

Councilmember Dickinson noted that potential in-town sewer impacts are a generally known quantity, there is no assurance of the extent of the Fair Ground use impacts.

County funding to increase waste water treatment capacity was discussed.

Attorney Eaton reiterated the need for stormwater and parking management in conjunction with the proposal.

At 9:30 PM, Administrator Fitch asked the Council to consider continuing the meeting to 11/12/92 for a budget work session. He would like the Council to be prepared to decide on a engineering firm to develop the Landfill Closure/Post Closure Plan on 11/19/92.

Attorney Eaton stated that he did not need an executive session.

At 9:35 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn and continue the meeting to 11/12/92 at 7:30 PM for a budget work session. The motion passed unanimously.

Bonnie C. Potter, Mayor Pro tem  
Steven Dubail, Town Clerk

### **Town Council - November 12, 1992 @ 7:30 PM**

The Town Council met for a budget work session, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Cahail opened the work session on the 1993 budget and introduced Mr. Larry Greene who was present to request funding from the Town for a public access TV project.

Mr. Greene explained the goal of the Islands Community Access Network (ICAN) to be an inter-island communication system to serve the community's needs and desires by producing community interest television programs. He asked the Council to consider contributing funding to this project. He noted that ICAN is a non-profit organization. Mr. Greene spoke of his group's need to acquire equipment and materials to produce quality programs.

The Council inquired about various aspects of the project. Mayor Cahail, the Council, and Mr. Greene discussed current and potential capabilities of the medium.

Councilmember Dickinson spoke of possible results to the staff of providing information via cable.

Mayor Cahail noted the need to provide information to the populace by various means.

Councilmember Athearn commented that this may be an alternative or adjunct to the Town newsletter under consideration by the Council. She and Councilmember Potter voiced support for public information and remarked on financial constraints.

Mr. Greene suggested that a portion of cable TV franchise revenues could be allocated to this project. Said funds are currently earmarked for the street budget.

At 8:04 PM, the Council thanked Mr. Greene for his presentation.

The Council began review of the draft 1993 budget.

Treasurer Picinich summarized changes in the revised draft budget. Staff has proposed a 23.4% overall refuse rate increase. Town Administrator Fitch pointed out that out of 268 cities and towns in Washington, the Town of Friday Harbor has the lowest refuse rates in the state.

At Councilmember Lackey's inquiry, Administrator Fitch noted that the Town is about 90 days behind schedule on the new water tank project.

The Council and Administrator Fitch discussed the utility rate structure and plans for a utility rate study.

The Council and staff discussed base charges and levels of service. Administrator Fitch spoke of escalating regulations and associated costs.

At 9:10 PM, the consensus of the Council was to approve the proposed refuse rate increase to a \$2.00 base charge and \$2.85 per can or equivalent.

The Council and staff discussed Fire Department funding. The evolving complexion of the chief's job was mentioned. A benefit package for the firefighters was discussed. The changing nature of the community was considered.

Administrator Fitch informed the Council that a Public Hearing for adoption of the 1993 Town budget was scheduled for 12/3/92.

The Council and staff discussed newsletter and public access TV funding.

Administrator Fitch notified the Council of a submarine sewer main malfunction. DOE has been notified. A large jetter truck will be here next Monday. The problem seems to be a grease buildup causing a partial backup between pump stations #1 & #2.

The San Juan County Planning Department has scheduled a meeting on 11/17/92 at 1:30 PM at the Board of County Commissioners' conference room for staff discussion of the San Juan County Fair Board's request for a Town sewer connection. Representatives from the Town are invited.

At 9:48 PM, Councilmember Lackey moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - November 19, 1992 @ 7:30 PM**

The Town Council met in regular session.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson

Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Town Clerk Dubail informed the Council that Mayor Cahail had notified his office that he would be unable to attend this evening's meeting.

Councilmember Potter moved and Councilmember Dickinson seconded to appoint Councilmember Lackey Mayor Pro tem. The motion passed unanimously.

The minutes of the 12/05/92 12:30 PM & 7:30 PM meetings and the 12/12/92 7:30 PM meeting were approved as submitted.

The Council reviewed a letter received 11/17/92 from George O. Thorson, President, Pear Point Water Users Association (PPWUA), requesting an additional water hook-up on the Pear Point line.

Mr. Thorson summarized the reasons for the request for the additional water connection at 265 Pear Point Road as explained in the above referenced letter. He stated that the PPWUA had met last Sunday and unanimously approved the previously negotiated agreement with the Town.

Mr. Steve Buck, the current property owner, pointed out that the existing residence was served by Town water from the "gravel pit" line. He has recently subdivided his property and the hook-up request is for the resulting new parcel. Mr. Buck noted that he had previously made arrangements to obtain water for the new parcel from a well on another property in the vicinity. He remarked that he would prefer a Town water connection.

The Council and the proponents discussed various aspects of the request. At Councilmember Wilson's inquiry, Mr. Thorson stated that all property owners adjacent to the Pear Point line have been contacted. He stated that he has a contact list to verify same. "Nobody has been left out this time."

Attorney Eaton pointed out that the PPWUA, while it exists, could reject any future water connection request.

Mr. Thorson unequivocally stated that the association would not entertain any further requests and was moving expeditiously toward dissolution.

At 8:04 PM, Mr. Thorson, speaking as the president of the PPWUA, stated that "he absolutely, positively" won't request any additional water hook-ups.

Administrator Fitch suggested that the Council request the minutes of last Sunday's PPWUA meeting. The Council requested same from Mr. Thorson. Mr. Thorson stated he would provide the minutes to Administrator Fitch as soon as they were prepared, probably within a couple of days.

At 8:09 PM, Mayor Pro tem Lackey presented for adoption the draft Findings of Fact & Conclusions of Law regarding issuance of a Conditional Use Permit to Debbie & Steve Demarest to operate a Bed & Breakfast at 595 Park Street.



Councilmember Dickinson moved and Councilmember Potter seconded to accept the Findings of Fact & Conclusions of Law for the Demarest Conditional Use Permit. The motion passed unanimously.

Consideration of draft ordinance #887, an ordinance granting Final Plat approval to the Orchard Grove Short Plat within the Mullis industrial area, was carried forward to 12/03/92.

At Mayor Pro tem Lackey's request, Treasurer Picinich summarized revisions to the draft 1993 Town budget and Council discussed same. It was noted that the draft budget is balanced.

Councilmember Potter thanked Town Administrator Fitch for his letter to the San Juan County Fair Board regarding the Fair Board's request for a sewer connection.

Administrator Fitch summarized topics discussed at a recent meeting with San Juan County representatives concerning the above request. Council and staff discussed same.

The Council and staff briefly discussed considerations in the proposed Fire Department budget, including compensation for the Fire Chief and a retirement program for firefighters. The rate of turnover in fire department personnel and reasons for same were discussed.

In regard to a previous Council inquiry, Administrator Fitch noted that 577 dwelling units in Town currently have cable TV.

The Council and staff discussed the advisability of continuing to sell Refuse punch cards. The Council concurred with the staff recommendation to discontinue same.

The Council and staff discussed the proposed 1993 Port of Friday Harbor contribution to the Town for fire protection services.

At 8:51 PM, the consensus of the Council was to leave the proposed budget "as-is".

At 8:56 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to approve payment of claims warrants #5506 through 5560 in the amount of \$50,791.89. The motion passed unanimously.

Town Clerk Dubail presented the first in a set of three Americans with Disabilities Act videos: "Local Government and the ADA"; We're All Just People, Overview: ADA, & Part of the Team. Following the video the Council and staff discussed the topic.

At 10:00 PM, Councilmember Athearn moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

Sherman A. Lackey, Mayor Pro tem  
Steven Dubail, Town Clerk

**Town Council - December 3, 1992 @ 12:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, & Wilson  
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Potter had notified his office that she would be unable to attend this meeting due to a previous work commitment.

Fire Chief Galer reported that his department has had 153 fire call so far this year, 14 in the fourth quarter. The average response time is 3 minutes from time of call to leaving the station and 7 minutes from time of call to arriving on scene. These averages include both in and out of town responses. He also mentioned that there have been 4 known arson fires in the community in the last 8 years.

At Councilmember Wilson's inquiry, Chief Galer commented on the observed good implementation of the Convalescent Center evacuation plan.

The Mayor thanked Chief Galer for his report.

At 12:39 PM, Maintenance Supervisor Reitan reported that the Town reservoir level is approximately 97" below the spillway. He summarized actions leading to the removal by an off-island jetter contractor of a partial blockage in the marine sewer main in front of San Juan Marina. He also reported that Emerald Seas Dive Center had been hired, and has completed, an 80' extension of the overflow outfall from sewer pump station #1 at the DOT ferry terminal. The Wastewater Department is experiencing problems with one of the pumps at pump station #2. Parts are on order.

Maintenance Supervisor Reitan spoke of various concerns with sludge storage and utilization.

The reconstructed portion of upper Spring Street has been asphalted. Mr. Reitan commented on design problems necessitating expenditures for additional asphalt.

The water pressure enhancement system for the William Crosby property should be operating next week.

Mr. Reitan reported ongoing repair and maintenance efforts at the solid waste facility.

Mr. Reitan introduced Joe Gruber, KSM, construction inspection engineer for the Town water main rerouting project.

Mr. Gruber explained particulars of the pipe line project. He noted that the project entailed installing some 2,800' feet of 12" pipe. Tests of the new pipe line reveal the existence of a 1 gallon per minute leak. The accepted pipe line loss rate for this type of installation is 4 gallons per hour. Mr. Gruber presented the Council with an exhibit showing the size of hole, 5/64", necessary to cause the aforementioned leak. He felt the leak may be at a joint in the section around the road radius by Carter's Corner.

Maintenance Supervisor Reitan briefly explained the leak location procedures Water Department are using.

Councilmember Wilson expressed his appreciation to the Wastewater Department crew for their quick response last weekend to a sewer problem.

The Mayor thanked Maintenance Supervisor Reitan for his report.

At 1:00 PM, Gretchen Hannah and Tim Ransom, Puget Sound Water Quality Authority (PSWQA), were present for a discussion with the Town regarding stormwater regulations.

Town Administrator Fitch noted the presence in the audience of Tamara Nack, engineer with Gray & Osborne, who is preparing a stormwater utility study for the Town. Also present to participate in the discussion; Permit Coordinator Warren Jones and Maintenance Supervisor Reitan.

Mr. Ransom gave a brief overview of the history and function of the PSWQA. He is the local liaison with the PSWQA.

Ms. Hannah, the Council, and staff discussed current policies as put forth in the Town's Shoreline Master Program.

Ms. Nack reported on progress toward formulating a storm water utility.

Administrator Fitch spoke of ongoing operation and maintenance and design requirements for new development. He noted previously completed hydrology studies.

Discussion followed on storm water treatment and wetlands. Administrator Fitch pointed out that, due to receipt of an unusable work product from the San Juan County Planning Department regarding critical areas inventory, the Town Planning Commission has not moved forward on interim wetland regulation.

Councilmember Dickinson and Administrator Fitch noted provisions for protection of future designated wetlands in land use permits.

Administrator Fitch spoke of initial watershed planning and non-point source pollution. He mentioned possible stormwater impacts on the Town from out-of-town areas. The Friday Harbor watershed area is significantly larger than the incorporated area of the Town. It was pointed out that there were negligible agricultural impacts on the watershed in Town.

Ms. Hannah and Mr. Ransom will advise Town staff if a NPDES stormwater permit is necessary for the Wastewater Treatment Facility.

Ms. Nack mentioned anticipated financial impacts on the Town.

Mayor Cahill remarked on the need for "simple, practical" solutions.

The perception and impact of Victoria, BC's untreated municipal sewage on San Juan Island was discussed. The effect of secondary treatment outfalls on the sound was mentioned.

At 2:04 PM, the Council thanked Ms. Hannah and Mr. Ransom for their presentation.

Mayor Cahail asked the Council to confirm the appointment of Mr. Jay Westphalen to the Town Planning Commission. The consensus of Council was to confirm same.

Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #5564 through 5610 in the amount of \$77,356.41 and payroll warrants #2754 through 2789 in the amount of \$66,263.41.

At Councilmember Dickinson's inquiry, Administrator Fitch explained vehicle impoundment procedures and costs.

At Councilmember Wilson's inquiry, Maintenance Supervisor Reitan commented on the per day cost for divers to extend the sewer pump station #1 outfall.

At 2:12 PM, following discussion, the motion passed unanimously.

Councilmember Athearn requested that the scheduled public hearing on the proposed 1993 Town budget be continued to 12/10/92.

Maintenance Supervisor Reitan spoke of new water treatment testing regulations which must be implemented by 1/1/93.

At 2:18 PM, Councilmember Dickinson moved and Councilmember Athearn seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - December 3, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch & Treasurer Picinich

The minutes of the 11/19/92 7:30 PM meeting were approved as submitted.

Mayor Cahail proclaimed December 12, 1992 as "Old Odd Fellows Hall Day" in Friday Harbor.

At 7:38 PM, Mayor Cahail opened the public hearing on the 1993 Town budget. Administrator Fitch summarized the considerations resulting in the current draft budget. He noted a request by Councilmember Athearn that the public hearing be continued to a later date to allow for input by representatives of the Fire Department.

Mayor Cahail opened the hearing for public input.

Mark Kendziorek, President of the San Juan Island Chamber of Commerce, requested allocation of \$8,500 from Hotel/Motel Tax revenues to the Chamber of Commerce to provide visitor information services. Mr. Kendziorek outlined the proposed scope of services and potential benefits to the community. He also spoke to the possibility of a joint Town/Port/Chamber of Commerce public restroom project. He stressed the need for in-person visitor information service. Mr. Kendziorek pointed out that San Juan County has terminated funding to the Chamber of Commerce.

The Council and Mr. Kendziorek discussed various aspects of the proposed services. At Mayor Cahail's inquiry, Mr. Kendziorek stated that the Chamber of Commerce will be producing a visitor information brochure.

Administrator Fitch noted previous reticence of the Council to be placed in a position of being asked to allocate portions of the Hotel/Motel Tax monies to numerous groups. The stated purpose of Ordinance #852 was for "paying all or any part of the costs of acquisition, construction or operation of publicly owned facilities that mitigate the impacts of tourism, or to pay or secure the payment of revenue bonds issued to acquire or construct such facilities." (Section 4)

Councilmembers Dickinson and Athearn noted concerns previously raised by the Chamber of Commerce regarding the need for additional parking.

Councilmember Potter sympathized with Mr. Kendziorek's request but felt the Council needed to stick to their plan to fund for additional parking.

It was noted that San Juan County anticipates 1993 Hotel/Motel Tax revenues of approximately \$190,000.

Dick Kneipp, 444 Fairway Drive, Chamber of Commerce member, felt that Section 4 of Ordinance #852 could be interpreted to allow the Chamber of Commerce's request as a public information service mitigates tourist traffic impacts.

It was pointed out that the Town intends to issue revenue bonds backed by Hotel/Motel Tax revenue to develop a public parking lot in 1993.

Mayor Cahail thanked Mr. Kendziorek for his presentation and noted that the public hearing will be continued to next week.

The Council and staff discussed various items to be paid in the 1992 fiscal period.

At 8:26 PM, Mayor Cahail continued the public hearing, with the concurrence of Council, to 12/10/92. Consideration of draft ordinance #891, adopting the 1993 budget, was postponed to a future date.

Mayor Cahail introduced draft resolution #857, a resolution authorizing the Mayor to execute an intergovernmental agreement with the San Juan County Health Department for Public Health Services for the calendar year 1993.

Administrator Fitch noted that the agreement had been approved as to form by Town Attorney Eaton.

Councilmember Potter moved and Councilmember Lackey seconded to adopt Resolution #857. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #890, an ordinance amending the 1992 Town budget. Treasurer Picinich explained the various proposed amendments.

At 8:30 PM, Councilmember Dickinson moved and Councilmember Potter seconded to adopt Ordinance #890. The motion passed unanimously.

Administrator Fitch reported that he had received notification through the law offices of William J. Weissinger that the Town was to receive a bequest from the estate of Edith J. Thorpe of \$1,000 for the street bench fund and \$1,000 for the provision of public restrooms.

Councilmember Wilson requested that a letter of appreciation be sent to the estate.

Administrator Fitch noted receipt of the draft Storm Water Utility Study prepared by Gray & Osborne. He summarized various implementation concerns on which the engineers have requested guidance from the Council.

Councilmember Athearn pointed out that this is a utility not a proposed tax.

Following discussion, the consensus of the Council was to not provide exclusions for specific properties from provisions of the stormwater utility.

The Council directed that the solid waste facility may be closed to the public the day after Christmas.

The Council directed Administrator Fitch to move forward with the Pear Point Water Users Association agreement, said agreement resulting in a total of 23 benefited properties.

Mayor Cahail asked the Council to confirm the appointment of Mr. David Kinderfather to the Town Planning Commission. The consensus of Council was to confirm same.

At Administrator Fitch's inquiry regarding the new San Juan County Fireworks Ordinance, it was pointed out that County ordinances have no effect within the Town and that the Town cannot pay any portion of the associated publishing costs.

At 9:05 PM, Town Clerk Dubail presented to the Council and staff an Americans with Disabilities Act (ADA) video, "Public Access to Government Services" and "Accessibility to Public Accommodations".

At 10:04 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 12/10/92 at 7:30 PM to continue the public hearing on the 1993 Town budget. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - December 10, 1992 @ 7:30 PM**

The Town Council met for the continued Public Hearing on the 1993 Town Budget, Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor Cahail reopened the Public Hearing on the 1993 Town Budget continued from 12/3/92.

Administrator Fitch noted that the primary reason for the continued hearing was to hear a presentation from representatives of the Friday Harbor Fire Department (FHFD).

Pete Risser, FHFD, felt that a "presentation" may possibly be construed as confrontational, he would like to discuss the problems facing the fire department with the Council. He asked the Council if they wished to continue with an independent fire department.

Mayor Cahail stated that he is very much in favor of keeping the Town of Friday Harbor Fire Department.

Councilmember Dickinson expressed her conviction that the Town should have the Friday Harbor Fire Department.

Mr. Risser noted that, individually, the Council had unanimously expressed support for the fire department. He felt that the Town government did not appreciate the level of professionalism and dedication they receive from the fire department. He recounted various incidents that have detracted from a feeling of support.

Mr. Risser noted distribution of a draft job description for the Fire Chief and expanded on the actual services performed by the current chief and the fire department. He felt that the means were available to compensate the chief and suggested that non-taxable properties in Town could be prevailed upon to contribute to support of the fire department.

He summarized that basically the two issues he wished the Council to consider are; retaining and compensating the current fire chief, retaining volunteers through a pension plan. He predicted that loss of the current chief would inevitably result in the decline of the fire department.

At 7:50 PM, at Councilmember Dickinson's inquiry, Treasurer Picinich stated that as of the end of November there was approximately \$22,000 remaining in the 1992 fire department budget.

The Council discussed the probity of allocating carry-over cash back to a department budget.

Councilmember Potter and Mr. Risser remarked on a previous discussion regarding the advisability of, in effect, creating a paid fire chief position.

Mr. Risser noted that "people work for people, not positions."

Mayor Cahail commented on the changing nature of volunteer service. He suggested creating a compensated department head status position for the fire chief. He spoke of the ever increasing responsibilities placed on the chief and felt that the Town was at a "turning point" in regard to the fire department.

Administrator Fitch inquired about continuing the policy to have the Friday Harbor Fire Department have the responsibility for first response for certain areas outside the Town limits without compensation.

Mayor Cahail expressed his desire to have the Friday Harbor Fire Department protect the people, inside, and outside, the Town limits as necessary. A major fire may necessitate a unified response from both departments. He felt that strictly limiting the respective responses to inside and outside the Town limits would diminish the protection of the populace. A jurisdictional dispute must not cause any possible jeopardy of life.

Councilmember Dickinson suggested that the agreement with Fire District #3 could be negotiated to provide an equitable arrangement.

At Councilmember Athearn's inquiry, Mr. Risser explained the concept of "incident command" in fire fighting; the ranking officer on the scene takes command.

It was noted that, generally, the Friday Harbor Fire Department has a policy of first response for approximately a 2 mile radius around the Town.

Mayor Cahail pointed out that Fire District #3 does not pay for the above service but does station an engine in town for Friday Harbor Fire Department use in responding to out of town calls.

At Councilmember Athearn's inquiry, Mr. Risser commented that, for fire protection purposes, the above arrangement works.

Mayor Cahail and the Council discussed various aspects of fire protection administration and department organization.

Mayor Cahail suggested that an amount be established in the 1993 budget to compensate the chief. Implementation details could be worked out in 1993. A "not to exceed" guideline could be established.

Councilmember Potter recounted the results of her research into the Orcas and Lopez chief's compensation packages and spoke of minimum qualifications.

It was noted that provision could be made for additional training.

Treasurer Picinich pointed out Fair Labor Standards Act (FLSA) requirements for employees and volunteers.



Mayor Cahail asked Mr. Risser how the fire fighters would feel if a pension plan were established in lieu of compensation for training and calls.

The Mayor and Council discussed variations of the above proposition.

Mr. Risser noted that the basic "mandate" from the fire fighters was to "use the money to keep the chief we've got." Perhaps a different scheme of reimbursement could be developed next year.

Administrator Fitch commented that a cursory review indicates that the above proposed compensation scheme may be revenue neutral for the Town.

At 8:43 PM, Chris Destaffany, FHFD, stated that he had been with the department for over 19 years and spoke of his experience and observations on volunteer service. He noted that the Town Chief is the only chief in the county who is not provided with a vehicle. He also spoke of the need for someone to do the work "that nobody volunteered for." "It is difficult to show the Council all the fires the Town didn't have."

Mayor Cahail remarked on the insurance rating benefit to the community of having a fire department.

At Councilmember Athearn's suggestion, Mr. Risser will ask the fire fighters' views about a different compensation plan.

Provision for compensation of one or two positions was discussed.

Mr. Risser recounted his research into pension plan implementation costs.

The reasons for implementing a fire fighter pension plan were discussed.

The consensus of the Council was to retain \$12,000 in the Fire Suppression Land - Personnel budget line and to put an additional \$18,000 from carry-over cash into the Fire Protection - Administration - Personnel line.

At 9:10 PM, Mayor Cahail and the Council thanked Peter & Susan Risser for all their efforts.

Councilmember Athearn suggested that the Council invite the officers of the Fire Fighters' Association to participate in a discussion with the Council.

Mayor Cahail emphatically expressed that having a fire department was one of the most important functions of a community.

At 9:17 PM, Administrator Fitch commented on the list prepared by Permit Coordinator Jones of tax exempt parcels in Town. He remarked on the Town's eroding property tax base and the impending need for a fire protection levy. He pointed out that the majority of San Juan County's facilities on San Juan Island are within the Town of Friday Harbor.

At 9:25 PM, hearing no further public input, Mayor Cahail closed the public hearing.

Mayor Cahail asked the concurrence of the Council as to his recommendation of Gary Boothman as the primary Town representative and Mark McClintock as alternate to the San Juan County Citizens Steering Committee. The Council agreed to the recommendations.

At 9:27 PM, Councilmember Athearn moved and Councilmember Potter seconded to adjourn. The motion passed unanimously.

H. James Cahail, Mayor  
Steven Dubail, Town Clerk

### **Town Council - December 17, 1992 @ 7:30 PM**

The Town Council met in regular session with Mayor Cahail presiding.

Members present: Athearn, Dickinson, Lackey, Potter, & Wilson  
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

The minutes of the 12/3/92 12:30 PM, 12/3/92 7:30 PM, and 12/10/92 7:30 PM meetings were approved as amended.

Mayor Cahail introduced draft ordinance #887, an ordinance accepting the Final Orchard Grove Short Plat and authorizing the Mayor to sign the final plat drawings.

Councilmember Wilson asked to be excused from consideration of this issue as he is a property owner in the vicinity of the short plat. Councilmember Wilson was so excused.

Town Administrator Fitch gave a summary of the short plat application and recommended approval of same.

At 7:38 PM, Councilmember Potter moved and Councilmember Lackey seconded to adopt Ordinance #887. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #891, an ordinance adopting the budget for the Town of Friday Harbor, Washington, for the fiscal year ending December 31, 1993.

At 7:40 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #891. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #895, an ordinance adopting the 1993 Wage & Salary Schedule for Town employees.

At Councilmember Wilson's inquiry, Mayor Cahail explained that Section 3(k) of the proposed ordinance established a rate of pay for a staff planner, not authorization to hire one. He pointed out that there is no provision in the 1993 budget for a staff planner position.

The Council briefly discussed the issue.

At 7:46 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #895. The motion passed unanimously.

Mayor Cahail introduced draft resolution #861, a resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 1993.

At 7:48 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #861. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #888, an ordinance amending Ordinance #616 and Friday Harbor Municipal Code Chapter 13.04, regarding distribution of proceeds from the monthly water base charge and the water user charge rate for metered water and repealing Ordinance #861 in its entirety.

At 7:51 PM, Councilmember Potter moved and Councilmember Lackey seconded to adopt Ordinance #888. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #889, an ordinance amending Ordinance #600 and Friday Harbor Municipal Code Chapter 13.20, regarding distribution of proceeds from the monthly sewer user base charge and sewer user charge and repealing Ordinance #862 in its entirety.

At 7:52 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #889. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #896, an ordinance amending Ordinance #675 and Chapter 13.28 Friday Harbor Municipal Code, adjusting the rates for refuse collection and disposal services provided by the Town and repealing Ordinance #848 in its entirety.

Administrator Fitch explained the rationale for the changes from 1992 and pointed out that a 3.6% State utility tax will be added to the indicated rates. The Town will no longer be selling refuse punch-cards. The draft ordinance was modified to specify that the base charge is a monthly charge.

At 8:02 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #896. The motion passed unanimously.

Mayor Cahail introduced draft resolution #858, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and Financial Consulting Solutions Group, Inc. to conduct a utility rate and right-to-connect study.

At 8:04 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #854.

At Councilmember Potter's inquiry, Administrator Fitch explained how the above mentioned consulting firm was selected. He noted that the draft contract has been modified per Attorney Eaton's recommendation.

The motion passed unanimously.

Mayor Cahail introduced draft resolution #859, a resolution authorizing the Mayor to execute an agreement for one-call underground warning services with Asplundh Company.

Administrator Fitch explained the procedure that would be followed to coordinate and implement the above service.

At 8:10 PM, following discussion, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #859. The motion passed unanimously.

Mayor Cahail introduced draft resolution #860, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of Krabbe, Starr, & Metke, Inc. to provide survey, design, and construction inspection services in conjunction with the extension of First Street.

Administrator Fitch noted comments from members of the business community asking for time-limited parking rather than additional parking.

The Council expressed support for the parking lot project and remarked on receiving "mixed signals" from the business community. The economic feasibility of the project is to be determined. Stormwater management will be addressed.

At 8:18 PM, following discussion, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #860. The motion passed unanimously.

The Council discussed various aspects of providing additional vehicle parking.

Mayor Cahail introduced draft ordinance #892, an ordinance to establish a Treasurer's Trust Fund, Fund #633 and to repeal Ordinances #678, #702, and #762 in their entirety.

Treasurer Picinich explained the reasons for the proposed ordinance.

At 8:24 PM, following discussion, Councilmember Potter moved and Councilmember Lackey seconded to adopt Ordinance #892. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #893, an ordinance to establish a Fiscal Agency Fund, Fund #635.

Treasurer Picinich explained the reasons for the proposed ordinance.

At 8:25 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #893. The motion passed unanimously.

Mayor Cahail introduced draft ordinance #894, an ordinance to establish a Deferred Compensation Fund, Fund #637.

Treasurer Picinich explained the reasons for the proposed ordinance.

At 8:26 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #894. The motion passed unanimously.

Administrator Fitch explained the current bonding requirements for Town officials and recounted his efforts toward reducing the cost of same. At question is whether the Town's AWC Insurance Pool coverage fulfills the statutory requirements.

Attorney Eaton commented on the statutory requirements, originally specified in Ordinance #2, and noted that Insurance Pool coverage for bonding requirements is common practice in other municipalities. He was hopeful that an Attorney General's Opinion would be forthcoming on the issue in the first quarter of 1993. He suggested postponing renewing the official's bonds until receipt of same.

The Council directed Attorney Eaton to draft an ordinance to repeal the Town's current bonding requirements.

Administrator Fitch asked the Council how they wished to select between the 3 firms on the short list for providing Landfill Closure/Post Closure Planning services.

Following discussion, the Council directed that a selection recommendation committee comprised of Councilmember Wilson, Administrator Fitch, Solid Waste Leadman Bob Erickson, SJC Solid Waste Director Ed Stuhr, and possibly a representative from DOE, interview representatives from the engineering firms of SCS, Harding, and Parametrix.

Administrator Fitch referred to his 12/3/92 memo to the Council regarding selecting a firm to provide sludge transportation, storage, and utilization services. He recommended that a formal interview be scheduled with representatives from Sumas Transport and San Juan Organics.

Attorney Eaton gave the Council an overview of the Chapter 11 Bankruptcy reorganization plan to be engaged in commencing 12/23/92 by Sumas Transport.

Attorney Eaton commented on various possible ramifications of acquiring services from Sumas Transport. It was noted that the other proposed vendor is a new business.

Administrator Fitch asked the Council if they wished to continue consideration of Sumas Transport.

It was noted that there is not a known permitted sludge disposal site on San Juan Island.

The Council and staff discussed various aspects of the two proposals. The Council directed that time-limited interviews be arranged with both respondents and scheduled for the 1/7/93 evening Council meeting.

Administrator Fitch reported on a visit and receipt of favorable comment on Town operations from the AWC Risk Manager.

Administrator Fitch informed the Council that prints and specifications for the upgrade of the water treatment plant are available for review.

Administrator Fitch suggested that the Council meet with the Town's volunteer firefighters to hear a presentation from Arnold Tucker & Associates regarding a firefighter's pension plan. The Council will schedule a date for same at their 1/7/93 evening meeting.

Administrator Fitch inquired if the Council had any desire to initiate a rezone of a portion of the Bob Greenway property along Mullis Street. Following discussion, the consensus of the Council was to initiate the rezone.

Councilmember Potter requested that the Council indicate support for State Law & Justice funding by returning distributed postcards to state legislators.

At 9:26 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #5623 through 5671 in the amount of \$109,508.37. The motion passed unanimously.

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At 9:27 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

FR \_\_\_\_\_

H. James Cahail, Mayor

FL \_\_\_\_\_

Steven Dubail, Town Clerk