

MINUTES OF THE TOWN COUNCIL OF FRIDAY HARBOR, WASHINGTON 1995

Town Council - January 5, 1995 @ 12:00 PM MDNM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail administered the Oath of Office to Howard Rosenfeld, the new Fire Chief. Mayor LaPorte and the Council congratulated Mr. Rosenfeld on his appointment.

Maintenance Supervisor Reitan reported that the water level in Trout Lake Reservoir is rising and is currently at 148 3/4" below the spillway. AUG I & AUG II are functioning well. Mr. Reitan remarked on ongoing escapement monitoring at AUG II and plans to automate the process. Construction of Phase II improvements at the water treatment plant have been delayed two weeks due to a bad batch of concrete. The problem will be rectified by the contractor at no additional cost to the Town. **The sludge compost de-watering test project will start this week.** The Street crew is working on the Sunken Park renovation project and on West Street Park. The West Street Park tables and benches are being refurbished and will be installed soon. Maintenance continues at the incinerator. The landfill closure is progressing.

At Councilmember Robinson's inquiry, Maintenance Supervisor Reitan stated that Trout Lake Reservoir water level is rising at about 2 inches per day. AUG II is pumping approximately 1.7 million gallons in a 24 hour period. AUG I has pumped 8.3 million gallons so far.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

Fire Chief Rosenfeld distributed a year-end incident report summary, reported on recent Fire Department activity, and invited the Council to the Fire Department Awards Banquet which will be held at the Grange Hall at 7:00 PM on 1/21/95.

Chief Rosenfeld informed the Council of planning with Fire District #3 for cross-training and equipment pre-positioning. Fire District personnel will be trained to Town standards. Chief Rosenfeld responded to various inquiries and comments from the Council.

Councilmember Wilson voiced the desire for improved communication between the Fire Department and the Council.

Mayor LaPorte presented the Fire Chief badge to Chief Rosenfeld and thanked him for his report.

Mayor LaPorte informed the Council that the Building Department report would be delayed to the evening meeting as Building Official Hodges was off the island for family medical reasons.

Councilmember Robinson requested that the discussion of sewer rates scheduled for the evening meeting be postponed to the next regular meeting.

Permit Coordinator Jones reported on Planning Department activity including land use applications and upcoming public hearings.

The Council and staff discussed the three recently installed flag poles at the new Ace Hardware building under construction at the corner of Nichols Street and Argyle Avenue.

Councilmember Boothman asked the staff to review the regulations regarding same.

Mayor LaPorte thanked Mr. Jones for his report.

At 12:31 PM, Brad Bogus, KCM, gave a status report regarding Phase II of the water treatment plant construction project. He reiterated that the cost of concrete replacement will not be an added expense to the Town. He informed the Council of three planned change orders.

Mr. Bogus gave a summary of recovery to date at Trout Lake. AUG II has benefited the Town approximately 28 million gallons so far this season. He estimated that the minimum recovery would be 50 million gallons this season. The Town may be in a position at the end of the rainy season to reduce the water emergency condition level.

Mr. Bogus updated the Council on Water Comprehensive Plan Update efforts. He asked for input from the Council regarding the previously presented long term alternate source development options and distributed a spreadsheet giving preliminary estimated costs for same. Mayor LaPorte and the Council discussed the cost/benefits of the options and reduced the number of alternatives to be considered. Eliminated from consideration were; a pipeline from Anacortes, desalinization, and acquisition of surface water from Beaverton Valley. Alternatives to be considered included; raising the dam, development of groundwater sources, and various options regarding Zylstra Lake.

At Councilmember Wilson's inquiry, Mr. Bogus noted that watershed management planning is beyond the scope of the Comprehensive Plan Update but may be addressed in the Capital Facilities Plan.

Administrator Fitch reported on a meeting with the Soil Conservation Service (SCS) regarding a grant proposal for watershed planning on San Juan Island. He asked the Council for permission for the Town to participate in the grant application. Following discussion the Council concurred with participation in same.

The Council, staff, and Mr. Bogus discussed various points in Mr. Bogus's 11/28/94 memo to Administrator Fitch regarding water source development issues.

At Administrator Fitch's inquiry, Mr. Bogus estimated that a Water Comprehensive Plan Update draft will be available by the end of February.

Mayor LaPorte thanked Mr. Bogus for his presentation.

At 1:18 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #8901 through 8947 in the amount of \$78,978.44 and payroll warrants #3935 through 3989 in the amount of \$85,650.55. The motion passed unanimously.

At 1:19 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - January 5, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Boothman moved and Councilmember Dickinson seconded to approve the minutes of the 12/12/94 2:30 PM and 12/15/94 7:30 PM meetings as submitted. The motion passed unanimously.

As a non-agenda item, Pam Fitch, Girl Friday, conveyed her gratitude for the upper Guard Street Reconstruction project, especially the new 3-way stop at the Guard Street / Tucker Avenue intersection.

The 7:35 PM agenda item, Council discussion of 1995 sewer rates, was rescheduled to the 1/19/95 agenda.

Building Official Jim Hodges gave a status report on the Sunken Park renovation project. He outlined tentative plans to provide for a 24' width on B Street, rock removal on Nichols Street, and a proposal for a new rock retaining wall to provide for a sidewalk on the park side of Harrison Street.

The Council and staff discussed various aspects of the project. Administrator Fitch noted that ADA access is required to the lower portion of the park.

Councilmember Boothman suggested a post and pier cantilever structure to provide for a boardwalk sidewalk along Harrison Street.

The Council and staff discussed the idea.

At 8:00 PM, Attorney Eaton joined the meeting.

Councilmember Boothman stated that he could arrange for donated labor for construction of a Harrison Street boardwalk.

Discussion continued regarding street widths. The Council asked staff to research the issue.

The consensus of the Council was to pursue installation of a cantilevered wooden sidewalk along the park side of Harrison Street.

At 8:17 PM, the Council took up discussion of emergency drought measures. Mayor LaPorte, the Council, and staff reviewed and suggested alternate wording to a draft ordinance creating a Critical Emergency Drought Condition within the Water Emergency Conservation Plan and a draft ordinance creating a new classification of water rates to be imposed during a Critical Emergency Drought Condition.

Mayor LaPorte and the Council discussed various aspects of the situation and the draft legislation. The Council will bring a list of proposals to the next work session.

At 9:00 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:06 PM.

The Council discussed the prospect of instituting a business and occupation (B&O) tax. Councilmember Lackey noted that he had requested same be an agenda item. Mayor LaPorte, the Council, and staff discussed various aspects of the proposal. The Council indicated a desire to revisit the issue at a later date. Councilmember Boothman felt a tax revenue projection would be useful.

At 9:35 PM, Mayor LaPorte introduced draft resolution #985, a resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 1995.

Mayor LaPorte, the Council, and staff discussed various aspects of the proposed intergovernmental agreement.

At 9:42 PM, Councilmember Lackey moved and Councilmember Boothman seconded to adopt Resolution #985. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #986, a resolution designating Key Bank of Washington, San Juan Branch, as the Town's banking depository.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #986. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #987, a resolution authorizing an inter-fund loan from the Current Fund to the Landfill Closure Fund in an amount not to exceed \$25,000.00 to be repayed by March 1, 1995.

Administrator Fitch and Treasurer Picinich explained the particulars of the proposed inter-fund loan.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #987. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #988, a resolution authorizing an inter-fund loan from the Current Fund to the Arterial Street Fund in an amount not to exceed \$25,000.00 to be repayed by March 1, 1995.

Treasurer Picinich explained the particulars of the proposed inter-fund loan.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #988. The motion passed unanimously.

Administrator Fitch reported receipt of the Audit Report for 1993.

Administrator Fitch reported that the Port of Friday Harbor will be holding a workshop on their draft Waterfront Plan on 1/25/95 at 5:00 PM. He cautioned that the issue may come before the Council as part of a permit application.

Administrator Fitch reminded the Council of the scheduled joint meeting with the Planning Commission on 1/26/95 at 7:00 PM.

Administrator Fitch reported that 1994 sales tax revenue was approximately \$485,000.00.

Administrator Fitch notified the Council of upcoming AWC workshops and available training. The Council indicated interest in obtaining AWC training in Friday Harbor on public hearing procedures.

The Council indicated that they would like to continue with review of proposed changes to the Shoreline Master Program at the next regularly scheduled meeting. Councilmember Wilson requested that the Shoreline Boundary Map be revised to indicate appropriate harbor boundaries.

Councilmember Robinson suggested that the Council consider instituting water conservation guidelines for new construction prior to termination of the water connection moratorium.

Mayor LaPorte asked the Council to consider drafting legislation to provide for an alternate Council meeting location to facilitate the intended joint meeting with the BOCC. Attorney Eaton noted that said legislation must be specific as to time and location and must be within the Town boundaries. It was decided to consider any alternate meeting location on a case by case basis.

Administrator Fitch read a letter from Betsy Pope regarding time limit parking enforcement on Saturday during the Christmas shopping season. The Council indicated

interest in perhaps suspending enforcement on Saturday from Thanksgiving to Christmas.

At 10:17 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - January 19, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, & Wilson

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

Councilmember Robinson was unable to attend the meeting and was excused.

Mayor LaPorte made a proclamation declaring the month of February 1995 as American History Month.

Mayor LaPorte announced that the scheduled 8:15 PM agenda item to discuss the 1995 **sewer** user rates was canceled because Councilmember Robinson was unable to attend the meeting. Councilmember Boothman noted that this was the second time this discussion has been postponed.

Mayor LaPorte requested that a Councilmember volunteer to serve on the County's Law and Justice Committee. Councilmember Wilson made and Councilmember Boothman seconded the motion to appoint Councilmember Robinson to represent the Town on this committee.

San Juan County Commissioner Tom Starr addressed the Council and requested that the Council set the date for the next joint meeting of the Town Council and the San Juan Board of County Commissioners. The meeting was scheduled for Monday, February 13 at 1:30 PM in the Town Council Chambers.

Mayor LaPorte asked if there were any non-agenda items to be presented before the Council.

Ed Smith asked if the Sunken Park renovation project would be completed in time for the 4th of July celebration. He also wanted to know why the parking had been eliminated. Maintenance Supervisor stated that the construction should be completed by July 4th. Chris Neilson of the San Juan Island Parks and Recreation Board added that the park remodel must be completed by June 30 to comply with the State grant deadline.

Administrator Fitch asked the Council if they would consider a revised plan drafted by Councilmembers Wilson and Boothman that reintroduced on 2Dstreet parking along B Street adjacent to Sunken Park. Chris Neilson explained that the Parks and Recreation District is opposed to any more changes in the park plan or any more delays in the reconstruction of the park.

It was decided that the Sunken Park issue would be further discussed after the agenda items were completed.

At 7:55 PM, Mayor LaPorte opened the public hearing on proposed changes in land use permit application fees. Administrator Fitch explained the proposed changes. Receiving no input from the public, Mayor LaPorte closed the public hearing at 8:00 PM.

A presentation regarding the construction of a memorial park was made by Peter DeLorenzi, Commander of American Legion Post 163. The proposed park would be located on the Town right of way at the extension of Court Street. The park would be a public memorial to recognize San Juan County veterans of all wars. The Council encouraged the Legion to further pursue their park plans.

At 8:15 PM, the Council began discussion on proposed changes to the Town's Shoreline Master Program. It was agreed that all the proposed changes suggested so far would be incorporated into a draft ordinance. After Council review the draft ordinance will be sent to the Planning Commission for action.

At 9:05 PM, the Council continued its discussion on drought regulations. Councilmember Dickinson stressed the importance of having drought regulations in place for future emergencies and as guidelines for future councils. Discussion of drought regulations will continue at the February 2nd council meeting.

At 9:07 PM Mayor LaPorte introduced the following Ordinances:

Ordinance #966, an Ordinance amending Ordinance #932 and FHMC chapter 17.04 regulating land use activities and establishing fees for certain land use permit applications.

Ordinance #967, an Ordinance amending Ordinance #620 and FHMC chapter 18.04 regulating the State Environmental Policy Act and establishing fees for review of certain environmental documents.

Ordinance #968, an Ordinance amending Ordinance #535 and FHMC chapter 12.12 concerning charges for processing requests for vacations of Town streets and alleys, and repealing Ordinance #743 in its entirety.

Ordinance #969, an Ordinance amending Ordinances #531, #532, and FHMC chapter 16.04 concerning application fees for various land use actions and repealing Ordinance #746 in its entirety.

Ordinance #970, an Ordinance amending Ordinance #701 and FHMC chapter 16.16 concerning Boundary Line Adjustment application fees, and repealing Ordinance #749 in its entirety.

Ordinance #971, an Ordinance establishing fees for certain shoreline use permit applications and repealing Ordinance #461 and Ordinance #745 in their entirety.

Councilmember Dickinson made the motion and Councilmember Lackey seconded to adopt Ordinances #966 through #971. The motion was unanimously approved.

Mayor LaPorte introduced Ordinance #972, an Ordinance amending Ordinance #766 and FHMC Chapter 14.04 concerning application fees for sign permits.

Councilmember Dickinson made the motion and Councilmember Lackey seconded to adopt Ordinance #972. The motion was unanimously approved.

Administrator Fitch presented proposed Water Treatment Plant Phase II change orders that will total approximately \$17,000. Maintenance Supervisor Reitan explained the proposed changes.

Discussion of the Sunken Park improvements was reopened. Councilmember Boothman explained the suggested changes. Councilmember Boothman made the motion and Councilmember Wilson seconded to accept the revised Sunken Park Plans dated 1-18-95. Councilmember Lackey amended the motion to add "that this would be the last time any discussion on the park plan would be heard". The motion to amend died for lack of a second. The original motion was unanimously approved.

Councilmember Lackey made the motion and Councilmember Boothman seconded to approve payment of Town Claims warrants #8954 through 8983 in the amount of \$42,631.94. The motion was unanimously approved.

The AWC Risk Management will make a presentation on land use regulations to a joint meeting of the Town Council and the Planning Commission on Thursday February 23 at 7:30 PM.

Administrator Fitch reported that the ad hoc committee of Ron Loewen, San Juan County Public Works Director, Kevin Barry, San Juan County Environmental Health Director and himself had reviewed and approved the proposed Roche Harbor general sewer plan. The plan will be presented to the San Juan County Board of Commissioners.

The Port of Friday Harbor has invited the public to an open house at 5:00 PM Wednesday January 25th at the San Juan Island Yacht Club to review the Port's proposed waterfront plan.

Administrator Fitch reported on the progress on the joint application with the Soil Conversation Group for a watershed management plan for San Juan Island. A letter of intent to co-sign the grant application will be required.

At 11:00 PM, Councilmember Dickinson made the motion and Councilmember Lackey seconded to continue the meeting to reconvene Thursday January 26 at 7:00 PM to meet jointly with the Town Planning Commission for a presentation on the Growth Management Act planning. The motion was seconded by Councilmember Lackey. The motion was unanimously approved.

Wm. J. LaPorte, Mayor
Wendy J. Picinich, Clerk Pro tem

Town Council - January 26, 1995 @ 7:00 PM

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

Members present: Boothman, Dickinson, Lackey, & Wilson
Planning Commission members present: McClintock, Mullis, Slocomb, & Westphalen
Others present: Town Administrator Fitch & Treasurer Picinich

Planning Commission Chairman McClintock expressed the intent of the Planning Commission that this meeting be the first of several joint work sessions regarding the new Comprehensive Plan. He noted that the purpose of this joint meeting was to present a report on the status of the new Comprehensive Plan. Chairman McClintock introduced Richard Butler, Butler & Associates, planning consultants for the Town.

Mr. Butler summarized the four Comprehensive Plan Urban Growth Area (UGA) alternatives. He stated that all of the alternatives are designed to, at a minimum, accommodate a projected 2014 Town population of 3,562, a 3.5% growth rate.

Planning Commissioner Slocomb pointed out areas in the draft Land Use Goals and Policies to which the Planning Commission had given particular attention; revised Land Use Designations, height limits, and shoreline land use. Mr. Slocomb requested that the Council provide the Planning Commission with guidance regarding desired shoreline land use policy.

The Council, Planning Commission, and the consultants discussed various aspects of the draft Land Use Goals and Policies.

Darcie Nielsen, San Juan County GMA Planner, noted the need for the Town and County to "come together" over UGA issues. The 60 day comment period for the new San Juan County Comprehensive Plan starts 2/13/95, with BOCC hearings on 4/10. The document will be submitted for Department of Community Trade & Economic Development (CTED) review on 8/15/95 with adoption planned for 10/15/95. Ms. Nielsen invited the Council and Planning Commission to attend a scheduled San Juan

County GMA District Planning Committee meeting on Saturday 2/11/95 in the Gubelman Room at the Community Theater.

Mayor LaPorte indicated the desire to have the draft San Juan County EIS as one of the topics for an upcoming joint Town Council/BOCC meeting.

Mayor LaPorte thanked Ms. Nielsen for her comments.

At 7:30 PM, Sandra Western-Butler, Butler & Associates, provided an overview of the ongoing planning process. She noted that the current four UGA alternatives are intended to be used by the Planning Commission and the Town Council to "pick and choose" the most desirable aspects from each to coalesce into the final plan. A final EIS and a final Comprehensive Plan will be issued as separate documents.

The Town Council and the Planning Commission discussed with Ms. Butler the need to ensure adequate public notice and input. Discussion continued on planning deadlines and the desire to complete the process this year. Ms. Butler summarized recent GMA Hearings Board decisions and the plan appeal process.

At Councilmember Boothman's inquiry, Ms. Butler addressed how the Town and San Juan County planning process will be utilized to resolve inconsistencies between the respective draft plans. The intent is to resolve issues prior to formulation of the final plans.

The preliminary financial impact analysis being prepared by KCM should be available by the 2/9/95 Planning Commission meeting.

Discussion continued on various Town of Friday Harbor/San Juan County planning areas that may need resolution and the associated planning schedules.

At 8:10 PM, at Mayor LaPorte's inquiry, San Juan County Commissioner Tom Starr expressed the desire to work for consistency in the plans. Ms. Nielsen noted that the draft San Juan County EIS will be available 1/31/95.

NB

At 8:16 PM, Councilmember Lackey moved and Councilmember Boothman seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - February 2, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Maintenance Supervisor Reitan reported that the water level at Trout Lake Reservoir is 106.5" below the spillway. There has been 100" of recovery since 12/01/94. At this time last year the reservoir was 174.5" below the spillway and going down. The Town has pumped approximately 60 million gallons from AUG II and 16 million gallons from AUG I so far this recovery season. Maintenance Supervisor Reitan mentioned that until Lawson's Pond crests the Town is pumping no more than 300,000 gallons per day from AUG I. He stated that there is good escapement through AUG II to Zylstra Lake.

Maintenance Supervisor Reitan reported on ongoing water, wastewater, parks, streets, refuse, and storm water projects. A new program of preventative maintenance has been instituted by the Wastewater Department.

At Councilmember Boothman's inquiry, Maintenance Supervisor Reitan explained the function of the new flow recorder at AUG II.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

Fire Chief Rosenfeld reported that the Fire Department responded to 5 calls last month, the department has 14 regular fire fighters on the roster, 1 new recruit and 2 high school cadets.

Chief Rosenfeld reported on revised training procedures and incentives. He gave the Council an update on the Town of Friday Harbor/Fire District #3 cross training program. He noted that the 3rd Monday of each month is reserved for the cross training session.

The Town Fire Department will participate in the upcoming county-wide recruit training classes. Upon completion of 60 hours of training a fire fighter is qualified as a Fire Fighter I.

Chief Rosenfeld reported that the department, in conjunction with Fire District #3, is writing a standard operating procedure (SOP) for a fire fighter injury/death incident.

The department is advertising for someone to fill the Fire Secretary position.

The department has scheduled SCBA training for Town Water and Wastewater Department personnel.

Councilmember Wilson suggested that the Council consider establishing incentives for the Town crew to join the fire department. He agreed to work with the Fire Chief and the Town Administrator to draft suggestions for same.

Mayor LaPorte thanked Chief Rosenfeld for his report.

Permit Coordinator Jones reported on current and anticipated department projects. He currently is processing 6 active applications. He informed the Council that the E911 Advisory Committee (Enhanced 911) will be forwarding a comprehensive county-wide mile 2Dpost based addressing system proposal to the BOCC as part of required E911

planning. Following review, the Town may choose to participate in the addressing system or retain the current Town building numbering plan. Mr. Jones notified the Council that he has received requests to modify the Sign Ordinance to allow placement of (currently prohibited) sandwich boards out of the public way. He also mentioned that he had an information request regarding placing a building on the vacant lot on Spring Street between King's Toggery and the National Park Building.

Mayor LaPorte thanked Mr. Jones for his report.

Treasurer Picinich distributed a 1994 year-end financial report and explained the particulars of same.

Mayor LaPorte and the Council discussed various aspects of the report with Treasurer Picinich.

Mayor LaPorte thanked Treasurer Picinich for her report.

At 12:56 PM, Nancy Larsen provided the Council with a verbal update on the Historical Inventory project. She noted that a printed record and data base are being developed.

Mayor LaPorte and the Council discussed various aspects of the update with Ms. Larsen.

Mayor LaPorte thanked Ms. Larsen for her report.

At 1:13 PM, Jim Santroch, KCM, presented a status report on the Wastewater Treatment System Engineering Study currently underway. He outlined the future growth projections used for planning purposes and minor and major system upgrade options. He stated that the draft report should be available by the end of February. Mr. Santroch noted that during the peak of the tourist season the Town of Friday Harbor sewer system has 3 times the normal off-season BOD loading. He also noted that the system suffers from a large stormwater inflow in the winter. Mr. Santroch mentioned facility planning concerns beyond a 20 year horizon.

The Council discusses various aspects of the status report with Mr. Santroch.

Maintenance Supervisor Reitan and Kevin Kirk, Wastewater Treatment Plant Operator, briefly commented on Mr. Santroch's report.

Mr. Santroch stated that significant reduction of stormwater intrusion and inflow proves to be cost effective. He recommended that a pilot smoke test to locate downtown stormwater connections to the sanitary sewer be considered.

Mayor LaPorte thanked Mr. Santroch for his report.

Administrator Fitch asked the Council to drive by the Sunken Park project prior to the evening meeting. The protruding rock on Nichols Street most likely needs to be removed. Maintenance Supervisor Reitan commented on stormwater concerns in the area.

Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #8997 through 9071 in the amount of \$46,737.62 and payroll warrants #3993 through 4029 in the amount of \$85,647.39. The motion passed unanimously.

At 1:43 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - February 2, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Boothman moved and Councilmember Lackey seconded to approved the minutes for the Council meetings of: MDNM January 5, 1995 at 12:00 PM, January 5, 1995 at 7:30 PM, January 19, 1995 at 7:30 PM, and January 26, 1995 at 7:00 PM, as amended.

At 7:35 PM, Mayor LaPorte opened the public hearing for the application by Roger Bennett, dba Western Natural Foods, Inc., for a Shoreline Substantial Development Permit, Variance, and Conditional Use Permit for construction of a deck and boat moorage for commercial use and for the expansion of the uses which are allowed on the premises at 1 Spring Street, and instructed the meeting in the procedure that would be followed.

Mayor LaPorte and Councilmember Robinson noted having brief general conversations regarding the project with Cathy Cavanagh of the real estate firm of Cavanagh, Miller, & Malloy when the application was first submitted.

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

Mr. Jones noted the complex nature of the application and thanked Administrator Fitch and Attorney Eaton for their assistance with reviewing same. He made note of the provisions of the Town of Friday Harbor Shoreline Master Program (TFHSMP) and State regulations. Mr. Jones referred to his staff report dated 1/25/95. He noted that the dock component of the application had been revised by the applicant subsequent to the Planning Commission public hearing held on January 11, 1995. Mr. Jones described the public notice, public comment, and review procedures pertaining to the application. He remarked that the applicant has revised the proposal to address concerns from the

public and staff received during the review process. Mr. Jones summarized the Planning Commission and staff recommendations as stated in the staff report.

Mayor LaPorte asked the applicants if they wished to speak.

Marguerite Bennett, Western Natural Foods Corporate Secretary, PO Box 1329, Friday Harbor, spoke of historical uses of the property, including marine access. She summarized the property owners development desires.

Roger Bennett, President, Western Natural Foods, PO Box 1329, Friday Harbor, explained the particulars of his company's waterfront and upland development plans.

The Council questioned Mr. Bennett about various aspects of his application.

At 8:25 PM, Mayor LaPorte opened the hearing for public input.

Mr. Dusin McCreary, "Brown Island full time resident", spoke in opposition to the dock component of the application. He felt the dock would be a hazard to navigation. Mr. McCreary presented a diagram to illustrate his concerns. He noted that the Friday Island shuttle boat, the Cove, is used for emergency transportation as well as shuttle service. Mr. McCreary explained that the area in question is frequently quite congested and that the Cove needs 54' under normal weather conditions to maneuver. He also referred to the provisions of the Friday Island dock lease with the Port of Friday Harbor.

Al Francisco, EMT, Brown Island, PO Box 2105, stated that the Friday Island dock is used during aid call responses, the alternate dock at Capron's Marina would not be as suitable.

Peggy Strickland, 520 Warbass Way, spoke in support of the application. She commented on the need to make a living and property owners rights.

Richard Kiesser, Area Terminals Manager, Washington State Ferries, spoke of public safety concerns in regard to encouraging small craft traffic in the vicinity of ferry operations.

Roger Bennett addressed concerns raised during the preceding public testimony.

Connie Biggers, Brown Island, inquired about an existing piling at the Friday Island dock.

Bill Heddin, "Friday Island Board Vice 2Dpresident in charge of docks", expressed concern over sufficient space for boat maneuvering in the area.

Dustin McCreary invited the Mayor and Council to observe the operation of the "Cove" in the area.

Mrs. Bennett expressed that they should not have to give up the right to navigate in front of their property because the neighbors would not contain their operations to their

property. She also noted that the Friday Island shuttle operation has apparently exceeded the terms of their area lease.

The Council directed various inquires regarding the application to the staff and the applicants.

Mrs. Strickland felt that the staff dock recommendation provided minimal advantage over proposal "C" submitted by the applicant.

At 9:15 PM, hearing no further non-repetitive input from the audience, Mayor LaPorte closed the public input portion of the hearing, noting that the Council reserves the right to re-open the hearing for public input at a later time or date.

The Council discussed the various proposed dock lengths, boat operations, the need for adequate water depth (3' at low water per TFHSMP), and access to the waterfront.

The Council reviewed the various exhibits and expressed the desire for topographic information on the bottom in the area. Discussion continued regarding minimum usable dock length, public access, dock width, and commercial rather than residential use.

At Councilmember Wilson's request Mr. Bennett will provide topographic information on the bottom. Councilmember Boothman suggested color differentiation between levels on the site elevation drawings.

At 9:35 PM, Councilmember Robinson moved and Councilmember Lackey seconded to continue the public hearing to 2/16/95 at 7:35 PM with the public input portion of the meeting to remain open. The motion passed unanimously.

At 9:39 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:45 PM.

The Council discussed drought relief measures. Administrator Fitch explained efforts to reflect Council suggestions in the draft water use restriction ordinance.

Councilmember Robinson suggested that it may be an opportune time to develop water conservation regulations for new development. He also suggested that said regulations could be predicated on water meter size.

The Mayor and Council discussed the criteria and timing for lessening the water emergency drought condition level. Discussion continued on additional controls for non-residential water use and requiring a water conservation retro-fit when a home or business changes ownership. The Council asked the staff to research the retro-fit at time of sale idea.

At 10:21 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to have the staff prepare a resolution for consideration at the 2/16/95 meeting to go to the Moderate Emergency Condition from the current Severe Emergency Condition.

Councilmember Lackey requested and Councilmember Dickinson agreed to amend the motion to specify a water level of 100" below the top of the spillway. The amended motion passed unanimously.

Discussion continued on drafting retro-fit/recycling legislation.

At 10:29 PM, Mayor LaPorte introduced draft resolution #989, a resolution authorizing the Mayor to sign a letter of intent to participate as a co-applicant for Centennial Clean Water funding for developing a Watershed Management Plan.

Councilmember Lackey moved and Councilmember Wilson seconded to adopt Resolution #989. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #990, a resolution authorizing an inter fund loan.

Councilmember Lackey moved and Councilmember Robinson seconded to adopt Resolution #990. The motion passed unanimously.

Administrator Fitch reported receipt of the San Juan County draft Comprehensive Plan and EIS. Mayor LaPorte, Council, and staff discussed reviewing same.

At 11:07 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 2/13/95 at 1:30 PM for a joint meeting with the BOCC. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - February 13, 1995 @ 1:30 PM

The Town Council met in continued regular session for a joint meeting with the San Juan County Board of Commissioners (BOCC), County Commissioner John Evans presiding.

Members present: Boothman, Lackey, Robinson, & Wilson

Councilmember Dickinson was unable to attend the meeting due to family medical reasons.

BOCC present: John Evans, Rhea Miller, & Tom Starr

Others present: Town Administrator Fitch, Darcie Nielsen, San Juan County GMA Planner, Laura Arnold, SJC Planning Director, and Richard Butler, Town of Friday Harbor Planning Consultant

Commissioner Evans introduced the topics of the meeting: discussion of the Growth Management Act and discussion regarding traffic circulation issues in the Warbass Way/Turn Point Road area.

Administrator Fitch remarked on the proximity of the date of this meeting to the recent release of the San Juan County Draft Comprehensive Plan/EIS. He suggested a format to facilitate an overview of Town of Friday Harbor and San Juan County Urban Growth Area (UGA) alternatives.

Councilmember Boothman spoke to the need to define "what is urban" and GMA impacts on the Town. He pointed out that the Town provides a vital role in preserving the rural nature of the rest of the county.

The Council and BOCC discussed various aspects of anticipated urban service and financial impacts. Commissioner Miller commented on the tendency in more rural areas of the county to consider urban problems as Friday Harbor's problem. She stated commitment to communicating to her district that these problems are the responsibility of all county residents.

Ms. Nielsen summarized the County Comprehensive Plan UGA alternatives.

At Commissioner Starr's inquiry, Mr. Butler summarized the Town Comprehensive Plan UGA alternatives and the intended goals of same. The Town intends to provide a distinction at the urban/rural boundary. It was noted that the intent is to minimize industrial uses outside but adjacent to Town borders. Accommodation of residential uses under the various alternatives was discussed.

Discussion continued on the public participation element of the Comprehensive Plan/EIS review process, whether the Town was interested in receiving TDR's (transfer development rights) from the county and the financial impacts of the various UGA alternatives was also discussed.

At 2:32 PM, Councilmember Lackey left the meeting due to a work commitment.

Discussion continued on "hard or soft" edges to the Town. The need for cooperation in Town/County planning to provide effective design and utilization of the UGA was reiterated.

Councilmember Boothman commented on a community value expressed in the Visioning Statement: that the small, compact nature of the Town is valued and should be retained.

Discussion followed regarding various aspects of same.

Commissioner Miller suggested that the impact of the various San Juan County alternatives on the Town of Friday Harbor water system be reviewed.

The Council and BOCC discussed procedures and standards for ensuring compatible uses adjacent to Town boundaries.

At Commissioner Miller's inquiry, the Council and BOCC discussed the possibility of the County exercising a potential option to "opt out" of GMA. Mayor LaPorte noted that a previous Town straw vote was in favor of having an option to consider, there had not been serious discussion as to whether to exercise the option of such was available.

At Councilmember Wilson's inquiry as to BOCC's position, Commissioner Miller responded that the question of whether to support legislation to make such an option available will be before the BOCC during the current week. Commissioners Evans and Starr stated that they were for an option, Commissioner Miller felt the County should complete the GMA process.

At 3:05 PM, Commissioner Evans declared a short recess.

The meeting reconvened at 3:10 PM.

Commissioner Evans introduced the next topic of discussion: traffic circulation issues in the Warbass Way/Turn Point Road area. Administrator Fitch provided a summary of the situation.

Ron Loewen, San Juan County Public Works Director, outlined aspects of the current and potential traffic situation in the area. He displayed overlays to an aerial photo of the area depicting possible circulation alternatives and spoke to some of the benefits and disadvantages of each.

Commissioner Evans noted that the issue is not on the County's Six Year Road Plan.

Mr. Loewen suggested that the future planned density, under GMA, of the Pear Point/Turn Point area should be determined prior to deciding on a new road.

Commissioner Evans noted that traffic in the area is already a problem and doubted that density in the area would be reduced. He felt that the situation requires a timely solution.

Ms. Nielsen spoke of the desire to retain community character through road standards; wide, straight roads may detract from same.

Charles Nash commented on the current traffic volume on Warbass Way and Harrison Street. He spoke in favor of the suggestion to extend Dougherty Lane to Turn Point Road.

Mayor LaPorte, the Council, the BOCC, and San Juan County staff discussed how to proceed.

Mr. Nash asked that the proposed project be considered for the County's Six Year Road Plan.

Commissioner Evans informed the meeting that the items mentioned as agenda items for the next meeting were: tax base issues, impacts on affordable housing, and continuation of the discussion of traffic circulation issues in the Warbass Way/Turn Point Road area.

NB

He declared the meeting adjourned at 3:34 PM.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - February 16, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Attorney Eaton

Councilmember Lackey moved and Councilmember Dickinson seconded to approve the minutes of the February 2, 1995 at 12:00 PM and February 2, 1995 at 7:30 PM meetings as amended. The motion passed unanimously.

Mayor LaPorte notified the Council that a representative from Representative Jack Metcalf's office would be in Friday Harbor on 2/21/95.

Port Commissioner Greg Hertel requested that a joint Town Council/Port Commission meeting be scheduled. The proposed National Marine Sanctuary may be an agenda item. After discussion the meeting was tentatively scheduled for 2/24/95 at 7:30 PM in the Town Council chambers.

At 7:38 PM, Mayor LaPorte opened the continued public hearing for the application by Roger Bennett, dba Western Natural Foods, Inc., for a Shoreline Substantial Development Permit, Variance, and Conditional Use Permit for construction of a deck and boat moorage for commercial use and for the expansion of the uses which are allowed on the premises at 1 Spring Street, and instructed the meeting in the procedure that would be followed.

Hearing no objection to his or any Councilmember's participation in the hearing, Mayor LaPorte asked Warren Jones, Permit Coordinator, to provide an update on the status of the project.

Mr. Jones itemized additional information received as requested by the Council and review of same by staff. At Councilmember Robinson's inquiry, Mr. Jones explained the particulars of the conditional use and variance applications.

The Council reviewed a letter received this PM from Michael Biggers, Friday Island resident, regarding the application.

The Council and staff discussed particulars of the letter and other information received subsequent to the previous meeting on the topic, including a site diagram of the proposed dock, Exhibit "I".

At Councilmember Boothman's inquiry, the Council and staff discussed the intent of the Town of Friday Harbor Shoreline Master Program (SMP) Sections 8.02, 8.03, and 10 - Non-conforming Uses. Attorney Eaton provided an interpretation of the intent of the above sections.

At 8:07 PM, Mayor LaPorte asked the applicant if he wished to address the Council.

Roger Bennett, Western Natural Foods, referred to Exhibit "I" and pointed out the location of the temporary buoys placed by his engineers to indicate water depth at various locations along the site of the proposed dock. He also noted the proposed boom logs to prevent small craft from moving through the area to the ferry terminal. Property lines were also discussed.

Stephanie O'Day, attorney for the applicants, spoke regarding bottom land leasing provisions for state agencies such as DOT and for individuals. She stated that a Mr. Cardoza of DNR is of the opinion that the Bennetts have "lease preference rights" for the bottom land in front of their property. She also stated that the Friday Island dock, under the Port of Friday Harbor lease, apparently extends "illegally" approximately 5 feet onto the bottom land in front of the Bennett's property.

At 8:20 PM, Mayor LaPorte reopened the hearing for public input and asked for non-repetitive comments.

Michael Biggers, Friday Island, asked Councilmember Robinson to repeat a previous question to Permit Coordinator Jones regarding his previously mentioned letter. Mr. Jones had indicated that the staff did not agree with Mr. Bigger's conclusions as stated in said letter. Mr. Biggers explained his interpretation of the SMP and the staff report.

Tom Hemphill, Emerald Seas Aquatics, expressed support for the application with the exception of the dock. He expressed concern over safety.

Bill Meursing, Friday Island, expressed support for the application and expressly for the dock proposal. He spoke of his extensive personal experience with operating small boats in the area. He did not feel that safety was a problem.

Greg Hertel, Port Commissioner, spoke of marine engineering standards used by the Port. He expressed concern over access to area leased to tenants by the Port.

Tag Myser, Friday Harbor, remarked that DOT does not post their facility as a safety hazard. He spoke to other concerns raised including the need for DOT to divert propwash from the ferry.

At 8:34 PM, at Mayor LaPorte's request, Mr. Jones responded to Mr. Biggers' concern. He noted internal conflicts in the SMP and between the SMP and the DOE Shoreline Management Guidebook. Mr. Jones reiterated support for the conclusions in the staff report. Attorney Eaton concurred that the proposed dock is not considered a marina in the staff report and pointed out that moorage is not allowed on one side of the dock. He noted that the building mentioned in the application is on one lot and the proposed dock would be on an adjacent lot. The applicants own both lots. Attorney Eaton went on to address other concerns raised by Mr. Biggers. He pointed out that the staff has recommended a shorter dock in an attempt to minimize any impact on adjacent properties.

Roger Bennett commented on concerns raised by the public. He stated he would be willing to give up boat rental use of the proposed dock. Mr. Bennett pointed out that he had provided for 37 feet of the Army Corps of Engineers recommended 70 foot wide access channel to moorage. He suggested that the Port may wish to do the same.

Stephanie O'Day distributed a statute regarding lease preference to upland property owners (79.94.070 RCW). She expressed that the applicants as property owners are asking to reasonably utilize their property rights as constrained by other development in the area. A variance for a dock longer than 60 feet is necessary to obtain a usable water depth. She asked for approval of the application.

At 8:56 PM, hearing no further non-repetitive input from the audience, Mayor LaPorte closed the public input portion of the hearing, noting that the Council reserves the right to re-open the hearing for public input at a later time or date.

Councilmember Robinson commented that he was not opposed to the dock location, but was concerned about the proposed length.

Councilmember Dickinson remarked that the Bennett's should be able to use their property.

Councilmember Boothman referred to SMP Section 6.09, Regulation #5, regarding 3 feet of usable water at the tip of the dock.

Councilmember Wilson noted that previous decisions regarding dock length had been partially based on the length of other docks in the area.

Discussion continued on the minimum length for a usable dock during a 0 tide condition.

Councilmember Boothman proposed a 80 foot dock with a 40 foot access ramp.

Councilmember Lackey felt that the concerns previously expressed could be mitigated and stated that he was not opposed to the dock as proposed.

Councilmember Dickinson noted that the Bennett dock proposal is small compared to other structures in the area.

Councilmember Wilson felt the Bennetts had a right to a usable dock length.

Administrator Fitch noted that additional permits are required from state and federal agencies prior to construction of a dock.

Councilmember Wilson reiterated his desire for a master plan for the waterfront area.

Councilmember Boothman expressed that he felt the SMP is clear regarding this application.

Discussion continued on usable depths. It was pointed out that the tide in Friday Harbor does get to a -3 foot level.

At 9:21 PM, Councilmember Lackey stated that he supported permitting a dock and ramp with a combined length of 160 feet. Councilmember Robinson expressed support for permitting a dock and ramp with a combined length of 140 feet.

At 9:24 PM, Councilmember Dickinson moved and Councilmember Robinson seconded to that the Variance Application to construct a dock 140 feet in length is approved, a Shoreline Substantial Development Permit is approved for the balance of the proposal, a Conditional Use Permit is approved to allow water enjoyment uses in the existing building and on any new decks as shown on Exhibit "C" built over land, and a Variance is granted to allow construction of the decks as shown on Exhibit "C" within 20 feet of the OHWM. The motion carried 4 to 1 with Councilmember Boothman opposed.

At 9:26 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:31 PM.

Jim Desermeaux, representing the San Juan Island Food Bank, presented sketches for a "limited life" (20-25 year) building to be sited on Town property at 335 Tucker Avenue to house the food bank.

The Council questioned Mr. Desermeaux on various aspects of the proposal.

Administrator Fitch spoke briefly to utility hookup and monthly utility charge issues.

Discussion continued on possible site use arrangements and the desire for consistency. Provisions for future expansion of the wastewater treatment facility were noted. It was also noted that San Juan County may wish to participate in support of the project.

The Council indicated that they were interested in considering a 20 year agreement, with minimum cost to the Food Bank and the Town of Friday Harbor, and the provision of Town utilities. Staff will prepare a proposal for Council consideration at the 3/2/95 Council meeting.

At 9:46 PM, Mayor LaPorte noted that Trout Lake Reservoir is currently 78 inches below the spillway. He introduced draft resolution #991, a resolution declaring that a

Severe Water Emergency no longer exists and revoking the provisions of the Town's Water Emergency Conservation Plan.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #991. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #992, a resolution declaring a Moderate Water Supply Shortage and invoking the Town's Water Emergency Conservation Plan.

Following discussion, Councilmember Lackey moved and Councilmember Wilson seconded to adopt Resolution #992. After additional discussion in reference to draft ordinance #973, the motion passed unanimously.

Mayor LaPorte introduced draft ordinance #974, an ordinance repealing Ordinance #943 which imposed a moratorium on the issuance of water availability certificates, new water connections, the installation of larger water meters, and the extension of existing water mains.

Councilmember Robinson moved and Councilmember Lackey seconded to adopt Ordinance #974. The motion passed unanimously.

The Council and staff discussed various preliminary considerations for possible "conservation/retro-fit at transfer of ownership" and gray-water utilization legislation.

At 10:00 PM, Mayor LaPorte introduced draft ordinance #973, an ordinance amending Chapter 13.16 of the Friday Harbor Municipal Code concerning water use regulations and creating a Critical Emergency Drought Condition within the Water Emergency Conservation Plan, for first reading.

Administrator Fitch explained the particulars of same. The Council and staff discussed the proposed legislation.

At 10:13 PM, Mayor LaPorte introduced draft ordinance #975, an ordinance creating a new classification of water rates to be imposed during emergency drought conditions as declared by the Town Council, and repealing Ordinance #942 in its entirety, for first reading.

Administrator Fitch explained the particulars of same. The Council and staff discussed the proposed legislation.

At 10:17 PM, Mayor LaPorte introduced draft resolution #993, a resolution authorizing the Mayor to execute Change Order #1 on the contract with Friberg Construction for the construction of Phase II improvements to the water treatment plant in the amount of Seventeen thousand three hundred eighty-eight and 98/100's dollars (\$17,388.98) which excludes State sales tax.

Administrator Fitch explained the particulars of same.

Councilmember Lackey moved and Councilmember Boothman seconded to adopt Resolution #993. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #994, a resolution authorizing the Mayor to execute Change Order #2 on the contract with Friberg Construction for the construction of Phase II improvements to the water treatment plant in the amount of Eight thousand eight hundred and no/100's dollars (\$8,800.00) which excludes State sales tax.

Administrator Fitch explained the particulars of same.

Following discussion, at 10:23 PM, Councilmember Dickinson moved and Councilmember Robinson seconded to adopt Resolution #994. The motion passed unanimously.

The Council and staff discussed establishing a Town position on the proposed National Marine Sanctuary prior to the upcoming NOAA/DOE meeting at 1:30 PM on March 2, 1995 at the Inn at Friday Harbor Suites. The Council decided to discuss formulating a position after said meeting.

Administrator Fitch noted distribution to the Council of a copy of the AWC version of proposed legislation allowing "opting 2Dout" of GMA.

Administrator Fitch noted distribution to the Council of a copy of the sole response to the Potable Water RFP. The Town water engineer recommends rejecting all proposals.

At 10:33 PM, Councilmember Robinson moved and Councilmember Lackey seconded to reject all bids and that there be no follow-up letter of intent to the respondent. The motion passed unanimously.

Administrator Fitch asked the Council to continue the meeting to 2/23/95 at 7:30 PM for a presentation by the Association of Washington Cities (AWC) Risk Management Service (RMS) regarding land use hearings and the "takings" issue.

Councilmember Robinson moved and Councilmember Lackey seconded to approve payment of claims warrants #9078 through 9140 in the amount of \$109,292.47. The motion passed unanimously.

At 10:39 PM, Councilmember Dickinson moved and Councilmember Wilson seconded to go into executive session to discuss property acquisition and potential litigation. The motion passed unanimously.

At 10:52 PM, Councilmember Dickinson moved and Councilmember Robinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:53 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adjourn and continue the meeting to 2/23/95 at 7:30 PM for a presentation by the Association of Washington Cities Risk Management Service. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - February 23, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Planning Commission members present: Cobb, Hemphill, McClintock, Mullis, & Slocomb
Others present: Town Administrator Fitch & Attorney Eaton

Mayor LaPorte introduced draft resolution #995, a resolution opposing the proposed National Marine Sanctuary for Northern Puget Sound.

Councilmember Boothman moved and Councilmember Robinson seconded to table consideration of the draft resolution until the Council has had the opportunity to debate same. The motion passed unanimously.

At Mayor LaPorte's request, Administrator Fitch introduced John Wallace, senior partner of the law firm of Ogden, Murphy, & Wallace. Mr. Wallace was present on behalf of the Association of Washington Cities (AWC) Risk Management Service (RMS) to give a workshop regarding land use hearings and the "takings" issue.

Mr. Wallace explained the format of the workshop and noted that he would generally follow the presentation handout. He cautioned the Council and the Planning Commission not to ask him questions about pending land use issues. Same should be aired in the appropriate public hearing.

Mr. Wallace then presented a short course on the Open Public Meeting Act, the Appearance of Fairness Doctrine, Limitations on the Imposition and Mitigation Requirements, Findings and Conclusions, and the "Takings" issue.

The audience questioned Mr. Wallace on various aspects of the above topics.

At 10:45 PM, Councilmember Dickinson left the meeting.

Mayor LaPorte thanked Mr. Wallace for his presentation.

NB

At 10:57 PM, Councilmember Robinson moved and Councilmember Boothman seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - March 2, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Maintenance Supervisor Reitan reported that Trout Lake Reservoir is 18 " from the spillway and still rising. The Water Treatment Plant reported 4 " of rain in February. Work is progressing on; Phase II of the Water Treatment Plant reconstruction project, the Sunken Park project, and refinishing park benches. **The Wastewater Department and the Solid Waste Department are functioning smoothly.**

Councilmember Boothman moved and Councilmember Dickinson seconded that the Council would treat the Town maintenance crew to lunch. The motion passed unanimously. Administrator Fitch noted there was an anonymous donor for same.

Mayor LaPorte thanked the crew, a number of whom were present, for their ongoing efforts.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

Mayor LaPorte presented a signed, framed photograph of AUG II to past 2DCouncilmember Bud Geneste in recognition of his perseverance to get AUG II constructed. The Mayor and Council thanked Mr. Geneste for all his efforts.

Fire Chief Rosenfeld reported that the recent first opening of fire hydrants during a training session had really boosted morale. Chief Rosenfeld reported on incident responses and various ongoing training programs. His office is reviewing 13 firefighter recruit applications. The department currently has 14 active firefighters.

At Councilmember Boothman's inquiry, Chief Rosenfeld spoke of research regarding changing the fireboat's propulsion system by adding outboard motors. The difficulty of maneuvering the boat with the present propulsion system was stressed. Chief Rosenfeld also reported efforts toward establishing a voluntary \$.50/month/boat fee to help support the fireboat. Mayor LaPorte, the Council, and Chief Rosenfeld discussed various aspects of current and projected fireboat operations.

Mayor LaPorte thanked Chief Rosenfeld for his report.

At 12:22 PM, Permit Coordinator Jones reported on current Planning Department activity, including review of plans for the addition to the County Courthouse and plans for the Sustainable Technology Center. He is providing information to the Town's planning consultants from the Landuse database for GMA planning. Mr. Jones stated that draft revisions to the Sign Ordinance will be forthcoming in the next few months.

Mayor LaPorte thanked Permit Coordinator Jones for his report.

Building Official Hodges reported on current Building Department activity. He is currently processing 7 permits and anticipates increased multi-family and non-residential applications this spring. He reported on the status of various construction aspects of the Sunken Park project.

Mayor LaPorte thanked Building Official Hodges for his report.

Administrator Fitch informed the Council that there was a pre-write for their consideration to purchase a used potable water tanker truck.

At Councilmember Wilson's inquiry, Maintenance Supervisor Reitan provided his recommendation regarding purchase of same. He felt the vehicle would be a cost effective acquisition for the Town. Maintenance Supervisor Reitan stated that he was sure that the truck suspension was sufficient for the projected uses.

The Council discussed having the truck suspension checked before acquisition. The Council directed that same be accomplished.

At 1:41 PM, Councilmember Dickinson moved and Councilmember Wilson seconded to approve payment of claims warrants #9145 through 9205 in the amount of \$85,508.15 and payroll warrants #4033 through 4069 in the amount of \$80,206.60. The motion passed unanimously.

The Council heard a presentation by Jim Slocomb, Island CartoTechnical, regarding the draft Town Information Management Plan.

The Council, staff, and Mr. Slocomb discussed various aspects of the project and the need for an information plan. The Council approved Mr. Slocomb's suggestion that a working group be formed of Administrator Fitch, Town Clerk Dubail, Maintenance Supervisor Reitan, a Councilmember, and Mr. Slocomb.

The Council and staff further discussed points contained in the draft plan.

Mayor LaPorte thanked Mr. Slocomb for his presentation.

Mayor LaPorte informed the Council that Dr. Hugh Lawrence has been appointed as a consultant to the Town for the AUG II carp project.

At 1:17 PM, Councilmember Wilson moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - March 2, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Mr. Ed Smith presented Mayor LaPorte with a ceremonial resolution, signed by the Councilmembers, regarding the Mayor's efforts to cause it to rain.

Councilmember Boothman moved and Councilmember Lackey seconded to approve the minutes of the February 13, 1995 at 1:30 PM, February 16, 1995 at 7:30 PM, and February 23, 1995 at 7:30 PM meetings as amended. The motion passed unanimously.

At 7:35 PM, Mayor LaPorte opened the hearing for the Ghatan Conditional Use Permit Application to operate a bed & breakfast (B&B) establishment at 235 C Street, and instructed the hearing in the procedure that would be followed.

As a bed & breakfast establishment operator, Councilmember Robinson stepped down for appearance of fairness reasons and left the Council Chambers.

Councilmember Wilson reported that he had visited the site.

Attorney Eaton reminded the Council to clarify their comments for the record.

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

Permit Coordinator Jones noted the recent receipt of additional correspondence. He summarized the staff report dated 2//24/95. Mr. Jones stated that a portion of the SEPA mitigation measures required; an oil/water separator, may be reconsidered following receipt of a professional review. The SEPA determination would then be revised.

Mr. Jones continued with his report and noted the inclusion in same of a Retaining Wall Analysis, Hydrologic Analysis, and Traffic Safety Analysis provided by the applicant. He recommended that the Council accept the staff report and the recommendations of the Planning Commission.

Noting the presence of an unanticipated number of people wanting to provide testimony, and the desire of the Council to follow the agenda, Mayor LaPorte stated that the hearing may have to be continued to a later date.

Mayor LaPorte then asked if the applicant wished to speak.

Farhad Ghatan, applicant, spoke of his restoration efforts on the property, the "family style" intent of his enterprise, and his improvements to the area including a new sidewalk on Harrison Street. He itemized support for the proposal by a number of his neighbors and noted that the outright permitted uses on the property could have a much greater impact than a B&B use.

At 8:04 PM, Mayor LaPorte opened the hearing for public input.

Stephen Quesenberry, PO Box 3113, attorney for opponents to the proposal, disagreed with various statements made by Mr. Ghatan. Mr. Quesenberry expressed the opinion that the property could as easily be employed for multi-family residential use with the above stated improvements.

Mr. William Weissinger, attorney for the applicant, expressed objections to some of Mr. Quesenberry's remarks.

Attorney Eaton suggested that any objections to public testimony be raised by the objecting person during their opportunity to testify.

At 8:10 PM, at Mayor LaPorte's notice, Mr. Quesenberry stated he would conclude his arguments within 5 minutes. He presented additional comments in opposition to the application.

At 8:15 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to continue the hearing to 3/16/95 at 7:35 PM, with the public input portion open. The motion passed unanimously.

Mayor LaPorte presented draft resolution #995, a resolution opposing the proposed National Marine Sanctuary for Northern Puget Sound.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #995.

Councilmember Robinson spoke to the bureaucracy that implementation of the proposal represents. He commented that the community as a whole may not be opposed.

Councilmember Dickinson spoke of the benefit to the populace of not creating additional bureaucracy.

Councilmember Lackey stated that constituents he has spoken with are opposed to more government. He felt that the proposed functions of the sanctuary are already being done or are contemplated by existing government agencies.

Councilmember Boothman itemized his concerns with the wording of the proposed resolution.

Councilmember Wilson remarked on the plethora of existing agencies with jurisdiction in the area.

Discussion continued on the lack of a specified funding source, the desire to follow the planning process through, protection of the marine environment, and uncertainty as to the actual impacts of additional federal regulation.

At 8:34 PM, the motion passed with Councilmembers Dickinson, Lackey, Robinson, and Wilson in favor, Councilmember Boothman opposed.

Mayor LaPorte introduced draft resolution #997, a joint resolution by the Council of the Town of Friday Harbor and the Friday Harbor Port Commission to establish a forum for quarterly discussions between said bodies with regards to topics of mutual concern. It was noted that the resolution had been adopted by the Port.

Councilmember Robinson moved and Councilmember Dickinson seconded to adopt Resolution #997. The motion passed unanimously.

Mayor LaPorte suggested March 21st, 22nd, or 30th at 7:30 PM as possible dates for a joint meeting in the Town Council Chambers.

At 8:41 PM, Mayor LaPorte opened the continued public hearing for adoption of Facts & Findings for the application by Roger Bennett, dba Western Natural Foods, Inc., for a Shoreline Substantial Development Permit, Variance, and Conditional Use Permit for construction of a deck and boat moorage for commercial use and for the expansion of the uses which are allowed on the premises at 1 Spring Street.

Permit Coordinator Jones pointed out minor corrections and revisions to the draft document. The Council and staff discussed same.

Councilmember Robinson asked that the Town work with Mr. Bennett to try to retain a prominent fir tree on the subject property.

Councilmember Lackey moved and Councilmember Boothman seconded to adopt the Facts & Findings and Conclusions of Law as amended.

Discussion continued on the requirement for a loading zone and the desire to save the fir tree.

At 8:57 PM, the motion passed unanimously.

Mayor LaPorte introduced draft resolution #996, a resolution declaring that a Moderate Water Emergency no longer exists and revoking the provisions of the Town's Water Conservation Plan.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #996. The motion passed unanimously.

Mayor LaPorte presented draft ordinance #973, an ordinance creating regulations for a Critical Emergency Drought Condition, for second reading MDNM .

Mayor LaPorte, the Council, and staff reviewed and discussed same. Councilmember Robinson stressed the desire to create a climate to encourage conservation.

At 9:32 PM, Councilmember Boothman moved and Councilmember Wilson seconded to prepare a certificate of appreciation to Friday Harbor Sand & Gravel Company for their outstanding conservation efforts during the drought. The motion passed unanimously.

At Councilmember Wilson's inquiry, Treasurer Picinich informed the Council that 1994 water revenues were down approximately 15% and sewer revenues were down approximately 9%.

Administrator Fitch inquired as to how much time and money the Council wished to devote to review of the Draft Environmental Impact Statement for San Juan County as it pertains to the Town of Friday Harbor.

Councilmember Boothman suggested that the Town consider retaining Kathy Corliss, recently of the San Juan County Planning Department, GMA Planner, to review same for the Town.

The Council discussed the intent of supporting legislation providing a mechanism to "opt-out" of the GMA. Mayor LaPorte and the Council expressed various points of support and concern for the GMA planning and implementation process. Administrator Fitch noted that the comment period for the Draft Environmental Impact Statement for San Juan County closes 4/14/95.

The Council directed staff to get cost estimates for a professional review of same.

Administrator Fitch noted receipt of a letter from Dr. Burk Gossom suggesting that the Town fluoridate the water supply. Following discussion, the Council requested submission by the proponents of written support and cost estimates for the request.

Administrator Fitch asked the Council if they were interested in receiving information on pursuing a change of classification from a fourth class municipality to a optional code city.

Mayor LaPorte directed that the issued be tabled for a year.

Administrator Fitch informed the Council that the draft General Sewer Plan & Wastewater Facilities Engineering Report was available for review and distributed an executive summary of same.

Administrator Fitch distributed a request by Island Transportation Services to make private use of a portion of the public right-of-way; the extension of A Street where it intersects with Web Street.

At 9:57 PM, Mayor LaPorte declared a short recess to be followed by a 10 minute executive session regarding property acquisition and potential litigation. No action would be taken in executive session.

At 10:00 PM, the meeting reconvened.

Councilmember Lackey moved and Councilmember Robinson seconded to go into executive session. The motion passed unanimously.

At 10:10 PM, Councilmember Robinson moved and Councilmember Boothman seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:11 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - March 16, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
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.

Paul Montgomery gave the Council information of "Living Machines", an alternative method to conventional sewage treatment. Mr. Montgomery asked the Council to consider this type of treatment when upgrading the Town's sewer treatment plant.

Darrell Roberts, owner of San Juan Boat Rentals & Tours, presented the Council with a petition requesting that Section 14.04.110 of the Town's Sign Ordinance, paragraph "J" be changed to permit sandwich board signs when they are not placed in the public right-of-way.

Mayor LaPorte recognized members of Boy Scout Troop #90 who were attending the Council meeting for their "Citizenship in the Community" merit badge.

At 7:30 PM, Mayor LaPorte introduced draft resolution #998, a resolution authorizing the Mayor to execute a lease agreement with the Friday Harbor Food Bank for a portion of land owned by the Town of Friday Harbor at 335 Tucker Avenue.

Councilmember Boothman made and Councilmember Lackey seconded the motion to adopt Resolution #998. Councilmember Wilson expressed concern as to granting exclusive use by the Food Bank of a driveway easement under Section 1 on page 1 of the proposed lease agreement.

Councilmember Wilson made and Councilmember Boothman seconded the motion to amend Section 1, page 1, "lease area", to grant non exclusive use of the driveway easement. The motion to amend the lease agreement was unanimously approved.

The motion to adopt Resolution #998 was unanimously approved.

At 7:35 PM, Mayor LaPorte opened the continued public hearing on the Ghatan Conditional Use Permit application #40 to operate a bed & breakfast establishment at 235 C Street. Councilmember Robinson asked to be excused from the hearing due to a possible appearance of fairness.

Mayor LaPorte asked Permit Coordinator Jones to present any additional information received regarding Conditional Use Permit #40.

Permit Coordinator Jones explained that five additional letters had been received and were included in the Council's packets. He further explained that the 3/15/95 letter from San Juan Surveying apparently referred to FHMC Section 17.24.070(B)(1) or (2). The quoted wording is not in current Town of Friday Harbor statutes.

At 7:45 PM, Mayor LaPorte opened the hearing for public input. All input is on tape.

Attorney Chris Hodgkin, representing Bud Geneste, presented a letter regarding traffic safety concerns of the proposed project. The letter was marked a exhibit "F".

Attorney William Weissinger, representing the applicant, summarized his clients position regarding the proposal.

At 9:15 PM, the public input portion of the meeting was closed.

Councilmember Lackey made and Councilmember Boothman seconded the motion to continue the Council deliberations on CUP #40 to Thursday April 6, 1995 at 7:35 Pm reserving the right to reopen the hearing for public input. The motion was unanimously approved.

At 9:20 PM, the Council took a short break.

At 9:25 PM, the Council reconvened and Councilmember Robinson rejoined the meeting.

Mayor LaPorte announced that the scheduled reading of draft ordinance #976 accepting the Final Lohrey Short Plat and draft ordinance #977 accepting the Final Mariella Estates Short Plat would be held at a later meeting.

Mayor LaPorte introduced draft resolution #999, a resolution authorizing the Mayor to execute a contract with Skagit County Medical Bureau for employee medical coverage for 1995.

Councilmember Lackey made and Councilmember Boothman seconded the motion to adopt Resolution #999. The motion passed with Councilmember Wilson abstaining due to a possible conflict of interest.

At 9:30 PM, Mayor LaPorte presented draft ordinance #939, a ordinance creating regulations for a Critical Emergency Drought Condition for third reading.

Councilmember Dickinson made and Councilmember Lackey seconded the motion to adopt Ordinance #973. The motion was unanimously approved.

At 9:50 PM, Mayor LaPorte presented draft ordinance #975, an ordinance revising the Emergency Drought Water Rates for third reading.

Councilmember Dickinson made and Councilmember Lackey seconded the motion to adopt Ordinance #975. The motion was unanimously approved.

At 10:00 PM, Administrator Fitch began his report.

Administrator Fitch presented a resolution from the Town Planning Commission supporting Growth Management Planning.

Administrator Fitch introduced draft resolution #1001, a resolution authorizing the Mayor to execute an amendment to the agreement between the Town of Friday Harbor and the consulting firm of Butler & Associates to develop the Town's GMA mandated Capital Facilities and Transportation Plans.

Planning Commission member Jim Slocomb explained the proposed amendment and requested on behalf of the Planning Commission that the Council approve Resolution #1001. Administrator Fitch explained that there may be some possible funding available through a grant that the Port of Friday Harbor has received.

Councilmember Robinson made and Councilmember seconded the motion to adopt Resolution #1001 and to approach the Port of Friday Harbor about the possibility of sharing their grant monies for the transportation element of the plan. The motion was unanimously approved.

Councilmember Boothman introduced draft resolution #1000, a resolution thanking Friday Harbor Sand & Gravel Company for their efforts in reducing their water usage during the severe drought.

Councilmember Lackey made and Councilmember Dickinson seconded the motion to adopt Resolution #1000.

Administrator Fitch introduced draft resolution #1002, a resolution opposing State Initiative #164 regulating private property in Washington State.

Councilmember Lackey made and Councilmember Dickinson seconded the motion to adopt Resolution #1002. The motion was unanimously approved.

Administrator Fitch reported that the draft "Friday Harbor General Sewer and Wastewater Engineering Report", authored by KCM Engineering, was available for Council review.

Administrator Fitch reported that the draft "1994 Friday Harbor and San Juan County Solid Waste Management Plan" was available for Council review.

Administrator Fitch presented the proposed site plan for San Juan County's Law and Justice Wing addition to the Courthouse for Council review. It was the consensus of the Council that a representative of San Juan County make a presentation to the Council on April 6, 1995 regarding the plan.

Administrator Fitch reminded the Council that there will be a joint meeting with the Port of Friday Harbor Commissioners on March 21, 1995 at 7:30 PM.

Administrator Fitch requested Council permission to present new legislation adopting new Street and Storm Drainage Standards being prepared by Gray & Osborne Engineering. The Council concurred.

Administrator Fitch introduced draft resolution #1003, a resolution authorizing the Mayor to execute a rescission of agreement to purchase water from Charles Tomas.

Councilmember Lackey made and Councilmember Boothman seconded the motion to adopt Resolution #1003. The motion was unanimously approved.

At 9:55 PM Councilmember Boothman suggested the Town have a contest to design a Town of Friday Harbor Flag. The details of the contest to be worked out at a later date.

At 10:00 PM Councilmember Boothman volunteered to prepare a written review of the draft 1995 San Juan County Comprehensive Plan.

At 11:53 PM Councilmember Dickinson made and Councilmember Lackey seconded the motion to pay the Town's claims warrants. The motion was unanimously approved.

At 10:55 PM, Councilmember Dickinson made and Councilmember Lackey seconded the motion to adjourn the meeting until Tuesday March 21, 1995 at 7:30 PM to meet with the Port of Friday Harbor Commission.

Wm. J. LaPorte, Mayor
Wendy J. Picinich, Clerk pro tem

Town Council - March 21, 1995 @ 7:30 PM

The Town Council met in continued session for a joint meeting with the Port of Friday Harbor Commission, Mayor LaPorte presiding.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch

Port Commissioners present: Brian Calvert, Greg Hertel, & Charles Nash

Port Commission Chairperson Hertel noted that he and Mayor LaPorte had agreed to alternate chairing the joint meetings.

Commissioner Hertel summarized the purpose and function of a port district and a port commission. He pointed out the economic development focus of ports in Washington and other states.

The Council and the Port Commissioners discussed various aspects of same. It was noted that approximately 10% of the Port budget comes from taxes, the remainder is primarily from user fees and grants.

Discussion continued on possible development alternatives for various Port properties and the opportunities and restrictions on same.

Mayor LaPorte, the Council, and the Port Commissioners discussed development options and the role of their respective agencies in same.

The Council reviewed preliminary Port Waterfront Plan drawings with the Port Commissioners. The Council and the Port Commissioners discussed various aspects of same. Port Director Steve Simpson remarked that the Port has acquired a Inter-modal Transportation Act Planning Grant. He suggested consideration of an inter-local agreement with the Port, the Town, and WSDOT for planning to help alleviate congestion in the waterfront area. The Port will draft same for Council consideration.

The Council and the Port Commissioners discussed the desire to have WSDOT as a participant. Councilmember Robinson suggested that San Juan County may also wish to participate.

At 9:07 PM, the Council and the Port Commissioners discussed the proposed North Puget Sound Marine Sanctuary. The Port Commissioners suggested that the Federal money for same could be better utilized as block grants to state and local agencies as such are better situated to accomplish the apparent goals of the proposed sanctuary. The waste of money by NOAA and DOE was stressed.

At 9:15 PM, Councilmember Lackey moved and Councilmember Robinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - April 6, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Fire Chief Rosenfeld reported that fire department efforts have been concentrated on training. He has 11 recruits in process, 8 regular and 3 high school cadets. Chief Rosenfeld noted that he currently has 11 "dependable" qualified fire fighters. He is working with the Port Commission to establish a \$.50/boat/month fee for boats at Port facilities to help support the fire boat. Chief Rosenfeld informed the Council of an upcoming "burn to learn" exercise scheduled for 4/8/95. Chief Rosenfeld noted that the cross-training program for district fire fighters is proceeding but at a reduced pace. He also mentioned that a 20% attrition rate for fire fighters is a national average.

Chief Rosenfeld responded to questions from the Council.

Mayor LaPorte thanked Chief Rosenfeld for his report.

At 12:10 PM, Maintenance Supervisor Reitan reported that Trout Lake Reservoir is still running over the spillway. Lake water turbidity is low. The changeover to the new water treatment plant is scheduled for 4/20/95. The operators are currently backwashing the filters 4 times a day, once at 2:00 AM. Maintenance Supervisor Reitan reported the status of various water maintenance projects.

The street crew is working by Sunken Park. They will install a new storm drain in the vicinity of the park on a portion of Nichols Street. They also plan to asphalt Nichols Street in that area. New street light standards are being installed along a portion of Nichols Street.

Maintenance Supervisor Reitan reported damage to 2 of the diffusers in the aeration tank at the waste water treatment plant. He estimated that it will take approximately 2 months to bring the plant back to normal operation.

The solid waste department is functioning well. The new refuse retrieval truck should be delivered in May.

Maintenance Supervisor Reitan responded to various question from the Council. He noted that finalization of the landfill closure project will commence May 8th. A water leak detection survey has been completed on 14 miles of Town water main. No significant leaks were detected.

Mayor LaPorte asked that Maintenance Supervisor Reitan convey congratulations to Mike Deegan of the water department for being certified as a water treatment plant operator #1.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

At 12:22 PM, Permit Coordinator Jones reported on activity in the planning department. He summarized discussions with San Juan County Public Works regarding the parking plan for the planned law & justice wing addition to the county courthouse. Mr. Jones reported on the status of the Mullis Street area annexation request and other current

planning department projects. He also summarized recent Planning Commission activity.

Mayor LaPorte thanked Mr. Jones for his report.

At 12:27 PM, Building Official Hodges reported that his office had issued 9 building permits in March, one of which was for a single family residence.

At Councilmember Robinson's inquiry, Mr. Hodges stated that he anticipated considerable multifamily residential building activity this year.

Mr. Hodges indicated that construction of the boardwalk along Harrison Street adjacent to Sunken Park should begin soon.

Mayor LaPorte thanked Mr. Hodges for his report.

At 12:34 PM, Sheriff Cumming was present to explain special emergency response vehicle parking needs for the planned law & justice wing addition to the county courthouse.

Administrator Fitch noted that the current request from the County would result in the loss of 5 on-street parking spaces on Second Street.

The Council, staff, and Sheriff Cumming discussed the apparent shortage of parking spaces for the addition and the possibility for reconfiguration of the San Juan County Courthouse parking lot to accommodate emergency response vehicles.

Mayor LaPorte, the Council, staff, and Sheriff Cumming discussed design alternatives to meet Town parking requirements and San Juan County needs, including the location of designated handicapped-only parking spaces.

Mr. Jones noted that to date San Juan County has not presented the Town with a parking plan that provides for the required number of spaces.

The Council indicated they may be willing to consider some on-street parking for emergency vehicles if a commensurate amount of additional public off-street parking was provided in the vicinity by San Juan County provided that a number of considerations can be met. The Council stated that they would like to meet with San Juan County personnel with design responsibility.

Sheriff Cumming stated he "could live with" 2 on-street spaces for emergency vehicles.

The Council reiterated their desire to meet with the design team.

Mayor LaPorte thanked Sheriff Cumming for attending the meeting.

At 1:08 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #9267 through 9360 in the amount of \$147,326.94

and payroll warrants #4073 through 4128 in the amount of \$93,043.06. The motion passed unanimously.

Administrator Fitch informed the Council that the Town would be receiving a claim for damages from a woman who apparently fell in the public right-of-way on Blair Avenue. The Council directed that same be forwarded to the Town's risk management service.

Administrator Fitch informed the Council that the Town would be receiving a violation notice from DOE for permit violations at the wastewater treatment plant last year.

Regarding the Ghatan Conditional Use Application continued public hearing, the Council indicated that they did not require any additional information at this time.

The Council and Administrator Fitch briefly discussed a draft proposal for planning and engineering assistance for intermodal transportation facilities. The proposal is for an interlocal project of the Town, Port, and WSDOT.

At 1:09 PM, Councilmember Lackey left the meeting due to a work commitment.

Councilmember Boothman briefly commented on his handout to the Council regarding the draft San Juan County Comprehensive Plan as it pertains to the Town.

At 1:22 PM, Councilmember Robinson moved and Councilmember Wilson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - April 6, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Lackey moved and Councilmember Dickinson seconded to approve the minutes of the March 2, 1995 12:00 PM, March 2, 1995 7:30 PM, March 16, 1995 7:30 PM, and March 21, 1995 7:30 PM meetings, as amended. The motion passed unanimously.

As a non-agenda item, Christopher Hodgkin asked Mayor LaPorte to consider performing a sun dance as he felt we now have received enough rain.

Mayor LaPorte proclaimed April 1995 as Earthquake Awareness Month in Friday Harbor.

At 7:36 PM, Mayor LaPorte opened the continued public hearing for the Ghatan Conditional Use Application to operate a bed & breakfast at 235 C Street for Council deliberations. He noted that the Council reserves the right to reopen the hearing for public input at a later time or date.

Councilmember Robinson stepped down and left the room for possible conflict of interest reasons.

Hearing no objection to his or any Councilmembers participation, Mayor LaPorte asked if the staff had any additional information to forward to the Council.

Permit Coordinator Jones replied that the additional information requested by the Council was included in their Council packets.

Councilmember Boothman initiated the Council deliberations. He expressed concern regarding in-room cooking facilities and noted that the applicant had provided the requesting information regarding parking.

The Council discussed the advisability of comprehensive in-room cooking facilities in a bed & breakfast operation.

Councilmember Dickinson concurred with Councilmember Boothman that previous Council questions regarding parking had been addressed. She spoke to the purpose of zoning and concerns that arise at zoning boundaries.

Discussion continued regarding multiple dwelling units on the property, vehicle access to Harrison Street, trimming of on-site foliage, and the advisability of requiring relocation of a garage encroaching on the public right-of-way and signage to direct that vehicles not back out onto Harrison Street.

Councilmember Boothman moved and Councilmember Dickinson seconded to approve CUP Application #40 with the conditions recommended by staff and with the additional conditions that: a) surface cooking facilities be disabled in those rooms for transient use; b) signage be erected to direct on-site parking to exit in a forward direction only onto Harrison Street; and c) require that the hedge along Harrison Street adjacent to the parking area be trimmed to enhance vehicle sight lines when exiting to Harrison Street.

At 8:06 PM, the motion passed unanimously.

Councilmember Robinson rejoined the meeting.

Administrator Fitch informed the Council of receipt of a letter from Century Communications notifying the Town of their acquisition of San Juan CableVision.

Administrator Fitch noted receipt and distribution to the Council of a revised GMA planning schedule.

Administrator Fitch noted receipt of various communications from AWC. He will look into the availability of facilities to receive a satellite broadcast of an AWC seminar.

The Council and staff discussed information received regarding a request that the Town fluoridate the municipal water supply. The Council choose not to pursue the issue as individual fluoride dietary supplements are readily available.

Mayor LaPorte, the Council, and Administrator Fitch discussed pilot gray water treatment proposals, including the logistic and economic ramifications of same.

Administrator Fitch asked the Council to submit their comments on the Draft Solid Waste Management Plan Update. He also asked the Council to diligently review the Draft General Sewer Plan & Wastewater Engineering Report.

At 8:35 PM, Mayor LaPorte introduced draft ordinance #976, an ordinance accepting the Final Lohrey Short Plat and authorizing the Mayor to sign the final plat drawings.

Councilmember Lackey moved and Councilmember Boothman seconded to adopt Ordinance #976. At Councilmember Robinson's inquiry, Administrator Fitch stated that the final plat drawings are identical to the preliminary ones. The motion passed unanimously.

Mayor LaPorte introduced draft ordinance #977, an ordinance accepting the Final Short Plat of Mariella Estates and authorizing the Mayor to sign the final plat drawings.

Councilmember Boothman moved and Councilmember Dickinson seconded to adopt Ordinance #977. At Councilmember Lackey's inquiry, Administrator Fitch pointed out differences from the preliminary plat drawings.

Mayor LaPorte, the Council, and staff discussed various aspects of same, including access easements, public access, and enforcement of same. Administrator Fitch suggested that language be added to the dedications on the final plat to allow for alternate access to lot #3. The motion passed unanimously.

At 8:54 PM, the Council took a short recess. The meeting reconvened at 9:00 PM.

Mayor LaPorte introduced draft ordinance #978, an ordinance adopting by reference Street and Storm Drainage Standards for construction of extensions to the Town of Friday Harbor street and storm drainage systems and repealing Ordinances #659, 679, 729, 735, 748, 809, and 820 in their entirety, for first reading.

Administrator Fitch summarized the intent of same.

The Council discussed the applicability cost thresholds and payment in lieu of construction options.

At 9:12 PM, the Council began review of proposed changes to the Town of Friday Harbor Shoreline Master Program. Mayor LaPorte, the Council, staff, and Attorney Eaton

discussed a number of the proposed changes including public shoreline views, view loss, and view corridors. The staff will draft language to attempt to protect territorial views.

At 10:02 PM, Administrator Fitch noted that the 1994 Annual Report is available.

Mayor LaPorte introduced draft ordinance #979, an ordinance amending ordinance #958 concerning salaries of officials and employees of the Town of Friday Harbor so that it is consistent with State law.

Councilmember Lackey moved and Councilmember Robinson seconded to adopt Ordinance #979. The motion passed unanimously.

The Council reviewed the draft Notice of Violation from DOE regarding the wastewater treatment plant. Administrator Fitch noted that the DOE edicts contained in same will have a substantial economic impact on the Town. The Council and staff discussed various aspects of same. Administrator Fitch also reported receipt of an odor complaint from a resident in the vicinity of the wastewater treatment plant.

At 10:20 PM, their being no further business to come before the Council, Mayor LaPorte declared the meeting adjourned and continued to April 11, 1995 at 7:30 PM for a continued public hearing for adoption of Facts & Findings for the Ghatan Conditional Use Permit Application to operate a bed & breakfast establishment at 235 C Street, discussion regarding establishing an interlocal agreement with the Port of Friday Harbor and Washington State Ferries regarding intermodal transportation facilities, and discussion of the Draft Comprehensive Plan for San Juan County as it pertains to the Town of Friday Harbor.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - April 11, 1995 @ 7:30 PM

The Town Council met in continued regular session with Mayor LaPorte presiding.

Members present: Boothman, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch

Town Clerk Dubail informed the Council that Councilmember Dickinson had notified his office that she would be unable to attend the meeting.

The Council and staff discussed the draft Facts & Findings for the Ghatan Conditional Use Permit Application, CUP #40, to operate a bed & breakfast establishment at 235 C Street and the suggested amendments forwarded by Attorney Eaton.

At 7:41 PM, Councilmember Lackey moved and Councilmember Boothman seconded to adopt the Findings of Fact and Conclusions of Law, as amended, for Conditional Use Permit Application #40. The motion passed unanimously. Councilmember Robinson

abstained from the discussion and vote as he had previously stepped down from any participation in consideration of the application for possible conflict of interest reasons.

Administrator Fitch introduced draft resolution #1004, a resolution entering into an interlocal project between the Town of Friday Harbor, the Port of Friday Harbor, and Washington State Ferries/Washington State Department of Transportation to develop a plan for intermodal transportation facilities.

The Council reviewed the Statements of Qualifications and Proposal received April 11, 1995 and referred to in the draft resolution as Attachment A. Councilmember Boothman explained the revisions from the previous draft proposal. The Council and staff discussed various aspects of the revised proposal.

At 8:13 PM, Councilmember Boothman moved and Councilmember Lackey seconded to adopt Resolution #1004. The motion passed unanimously.

Administrator Fitch presented the draft Town of Friday Harbor analysis of potential impacts on the Town of the Draft Comprehensive Plan for San Juan County and Draft Environmental and Economic Impact Statement and the associated cover letter.

Mayor LaPorte, the Council, and staff discussed the analysis done by Councilmember Boothman (the Town's representative to the County's District #1 GMA committee), and the analysis done by planning consultant Richard Butler, Butler & Associates.

The Council and staff discussed at length the content and tone of the Town's comments.

The Council took a short break and the meeting reconvened at 9:10 PM.

Administrator Fitch asked the Council to consider scheduling a work session with the authors of the Draft General Sewer Plan and Wastewater Facilities Engineering Report and Town operating personnel. He noted that the report must be adopted by June 30, 1995 and that the public should be given an opportunity to comment on same as the economic impacts are significant.

Following discussion, the Council indicated that they would continue their regularly scheduled April 20, 1995 7:30 PM meeting to April 25, 1995 at 7:30 PM for said work session.

Administrator Fitch informed the Council of receipt of the 3/31/95 leak detection analysis final report. Analysis was performed on over 12 miles of Town water main in two days. Two leaks were found.

Mayor LaPorte reported on a meeting with Randy Gaylord, San Juan County Prosecuting Attorney and Town Attorney Eaton regarding establishing harbor jurisdiction boundaries. Attorney Eaton and Prosecutor Gaylord will research the issue. Mayor LaPorte and the Council discussed various aspects of same.

At 9:35 PM, Councilmember Boothman moved and Councilmember Robinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - April 20, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Boothman moved and Councilmember Lackey seconded to approve the minutes of the April 6 at 12:00 PM, April 6 at 7:30 PM, and April 11, 1995 at 7:30 PM meetings, as amended. The motion passed unanimously.

Mayor LaPorte proclaimed April 29, 1995 as Clarke Biggers Day in Friday Harbor. Clarke has recently attained the rank of Eagle Scout. Mayor LaPorte presented the proclamation to Clarke. The Mayor and Town Council congratulated Clarke on his achievement.

Mayor LaPorte informed the meeting that the 7:35 PM agenda item, second reading of draft ordinance #978 - revising the street and storm drainage standards for the Town, had been canceled for this evening.

Administrator Fitch informed the Council of the availability of viewing at the High School on April 27th the AWC satellite broadcast "Resolving Municipal Disputes". He noted that a videotape of same will be available from AWC.

The Council indicated they would prefer acquiring a video of the presentation.

Mayor LaPorte, the Council, and staff briefly discussed State Initiative 164 - Takings/Property Rights. It was noted that the issue may well be on the November ballot.

At 7:43 PM, Councilmember Wilson joined the meeting.

Mayor LaPorte acknowledged the presence in the audience of two Boy Scouts working on their Citizenship in the Community merit badges.

At 7:52 PM, the Council began a work session on revision of the Town of Friday Harbor Shoreline Master Program (SMP).

Administrator Fitch commented that, following Council review, the intent is to forward the revisions to the Planning Commission for their comment.

The Council and staff held renewed discussions on the proposed revision of view corridor regulations.

At 8:06 PM, Councilmember Robinson joined the meeting.

Attorney Eaton explained how the suggested revisions are intended to protect identified as well as other public shoreline views.

Discussion continued regarding same.

At 8:35 PM, Councilmember Wilson moved and Councilmember Boothman seconded to delete proposed addition 6.02(C)(3)(d). The motion carried 4 to 1 with Councilmember Lackey opposed.

The Council and staff discussed view corridors and elevations. The possibility of purchasing some shoreline area properties was mentioned. The Council asked Administrator Fitch to investigate the feasibility of acquisition of shoreline properties.

Mayor LaPorte, the Council, and staff reviewed and revised various phrases in the Shoreline Master Program, including some regarding dock lengths and usable depths.

The Council authorized payment of claims warrants #9362 through 9400 in the amount of \$32,742.35.

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

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - April 25, 1995 @ 7:30 PM

The Town Council met in continued session with Mayor LaPorte presiding.

Members present: Boothman, Dickinson, Lackey, & Robinson
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Wilson had notified Town Hall that he would be unable to attend this meeting due to a business commitment.

Also present were Maintenance Supervisor Reitan and Wastewater Treatment Plant Operator Kevin Kirk.

Mayor LaPorte noted the distribution to Council of an information package prepared by the Association of Washington Cities on Initiative 164.

At Mayor LaPorte's request, Administrator Fitch introduced the topic of the meeting; a work session with Jim Santroch and Brad Bogus, KCM, on the Draft General Sewer Plan and Wastewater Facilities Engineering Report, including evaluation of the suggested improvement alternatives for the wastewater collection, liquids treatment, and biosolids disposal systems.

Mr. Santroch summarized the status of the existing wastewater collection system and gave an overview of the collection system improvement alternatives. He referred to his memo to Administrator Fitch of 4/17/95 regarding same.

The Council and staff discussed various aspects of the suggested alternatives with Mr. Santroch and Mr. Bogus. Mr. Santroch stressed that there was not hard data available that showed that the Town had an ongoing overflow situation. He also noted that the Town has consistently reported any overflow events of which it is aware to DOE in a timely and thorough manner. Mr. Santroch advised that if an overflow alarm and control valve were installed in pump station #1 in conjunction with a system wide ongoing inflow/infiltration control program other collection system improvements could possibly be deferred.

Following additional discussion, the Council indicated that collection system Alternative #2 (abandon the waterfront force main, etc.) as outlined in the above referenced memo appeared to be the preferred long term alternative.

At 8:30 PM, Mr. Santroch and Mr. Bogus outlined suggestions for improvements to the wastewater liquids treatment plant.

Maintenance Supervisor Reitan stated that he felt the plant had been undersized from inception.

The Council, staff, and Mr. Santroch and Mr. Bogus discussed secondary treatment alternatives and the associated projected costs. Mr. Santroch felt that an upgrade of the current treatment process (Schreiber process) would be the preferred alternative. Discussion continued on utility rate considerations, growth projections, and solids management alternatives. Solids management Alternative #3 (sludge dewatering/lime stabilization/agricultural application) as presented in the Draft Report was discussed at length.

At 9:10 PM, the Council indicated that solids management Alternative #3 appeared to be the preferred alternative.

Discussion continued on finalizing the report, implementation scheduling, effluent reuse, and short term solutions. Such solutions may include a low cost motor replacement upgrade of a blower or blowers at the wastewater treatment plant to provide 20-25% more air in the aeration basin.

Additionally, Mr. Santroch outlined a possible plan to upgrade the diffusers and blowers at the plant to provide 50% more air in the aeration basin. He felt that the upgrade would allow the plant to handle current summer loads. The estimated cost for the project would be approximately \$150,000 with at least a four month lead time. He stated that the upgrade could be accomplished by Schreiber without taking the plant off line.

The Council said that they would like to see the results of the suggested motor replacement upgrade as an indicator as to whether a major diffuser upgrade would be advantageous. KCM will prepare a cost estimate for upgrading the existing blower/s.

Mayor LaPorte thanked Mr. Santroch and Mr. Bogus for their presentation.

At 9:50 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - May 4, 1995 @ 12:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Wilson had notified his office that he would be delayed.

At Mayor LaPorte's request, Fire Chief Rosenfeld reported that there had been no significant fire incidents since his last report. Nine of the eleven recruits who had graduated from fire fighter training were now active on the force, bringing the total number of active fire fighters to twenty. Following discussions with the Port, it appears that the proposal for a voluntary program to support the fire boat with a \$.50/boat/month fee was not feasible. The Port anticipated high administration and collection costs. The Easter egg hunt was a success with very favorable weather.

Administrator Fitch informed the Council that the Town intended to contract with Mr. Rosenfeld to formulate a Bloodborne Pathogen Exposure Control Plan for the Town.

Mayor LaPorte thanked Chief Rosenfeld for his report.

At 12:07 PM, Maintenance Supervisor Reitan reported that at this date last year Trout Lake Reservoir was 142" below the spillway, it is currently 3" above the spillway. Water is still running over the spillway at AUG II. By the first of next week he hopes to have

the new water treatment plant running in tandem with the old plant. The new plant should be fully on line by the following Saturday. Maintenance Supervisor Reitan reported on the completion and tie-in of various water mains.

At 12:12 PM, Councilmember Wilson joined the meeting.

Maintenance Supervisor Reitan continued with his report. The maintenance crew is cleaning up and painting various Town facilities. The Sunken Park project is progressing well. The Town is in the process of acquiring a technical assistance team for the wastewater treatment facility. The new refuse truck should be here the third week in June.

Maintenance Supervisor Reitan responded to various inquiries from the Council.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

At 12:18 PM, Permit Coordinator Warren Jones reported that his department is currently processing 8 projects. He gave a status report on various current and upcoming projects and hearings.

Administrator Fitch advised the Council that a couple of the projects Mr. Jones mentioned are quasi-judicial matters.

Mayor LaPorte thanked Mr. Jones for his report.

At 12:22 PM, Building Official/Fire Marshal Jim Hodges reported that he is currently processing 6 building permits, more are coming in. He will present a draft ordinance to adopt the 1994 construction codes with the exception of the plumbing code, revision of same is not complete. Mr. Hodges noted that permit fees charged by his department may increase approximately 41%. He also spoke to the need for additional personnel to allow attention to code compliance and clerical matters.

Mr. Hodges responded to various inquiries from the Council and gave a progress report on the Sunken Park project.

Mayor LaPorte thanked Mr. Hodges for his report.

At 12:36 PM, San Juan County Public Works Director Ron Loewen gave a presentation regarding the planned Law & Justice addition to the County Courthouse. Specifically, project design to provide required vehicle parking. Mr. Loewen stated that siting construction south of the existing entry walkway would not be considered by the County.

Mayor LaPorte, the Council, staff, and Mr. Loewen discussed design alternatives to meet aesthetic concerns, emergency vehicle access and egress, and parking requirements. The Council reiterated their position that they would not approve designated on-street parking for emergency vehicles.

Administrator Fitch noted that the staff intends to issue a building permit for the project based on the 5/1/95 site plan that shows no use of designated on-street parking.

It was noted that a San Juan County Public Works employee had stenciled "Jail" on an public on-street parking space at the request of a Sheriff's Department official without authorization.

Mayor LaPorte thanked Mr. Loewen for his presentation.

At 1:03 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #9406 through 9485 in the amount of \$202,171.22 and payroll warrants #4132 through 4168 in the amount of \$82,354.11. The motion passed unanimously.

Treasurer Picinich distributed a proposed revised funding plan for the recently completed Upper Guard Street reconstruction project. The Council concurred with same.

The Council approved a request by Administrator Fitch to apply for a TIB award for the Upper Guard Street reconstruction project.

Treasurer Picinich distributed preliminary funding alternatives for technical assistance consulting services for the wastewater treatment facility.

The Council and staff discussed various aspects of same.

The Council and staff discussed administrative matters. Impacts when large businesses relocate within the downtown business area were considered. Handicapped access and pedestrian traffic concerns were enumerated.

At 1:26 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - May 4, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch

Councilmember Lackey moved and Councilmember Boothman seconded to accept the minutes of the Council meetings of April 20, 1995 at 7:30 PM and April 25, 1995 at 7:30 PM as submitted. The motion passed unanimously.

Mr. Kif Brown, San Juan Organics, was present as a non-agenda item to ask the Council to consider approving additional compensation to his company as his expenses have increased.

The issue will be an agenda item at the 5/18/95 meeting.

At 7:44 PM, Mayor LaPorte introduced draft resolution #1005, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the consulting firm of ETC, Inc. for wastewater treatment plant consulting services.

Administrator Fitch explained the particulars of same.

Mayor LaPorte, the Council, and staff discussed various aspects of the proposed agreement.

At 7:38 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #1005. Following additional discussion, the motion passed unanimously. Councilmember Wilson was not in the chamber for the vote.

At 8:13 PM, Mayor LaPorte introduced draft resolution #1006, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of KCM, Inc. for wastewater treatment plant engineering services.

Administrator Fitch explained the particulars of same.

Mayor LaPorte, the Council, and staff discussed various aspects of the proposed agreement.

Following discussion and review of a 5/1/95 letter from KCM, the Council asked Administrator Fitch to request a revised cost estimate from KCM. Action on the draft resolution was deferred.

At 8:28 PM, Mayor LaPorte presented draft resolution #969, a resolution authorizing the Mayor to execute an interlocal agreement with San Juan County regarding solid waste services.

Administrator Fitch explained the particulars of same.

Mayor LaPorte, the Council, and staff discussed various aspects of the proposed interlocal agreement.

At 8:34 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adopt Resolution #969. The motion passed unanimously.

Mayor LaPorte declared a short recess.

The meeting reconvened at 8:42 PM.

The Council held a discussion of individual Councilmember's concerns and priorities.

Among the items discussed:

Councilmember Robinson: action on the planned waterfront path / a path from the Post Office to Spring Street / that the Town be sensitive to other potential locations in Town for pedestrian paths.

Councilmember Boothman: concern with unauthorized private use of the public right-of-way and standardized policies and practices for same / change limitation on compensation for the Mayor and Council.

Councilmember Robinson: allow Councilmembers to participate in Town group discounts on goods and services, such as cellular phone rates and gas cards, at the Councilmember's expense.

Councilmember Lackey: permit enforcement / a traffic study / use of property tax to offset utility costs / a public accommodation-restaurant business license type / a larger water supply / determine actual service population.

The Council and staff discussed methods of calculating building heights. The Council discussed the definition of "bed & breakfast".

At 9:34 PM, Administrator Fitch asked the Council if they were interested in getting the Town involved with a program or programs similar to the "Adopt-a-highway" program. He mentioned the desire of various service organizations and volunteer groups to participate in same. He noted that there are liability considerations with such groups working in publicly owned areas.

The Council did not express opposition to the idea. Signs provided by the Town acknowledging the groups participating may be appropriate.

The meeting adjourned at 9:42 PM.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - May 18, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Town Clerk Dubail informed the Council that Councilmember Boothman had notified his office that he may be delayed in attending the meeting due to a work commitment.

Councilmember Dickinson moved and Councilmember Wilson seconded to approve the minutes of the May 4th noon and 7:30 PM meetings as submitted. The motion passed unanimously.

Mayor LaPorte proclaimed May 27th, 28th, & 29th, 1995 as American Legion Poppy Days in Friday Harbor.

At 7:33 PM, Councilmember Boothman joined the meeting.

Mayor LaPorte presented draft resolution #1006, a resolution authorizing the Mayor to execute an agreement between the Town of Friday Harbor and the engineering firm of KCM, Inc. for wastewater treatment plant engineering services.

Administrator Fitch explained the particulars of same and noted the presence in the audience of Wally Chen of KCM and Brad Musick of ETC, Inc.

Mr. Musick, ETC, wastewater operations consultants, gave a status report on recent maintenance and revised operational procedures underway at the wastewater treatment plant and responded to various inquiries from the Council.

Mr. Chen, KCM, clarified the relationship of engineering and operational consultants. He explained the roles of each in the compliance order plant modification project. Mr. Chen responded to inquiries from the Council.

At 7:50 PM, Councilmember Boothman moved and Councilmember Dickinson seconded to adopt Resolution #1006. The motion passed unanimously.

Mayor LaPorte introduced draft ordinance #980, an ordinance adopting 1994 Washington State Building Codes, for first reading.

Building Official Jim Hodges summarized the purpose of the Town adopting the new codes and responded to inquiries from the Council. The Council and Mr. Hodges discussed the San Juan County owner/builder building code provisions. Councilmember Boothman expressed interest in the Town looking into establishing a similar exemption. Mr. Hodges will obtain information on the San Juan County owner/builder building code provisions.

Mr. Hodges explained that frequently, administration of the codes require interpretation. He explained various provisions of the draft ordinance, including an approximate 42% across the board increase in permit fees.

Administrator Fitch noted that a portion of the supplemental fees may be used for additional staffing in the Building Department. The Council and staff discussed various aspects of implementation of the new codes and associated fees. Current Building Department revenues and expenditure levels were briefly discussed.

Draft ordinance #980 was considered to have been given first reading.

At 8:19 PM, the Council began discussion of biosolids/sludge utilization/disposal.

Administrator Fitch noted distribution to the Council of his 5/9/95 memo and a letter received 5/10/95 from San Juan Organics regarding biosolids/sludge utilization/disposal. He also noted receipt of information from Roediger Pittsburgh, Inc. regarding a sludge de-watering belt press, polymer system, and lime stabilization equipment. He noted the presence at the meeting of Kif Brown, San Juan Organics, Kevin Kirk, Wastewater Treatment Plant Operator, Wally Chen of KCM, Brad Musick of ETC, Maintenance Supervisor Reitan, and Attorney Eaton.

Administrator Fitch explained current Town sludge processing and storage procedures and outlined options regarding same as indicated in his memo.

Councilmember Robinson inquired as to the Town's options for sludge disposal/utilization.

Mr. Musick spoke to the economic viability of sludge de-watering.

Mr. Chen explained uses available for processed sludge depending on whether the sludge meets E.P.A. class A, B, or unclassified specifications. He stated that he was "99.9%" sure that press de-watering and liming of the Town's sludge would produce at least Class B biosolids with some minimal additional treatment. He noted that if the treatment plant operators control all aspects of the operation, ie. collection, treatment, and solids handling, then there is a greatly reduced likelihood of problems.

The Council and staff discussed the project increase in sludge wasting rates and the anticipated considerable increased costs of depending entirely on the current disposal/storage/utilization method.

Mr. Musick noted that the solids handling facility at the wastewater treatment plant is under 2Ddesigned. He stated that belt pressing would significantly reduce sludge volume and hence transportation and disposal/utilization costs.

Mr. Musick and Mr. Chen both strongly recommended against adding lime in any form in the plant digester. They expressed concern with possible clumping and degradation of the concrete in the old, retrofitted digester tank.

The Council, staff, and consultants discussed utilization of Class A and Class B biosolids. The significant reduction in volume by de-watering was reiterated. Storage of de-watered sludge was discussed. The capacity of the digester and the wastewater treatment plant in general was discussed. The projected four month operational costs for the two primary disposal/utilization alternatives in Administrator Fitch's memo were considered. Administrator Fitch recommended employing both alternatives for the four month period to determine procedures, quality, and actual costs.

At 8:52 PM, Kif Brown, President - San Juan Organics, expressed that he felt he could provide cost effective processing/disposal/utilization of the Town's sludge.

The Council and staff discussed Mr. Brown's proposal. The need for operational control by the Town and scheduling concerns were reiterated.

Councilmember Lackey provided his observations of the pilot de-watering project at the wastewater treatment plant.

The Council and staff discussed siting and infrastructure considerations for a belt press sludge de-watering facility.

At 9:05 PM, Mr. Brown reiterated that he felt he could provide cost effective solutions.

The Council and staff discussed Administrator Fitch's recommendation. The consensus of the Council was to direct staff to pursue same and perform a cost analysis.

Discussion continued on cost impacts, composting, and pursuing "low tech" solutions. The Council indicated they would not be comfortable with contractors operating on Town premises on a long term basis.

Mr. Brown mentioned an alternative de-watering technology with which he was very impressed. Mr. Chen recounted his observations and experiences with similar units.

At 9:22 PM, the Council took a short recess.

The meeting reconvened at 9:30 PM.

Mayor LaPorte informed the Council that the 3rd Annual KING Evening Magazine Western Washington Poll had chosen the San Juan Islands as a Best Place to Go by Boat. Mayor LaPorte has accepted the award on the Town's behalf.

The Council postponed discussion of acquiring a "Town" flag. They indicated they wish to revisit the matter in the near future.

Administrator Fitch suggested that the Council begin discussion regarding the Gray & Osborne prepared reconfiguration options for the Spring Street/Argyle Avenue intersection if they wish to budget same as a 1996 project. He noted that there is not a pedestrian path to the new hardware store at the corner of Nichols Street and Argyle Avenue. The Council and staff discussed various aspects of vehicle and pedestrian traffic flow in the area. Underground utilities upgrading was also mentioned.

Administrator Fitch reported receipt of a letter from the San Juan Island Library Board regarding citizen concerns as to the installation of propane storage tanks in the vicinity of the library. The Council directed staff to take no additional action in this regard.

Administrator Fitch noted inclusion in the Council packets of information on State Initiative 164 and proposed Referendum 48. The Council and Attorney Eaton discussed what public actions were appropriate for individual Council members to take on the issue.

At 9:45 PM, Maintenance Supervisor Reitan reported that the new water treatment plant was brought online on Wednesday May 10th. He briefly explained the new water treatment process. He anticipates substantially improved water quality as adjustments are made to the computer control system. He plans to have the main line from the reservoir to the plant cleaned soon. Maintenance Supervisor Reitan invited the Council to visit the plant. The contractor should be done in about two weeks. He noted that the lake is currently " " below the spillway.

Administrator Fitch reported that the contractor will be hydro 2Dseeding next week at the landfill closure project.

At 9:51 PM, Councilmember Lackey moved and Councilmember Robinson seconded to approve payment of claims warrants #9487 through 9544 in the amount of \$51,013.72. The motion passed unanimously.

Mayor LaPorte declared the meeting adjourned at 9:53 PM.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - June 1, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Lackey had notified his office that he would be unable to attend this meeting due to a work commitment and that Councilmember Wilson had notified his office that he would be delayed as he was getting his drivers license renewed.

Mayor LaPorte asked Fire Chief Rosenfeld to present his report.

Chief Rosenfeld reported that there have been no significant fire calls so far this year. His department has received 50 calls total year to date. The department responded to 2 small brush fires in the last 2 weeks. Due to increased participation, fire training drills may be extended to 9:30 PM. The front door lock at the fire station has been replaced. Effective today, there is a DNR burn ban in effect for San Juan County. Due to previous public notice the Town will participate in the burn ban as of June 30th. Chief Rosenfeld noted that due to lack of rain outdoor burn conditions are deemed hazardous.

Councilmember Robinson and Chief Rosenfeld discussed pre-plan walk-throughs by fire department officers for certain structures. Chief Rosenfeld commented on the shortage of available officers during the Memorial Day weekend.

Mayor LaPorte thanked Chief Rosenfeld for his report.

Maintenance Supervisor Reitan reported that Trout Lake Reservoir is 6.25" below the spillway. It was 151.75" inches below the top of the spillway last year at this time. He noted that water consumption is increasing and reported that sediment in the mains has been stirred up due to the increased flows. The water crew are flushing the lines and plan to clean the transmission line from the lake to Town. The Street Department is busy with hanging baskets, Town flower beds, and curb and street painting projects. He is scheduling the crew for various projects in connection with the Sunken Park renovation project. The Solid Waste Facility landfill closure has been hydro-seeded. Repair and maintenance is ongoing at the incinerator. The sludge dewatering press is in operation at the wastewater treatment plant. Maintenance Supervisor Reitan noted the acquisition of new lab equipment and training at the wastewater treatment plant.

Councilmember Robinson commended Councilmember Boothman and Building Official Hodges on the design and construction of the new boardwalk at Sunken Park.

At 12:30 PM, Councilmember Wilson joined the meeting.

Maintenance Supervisor Reitan continued with his report. The new refuse retrieval truck should be delivered by June 19th.

The Council and Maintenance Supervisor Reitan discussed various maintenance issues.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

At 12:35 PM, Permit Coordinator Jones distributed a synopsis of current Planning Department projects and summarized current and recent department activity. Mr. Jones informed the Council that DOE had denied the Roger Bennett Shoreline Substantial Development Permit recently issued by the Town.

Permit Coordinator Jones responded to various inquiries from the Council.

Mayor LaPorte thanked Permit Coordinator Jones for his report.

Mayor LaPorte reported on recent conversations with DOE regarding the Bennett Shoreline Substantial Development Permit denial. He has requested a letter from DOE explaining same.

The Council reiterated their frustration with DOE. It was noted that DOE apparently had taken testimony regarding the SDP outside the public hearing process when denying permit. The Council expressed support for the Mayor's ongoing efforts to get answers from DOE.

At 12:46 PM, Building Official Hodges reported that his department had issued 10 building permits in May. He anticipated applications for an additional 70 or more affordable MFR housing units this year. Mr. Hodges gave a status report on the Sunken

Park renovation project. The light standards for the park will be shipped on 6/2/95. He estimated that the project will be substantially completed by 7/1/95.

Councilmember Robinson suggested that a flag pole be considered for the park.

Mr. Hodges responded to various inquiries from the Council.

Mayor LaPorte thanked Building Official Hodges for his report.

Councilmember Dickinson moved and Councilmember Robinson seconded to approve payment of claims warrants #9546 through 9605 in the amount of \$105,360.99 and payroll warrants #4173 through 4209 in the amount of \$93,205.84. The motion passed unanimously.

At 1:03 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - June 1, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Town Clerk Dubail informed the Council that Councilmember Wilson had notified his office that he would be delayed by a work commitment.

Councilmember Lackey moved and Councilmember Dickinson seconded to approve the minutes of the 5/18/95 Council meeting as submitted. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1007, a resolution authorizing the Mayor to execute the First Amendment To Agreement For Hauling, Storage, And Utilization of Biosolids with San Juan Organics, Inc.

Administrator Fitch summarized the particulars of same. He noted that the draft amendment had been reviewed by Jim Santroch, KCM, the Town's wastewater engineering consultants. Mr. Fitch also noted that the draft amendment had been provided to San Juan Organics. No comment has been received from San Juan Organics after a week long review period.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #1007. The motion passed unanimously.

Jim Slocomb, Island CartoTechnical, as author of the draft Town of Friday Harbor Information Management Plan, gave an overview of the development, scope, and goals of the draft plan. He noted that the plan is prioritized and may be implemented in phases as conditions warrant. Mr. Slocomb emphasized the need for ongoing training of employees to use the evolving information systems. He explained his perception of the ramifications of adopting the draft plan.

Mr. Slocomb responded to various inquiries from the Council regarding the draft plan. The Council, staff, and Mr. Slocomb discussed the philosophy and implementation of the plan. He asked the Council to review and comment on the draft plan.

Mayor LaPorte thanked Mr. Slocomb for his presentation.

At 8:10 PM, Mayor LaPorte presented draft ordinance #978, an ordinance adopting by reference Street and Storm Drainage Standards for construction of extensions to the Town of Friday Harbor street and storm drainage systems and repealing Ordinances #659, 679, 729, 735, 748, 809, and 820 in their entirety, for second reading.

Administrator Fitch noted the receipt and distribution of revised draft Street and Storm Drainage Standards prepared by the engineering firm of Gray & Osborne, Inc. He explained the purpose of adopting same by reference rather than incorporating all the standards into the municipal code. Additionally, the intent was to formulate a concise, understandable, usable document. Administrator Fitch stressed that the adopted document would become the Town's minimum standards. He noted that Councilmember Wilson had expressed his desire for different standards in industrial zones. Administrator Fitch asked the Council to carefully review, consider, and propose modifications to the draft document. He reiterated that the goal was to clearly and unambiguously state the Town's requirements.

At 8:26 PM, Councilmember Wilson joined the meeting.

The Council and staff discussed options for flexibility. It was pointed out that the draft ordinance contains a variance process provision.

Councilmember Wilson expressed the desire for the inclusion of additional approved design variations. Mayor LaPorte, the Council, and staff discussed same.

Councilmember Robinson expressed support for the proposed standards with provisions for a variance.

Councilmember Wilson voiced concern with the proposed curb cut and wheel-chair ramp designs.

Following discussion, Councilmember Wilson agreed to prepare and submit detailed examples of the variations he is suggesting.

Administrator Fitch reiterated that if you don't have a performance standard you have a subjective decision.

Councilmember Lackey spoke in support of the proposed standards and a variance process.

At 8:55 PM, Mayor LaPorte and the Council discussed how to obtain a Town of Friday Harbor flag. Councilmember Dickinson suggested utilizing, for consistency, the current Town logo in the design. Following discussion, Councilmember Boothman will organize a flag design contest. The Council expressed interest in same.

At 9:03 PM, Administrator Fitch reported on his attendance this morning at a meeting with a number of representatives from appropriate agencies regarding harbor jurisdiction and enforcement issues. The Coast Guard will begin safety inspections of vessels/floating structures in the harbor. The Army Corps of Engineers and Washington State Department of Natural Resources (DNR) will also institute some review activity. Administrator Fitch remarked on the presence of all pertinent agencies at the meeting and the lack of notice for same.

Administrator Fitch presented a request by Cindi Baker, Recreation Director, San Juan Island Park and Recreation District, for use of the Town lot at the corner of Tucker Avenue and Harbor Street (across from the wastewater treatment plant) for the period 6/19 through 8/25/95 on Sunday, Monday, Wednesday, and Thursday for a women's and co-ed soccer program as stated in her letter to the Town Clerk of 5/31/95. Administrator Fitch noted the conditions for use of the lot as set by the Council at the noon meeting on 9/1/94 in response to a request by the San Juan Island School District.

Treasurer Picinich noted the lack of fencing at the lot and expressed concern that program participants could inadvertently chase a ball into the vehicle travel lanes. Councilmember Wilson suggested that San Juan Island Park and Recreation District contract neighbors of the lot and get their reactions to the proposal. The Council and staff discussed various aspects of the request including parking, insurance, temporary fencing, the age of the intended users, amplified music, and impacts on the neighbors.

The Council indicated that they would like to discuss the request with Ms. Baker at their June 15th meeting. Councilmember Robinson suggested that Ms. Baker be advised to contact the neighbors before the meeting.

Administrator Fitch noted the distribution to the Council of memos from ETC, Inc., and KCM, Inc., regarding the wastewater treatment plant. He summarized same. The Council and staff discussed various aspects of the wastewater treatment situation, including financing options for required capital expenditures. The Council will review the issue and discuss same at the next meeting.

Mayor LaPorte reported on subsequent conversations with DOE regarding their denial of the Bennett SDP. DOE has agreed to provide their justification for same in writing within 7 days from today.

Attorney Eaton pointed out that the 30 day appeal period to DOE's denial started 5/26/95. The Council and staff discussed said appeal process. Attorney Eaton explained

that DOE can deny the Town's issuance of a SDP conditional use permit and a variance. He noted that local governments are required to produce facts, findings, and conclusions of law when issuing or denying a permit, DOE apparently is not held to a similar requirement. Attorney Eaton suggested that the Town send a letter to DOE requesting that the 30 day appeal clock be stopped pending a written explanation from DOE so the Town can determine why the permit was denied and whether to appeal. The Council expressed the desire that an inquiry regarding same be made by Mayor LaPorte.

Treasurer Picinich informed the Mayor and Council that the narrative 1995 Town Budget would be available tomorrow.

At 10:07 PM, Councilmember Dickinson moved and Councilmember Robinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - June 15, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Treasurer Picinich & Attorney Eaton

Town Administrator Fitch was absent due to a family medical situation.

Councilmember Dickinson moved and Councilmember Lackey seconded to approve the minutes of the 6/1/95 noon and 7:30 PM meetings as submitted. The motion passed unanimously.

As a non-agenda item, Mary Blevins, Whale Museum Acting Director, asked that the Town contribute Hotel/Motel Tax funds to an upcoming exhibit and capital improvements at the Whale Museum.

At Mayor LaPorte's request, Attorney Eaton advised the Council as to the criteria under which public monies could be disbursed. The issue will be scheduled for the 7/6 or future agenda. Mayor LaPorte assured the representatives of the Whale Museum they would be notified when the request became an agenda item.

At 7:35 PM, Mayor LaPorte opened the public hearing to consider a request to annex approximately 14.49 acres of land, located between Argyle Road and Mullis Road and southerly of the existing Town limits, into the Town, and described the hearing procedure that would be followed. Councilmember Dickinson stepped down and left the meeting as she is an adjacent property owner. Councilmember Wilson noted that he has a business arrangement with one of the applicants but did not feel that same would interfere with his decision.

Attorney Eaton advised the audience that they could challenge the Mayor's or any Councilmember's participation. The proponents stated they had no objections. There were no challenges forthcoming.

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

Mr. Jones summarized his staff report dated 6/10/95. He noted that the proposed action had been properly noticed and that the Planning Commission had voted unanimously to approve the annexation at their 4/27/95 meeting. The staff recommends a pre-annexation agreement and approval of the application.

Mayor LaPorte, the Council, and staff discussed various aspects of the annexation request, including Town utility requirements and zoning.

Permit Coordinator Jones conveyed infrastructure and service impact concerns related to him today by Bud Geneste. Mr. Geneste was unable to attend the hearing.

Mayor LaPorte thanked Mr. Jones for his staff report.

At 7:58 PM, Stephanie O'Day, attorney for the Elfving, one of the applicants, summarized the history of the annexation request, the current uses of the properties, environmental issues, fire and police protection impacts, property valuation and tax revenue, and the applicants desire to be under Town jurisdiction.

Ted Elfving, 749 Fir Street, asked the Council to approve the application.

Susie Campbell, 749 Fir Street, would like to be in Town so she could have a voice in Town affairs.

Cal Ryan, 700 Mullis Road, stated that he does approximately \$50,000 in retail sales from which the Town would receive sales tax revenue. He asked the Council to approve the application.

At 8:13 PM, Mayor LaPorte opened the hearing for public input. There were no comments from the public at this time.

Councilmember Robinson, the staff, and the applicants discussed the timing of the application in relation to the pending Greenway Rezone.

Councilmember Lackey and staff discussed the status and scope of the San Juan County issued Conditional Use Permits on some of the properties and Town of Friday Harbor determination of existing non-conforming uses.

At Mayor LaPorte's inquiry, Mr. Jones stated that the next step in the annexation process would be for the Council to direct staff to draft a pre-annexation agreement for Council consideration.

Roger Bennett, 1 Spring Street, felt that a Light Industrial zoning designation would be appropriate for the subject properties.

At 8:26 PM, hearing no further public comment, Mayor LaPorte 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 opened the hearing for Council deliberation.

Councilmember Boothman expressed his desire for a buffer between light industrial and residential uses.

The Council discussed Town control through a pre-annexation agreement.

Councilmember Robinson expressed concern over the impacts to the Town water and sewer systems.

Councilmember Wilson would like to review the additional Ryan CUP that was mentioned by Ms. O'Day.

At 8:38 PM, Councilmember Lackey moved and Councilmember Robinson seconded to indicate preliminary approval of the annexation request but to defer final approval and direct the staff to; 1) prepare and present a draft pre-annexation agreement to preclude water and sewer connections and to recognize the SJC CUP's but with a 2 year abandonment limit, and 2) present Dr. Ryan's CUP for review. Subject to approving the Ryan CUP and the pre-annexation agreement the annexation application will be approved.

Following discussion, the motion passed unanimously.

The public hearing was continued to 7/6/95 at 8:00 PM.

Councilmember Dickinson rejoined the meeting.

At 8:43 PM, Mayor LaPorte opened the public hearing to consider a request by John Shelton for a height variance for a single family residence and a garage at 450 Warbass Way, and instructed the meeting in the procedure that would be followed.

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

Warren summarized his staff report dated 6/8/95. He noted that the proposed action had been properly noticed and that the recommendation of the Planning Commission was to accept the staff report and direct the staff to draft findings of fact and conclusion of law for Council consideration.

The Council reviewed the building height calculations.

The Council and staff discussed the criteria for granting a variance.

At 8:57 PM, Stephanie O'Day, attorney for the applicant, stated that the proposed structures will cover approximately 21% of the lot area. She noted that the variance request is for the residence to be 3.62 feet over the height limit and the east garage to be 1.9 feet over the limit. She felt that existing structures in the area are perceived as higher due to topography. Ms. O'Day distributed a letter (Exhibit "C") to the Council from neighbors Edward and Margaret Strickland in support of the application. She noted that there were no objections from the other neighbors. Ms. O'Day conveyed her interpretation of the variance criteria.

At 9:08 PM, Mayor LaPorte opened the hearing for public input.

John Shelton, 44 Friday Island, applicant, remarked that the proposed residence is a Georgian design and stressed that the design is based on a home that has been in his family for generations. It was noted that this would be his third home utilizing this design. Mr. Shelton responded to various inquiries from the Council.

Roger Bennett, 1 Spring Street, stated support for the request and expressed opposition to low pitch or flat roofs.

Permit Coordinator Jones responded to inquiries from the Council.

At 9:17 PM, hearing no further public comment, Mayor LaPorte 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 opened the hearing for Council deliberation.

Councilmember Dickinson commented on the difficulty of utilizing lots with steep slopes. She noted that the Council had received testimony that the proposed structures would not be higher than neighboring structures.

Councilmember Wilson indicated that he was not opposed to granting the variance.

Councilmember Boothman stated that he did not feel that the application met all the criteria for granting a variance. He commented that the variance criteria may need to be revised.

Councilmembers Lackey and Wilson expressed the desire for design flexibility.

At 9:24 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to accept the recommendations of the staff report and approve the application, and direct staff to prepare findings of fact and conclusion of law for Council consideration.

Councilmember Robinson expressed the desire for consistency in applying the 27 foot height limit.

The motion passed with 4 Councilmembers voting in the affirmative. Councilmember Boothman abstained.

At 9:27 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:32 PM.

Mayor LaPorte introduced Mr. Tim O'Neill, Vice President, Green Mountain Technologies. Mr. O'Neill gave a presentation regarding a proposal for containerized composting of the Town's sludge. Mr. O'Neill has recently completed a pilot project of same.

Mayor LaPorte and the Council discussed the process and proposal with Mr. O'Neill. A final report on the pilot project will be forthcoming from Green Mountain Technologies within 2 weeks. Mr. O'Neill estimated that the project as proposed would produce about 500 cubic yards of compost product per year. He noted that composting provides an approximate 25% reduction in volume.

At 10:16 PM, Mayor LaPorte thanked Mr. O'Neill for his presentation.

Mayor LaPorte presented draft ordinance #980, an ordinance adopting the 1994 building codes, for second reading.

Building Official Hodges responded to various inquiries from the Council, including review of the San Juan County "owner/builder" exemption. Councilmember Boothman requested that consideration of a Town of Friday Harbor "owner/builder" exemption be an agenda item in 1995.

At 10:26 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #980. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1008, a resolution authorizing the Mayor to execute an amendment to the intergovernmental agreement with the San Juan County Health Department for Public Health Services for the calendar year 1995.

Treasurer Picinich explained the particulars of same.

At 10:29 PM, Councilmember Lackey moved and Councilmember Robinson seconded to adopt Resolution #1008. Following discussion, the motion passed unanimously.

In Administrator Fitch's absence, Town Clerk Dubail brought a number of matters to the Council's attention. He asked that they review the draft 6 Year Transportation Improvement Plan.

Regarding the upcoming joint meeting with the BOCC - the Council wished to schedule same for 7/24/95 at 1:30 PM in the Council Chambers.

The Council indicated they were not opposed to closing a portion of Nichols Street on 7/4/95 between 10:00 AM and 2:00 PM for use by the Lions Club in conjunction with Fourth of July festivities at Sunken Park.

Regarding the request by Cindi Baker, San Juan Island Park & Recreation, for limited term use of the Town lot at the corner of Harbor Street and Tucker Avenue for a summer athletic program - it was noted that Ms. Baker had fulfilled the requirements previously set by the Council. The Council indicated that Ms. Baker's program could use the lot if the neighbors had no objection to same happening on Sundays.

Regarding the Town appealing or participating in the appeal of the DOE denial of the Bennett SDP CUP & Variance - Mayor LaPorte, the Council, and Attorney Eaton discussed the issue. Roger Bennett stated that he is going to appeal the denial. Discussion continued on the desire to defend the integrity of the Town's SDP process and local responsibility for control of development.

Mr. & Mrs. Bennett asked for Town support of their appeal.

The consensus of the Council was that the Town be party to the Bennett appeal, including any required supplemental filing. The Council did not wish to unilaterally file an appeal.

Attorney Eaton briefed the Council on the direction staff is suggesting regarding drafting revisions to the Shoreline Master Program, specifically view concerns. The Council and staff discussed same. Attorney Eaton noted that the staff needs additional direction. The Council would like to discuss the issue at a future date.

Mayor LaPorte informed the Council that he is considering appointing Ms. Mary Keith to position #5 on the Planning Commission.

Mayor LaPorte informed the Council that KIRO-TV is planning to attend the 7/6/95 noon Council meeting. They are doing a documentary on Mayor LaPorte.

At 11:14 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to approve payment of claims warrants #9609 through 9667 in the amount of \$119,186.46. The motion passed unanimously.

Mayor LaPorte presented draft resolution #1010, authorizing a inter-fund loan from the Current Fund to the Water Expansion Fund in an amount not to exceed \$100,000.00 and draft resolution #1011, authorizing a inter-fund loan from the Capital Reserve Projects Fund to the Sewer Operating Fund in an amount not to exceed \$55,000.00.

Councilmember Wilson moved and Councilmember Boothman seconded to adopt Resolution #1010 and Resolution #1011. The motion passed unanimously.

At 11:15 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - July 6, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Mayor LaPorte asked Fire Chief Rosenfeld to present his report.

Chief Rosenfeld reported that his department responded to 13 fire calls in June, 6 so far in July. Most of the calls have been for wildland fires. Chief Rosenfeld reported on training, mutual aid efforts and increased endeavors toward coordination with other Town departments. He mentioned various compensation aspects in regard to the volunteer status of the fire chief position. He outlined his efforts to minimize time spent on administrative activities. Chief Rosenfeld presented a time diary to the Council that outlined his duties at 2 hour intervals.

Mayor LaPorte complimented Chief Rosenfeld on the enthusiasm he has instilled in the department as evidenced by the department's participation in the 4th of July parade.

Chief Rosenfeld gave a status report on the Town's 1923 Cadillac fire truck and outlined plans to use same in future parades. He also reported on fires started by fireworks over the holiday.

At 12:15 PM, Councilmember Wilson joined the meeting.

Mayor LaPorte thanked Chief Rosenfeld for his report.

Mayor LaPorte asked Maintenance Supervisor Reitan to present his report.

Maintenance Supervisor Reitan reported that Trout Lake Reservoir is 23 " below the spillway. The lake was 163 " below the spillway last year at this time. Maintenance Supervisor Reitan informed the Council of recent mechanical difficulties at the water treatment plant. The plant now seems to be operating nominally and flows are up. In anticipation of increased August flows at the wastewater treatment plant Maintenance Supervisor Reitan, following discussions with Wally Chen, KCM, recommended upgrading a diffuser blower rather than sending it away to be rebuilt. The sludge de-watering press is working well. The solid waste department has taken delivery of the new garbage truck. The operators are very pleased with it so far. The street department will be repairing utility service roadway cuts on Warbass Way. The Sunken Park project is essentially complete. Maintenance Supervisor Reitan noted that he has observed increased utilization of the park.

The Council commented on a leaking water valve on upper Spring Street by the Town maintenance shop. Maintenance Supervisor Reitan stated that the valve will be replaced soon.

The Council discussed various aspects of maintenance operations with Maintenance Supervisor Reitan.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

Mayor LaPorte asked Permit Coordinator Jones to present his report.

At 12:33 PM, Permit Coordinator Jones distributed a summary of and reported on recent planning department activity. Mr. Jones responded to various inquiries from the Council.

Mayor LaPorte thanked Permit Coordinator Jones for his report.

At 12:40 PM, Ms. Ruth Mahan, San Juan County Land Bank Director, and Mr. Dan Selak, Land Bank Commission Chairperson, gave a presentation on the Land Bank.

Ms. Mahan briefed the Council on the history, organization, function, and operation of the Land Bank. She stated that the legislated 12 year funding period for the Land Bank from a 1% real estate transfer tax should bring in a total of approximately 15 million dollars. Ms. Mahan noted that the funds are expended geographically by origin. She explained the establishment of conservation easements and noted that the bulk of Land Bank monies will be expended on same.

Ms. Mahan and Mr. Selak responded to various inquiries from the Council regarding Land Bank acquisition policies and procedures.

At 1:12 PM, Councilmember Lackey left the meeting due to a work commitment.

Mayor LaPorte thanked Ms. Mahan and Mr. Selak for their presentation.

Mayor LaPorte asked Building Official Hodges to present his report.

Building Official Hodges distributed a summary of and reported on recent building department and fire marshal activity. Mr. Hodges responded to various inquiries from the Council.

At Mayor LaPorte's inquiry, Mr. Hodges reported on his research into the feasibility of an owner/builder exemption to the building code.

Councilmember Boothman requested that additional research be done on the issue.

Mayor LaPorte thanked Mr. Hodges for his report.

At 1:28 PM, Mr. Wally Chen, KCM, explained his determination of the need for additional aeration capacity at the wastewater treatment plant. He noted a preliminary plan to upgrade one blower at this time without a concurrent electrical upgrade. He advised against a major hardware or process change during the summer peak period.

Mr. Chen responded to various inquiries from the Council.

Maintenance Supervisor Reitan reiterated that the existing blowers are obsolete and replacement parts are not readily available. He noted that there is an average 6 week repair time for same.

The Council directed Maintenance Supervisor Reitan to solve the immediate problem within the existing budget.

Town Clerk Dubail informed the Council that the Office of Financial Management has determined that the Town of Friday Harbor April 1, 1995 population is 1,810.

Mayor LaPorte informed the Council that he had been notified that the local PTI business office will be closing September 15th.

Treasurer Picinich informed the Council that the new garbage truck has been paid for in full.

Councilmember Dickinson moved and Councilmember Boothman seconded to approve payment of claims warrants #9670 through 9752 in the amount of \$215,524.90 and payroll warrants #4213 through 4276 in the amount of \$91,531.62. The motion passed unanimously.

At 1:47 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - July 6, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Dickinson moved and Councilmember Lackey seconded to approve the minutes of the 6/15/95 7:30 PM meeting as amended. The motion passed unanimously.

Mayor LaPorte opened the Public Hearing to review the Six Year Transportation Improvement Plan for the years 1996 through 2001.

Administrator Fitch explained the particulars of same. He expressed concern regarding GMA concurrency requirements for project funding.

The Council and staff discussed various aspects of the proposed program.

Councilmember Boothman suggested that the issue of a Port outlet road be an agenda item of the next joint Council/Port meeting.

Mayor LaPorte, the Council, and staff discussed adding Warbass Way to the Six Year Transportation Improvement Plan.

At 8:01 PM, Mayor LaPorte opened the hearing for public input.

Jay Westphalen, 405 Harrison Street, asked that a new access road for the Turn Point/Pear Point area be added to the Six Year Transportation Improvement Plan.

Mayor LaPorte noted that same is an agenda item for the joint Council/BOCC meeting scheduled for 7/24/95 at 1:30 PM.

Steven Dubail, 730 Hunt Street, expressed opposition to item #9 of the plan, the extension of Grover Street to Hunt Street.

At 8:07 PM, hearing no further public comment Mayor LaPorte closed the public input portion of the hearing.

At 8:09 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to drop item #8, the reconstruction of B Street, and insert reconstruction of Warbass Way. The motion carried with Councilmembers Dickinson, Lackey, and Wilson voting in the affirmative, Councilmembers Boothman and Robinson voting against.

At 8:10 PM, Mayor LaPorte opened the continued public hearing regarding the Elfving et al request to annex approximately 14.49 acres of land, located between Argyle Road and Mullis Road and southerly of the existing Town limits, into the Town.

Councilmember Dickinson stepped down and left the meeting as she is an adjacent property owner. Councilmember Wilson noted that he has a business arrangement with one of the applicants but did not feel that same would interfere with his decision.

Hearing no objection to his or any Councilmembers participation in the hearing, Mayor LaPorte asked if there was any additional information from the staff.

Permit Coordinator Jones noted distribution to the Council of a copy of San Juan County Conditional Use Permit #14CU88 regarding the Ryan property as previously requested by the Council and distribution of the draft annexation documents.

Attorney Eaton pointed out revisions to the draft documents and explained the intent of same.

Mayor LaPorte, the Council, and staff discussed various aspects of the draft annexation documents, in particular, the period during which the parcels to be annexed may not seek additional water and sewer connections. The consensus of the Council was to specify a 5 year period. The Council and staff also reviewed San Juan County Conditional Use Permit #14CU88 issued to Calvin and Mary Karen Ryan.

At Administrator Fitch's inquiry, Mr. Jones noted that some roads and access easements in the subject area do not meet minimum Town of Friday Harbor standards.

Councilmember Boothman expressed concern regarding buffering between industrial and residential uses. The Council discussed the issue. Councilmember Lackey pointed out the existing alley and trees between the parcels in question.

Attorney Eaton noted that unless any existing buffer is specified as a condition of the annexation it can be removed at will.

The consensus of the Council was to add the provisions of FHMC 17.40.060, (Yard Requirements in a light industrial zone) as a condition.

At 8:46 PM, Councilmember Lackey moved and Councilmember Robinson seconded to adopt Ordinance #981, an ordinance annexing approximately 14.49 acres of contiguous unincorporated territory, lying generally southerly of the Town, between Argyle Avenue and Mullis Road, pursuant to the petition method set forth in RCW 35.13.125; requiring said property to be assessed and taxed at the same rate and basis as property within the Town; amending the Town of Friday Harbor Comprehensive Plan to include the annexed property; directing amendments to the Town Zoning Designation Map; approving a concomitant agreement; and fixing the effective date of annexation, as amended. Following discussion, the motion passed unanimously.

At 8:48 PM, Mayor LaPorte declared a short recess.
The meeting reconvened at 8:55 PM.

Councilmember Dickinson rejoined the meeting.

Mayor LaPorte opened the meeting for Council discussion of a proposed business and occupation (B&O) tax within the Town of Friday Harbor.

Councilmember Lackey spoke of his desire to find additional revenues for the Arterial Street Fund.

Councilmember Boothman, noting anticipated major capital expenditures, felt a B&O tax would be a good way for the Town to help raise needed revenue.

Mayor LaPorte, the Council, and staff discussed various aspects of the issue. The desire for a separate postal zip code for the Town was reiterated.

Cathy Cavanagh, local Board of Realtors, noted that the proposed tax is on gross not net income. She spoke against the tax and offered to work with the Town to find alternative revenue solutions.

Steve Demerest, Chamber of Commerce President, asked the Council to proceed slowly and also to consider forming a task force with the business community to work on the issue. He noted that gross receipts have very little to do with actual profits. He offered

to help form a committee to find solutions. Mr. Demerest invited Councilmember Lackey to attend a Chamber of Commerce meeting.

Following the public input and additional discussion, the Council directed staff to not expend further effort on the issue.

At 9:22 PM, Mayor LaPorte opened the public meeting to discuss the draft Final 1995 Sewer Plan.

Administrator Fitch explained the particulars of same. He asked the Council to continue the meeting to Wednesday July 12th for Council deliberations. He pointed out that the document needs to be adopted at the 7/20/95 Council meeting so that the adopted document can be forwarded to DOE by 7/31/95 to comply with the terms of a compliance order from DOE. Administrator Fitch briefly summarized the financial ramifications of the draft plan.

The Council expressed dismay at the projected financial impacts and agreed to continue the meeting to Wednesday July 12th.

At 9:38 PM, Mayor LaPorte introduced draft resolution #1012, a resolution to authorize conditional private use of a portion of Spring Street by the San Juan Island Goodtime Classic Jazz Association from 6:00 PM Thursday July 27th to 6:30 PM Sunday July 30th, 1995.

Natalie Kneipp, Jazz Association, explained the particulars of the request.

Councilmember Lackey moved and Councilmember Robinson seconded to adopt Resolution #1012.

Following discussion, the motion passed unanimously.

Mayor LaPorte, the Council, and staff discussed the 1/10 of 1% sale tax increase for law and justice activity proposed by San Juan County as communicated in San Juan County Auditor Stephen's letter to Mayor LaPorte of 6/28/95.

Treasurer Picinich explained the particulars of the proposed County legislation.

Mayor LaPorte, the Council, and staff discussed whether to express support for the proposed legislation and, within the uses prescribed by law, to what use the Town would allocate the Town's portion of the anticipated revenue. The consensus of the Council was to remain neutral as to expressing a position on the proposed legislation. Treasurer Picinich will research and report on what uses are allowed.

At 9:53 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to confirm Mayor LaPorte's appointment of Ms. Mary Keith to Planning Commission position #5. The motion passed unanimously with Councilmember Boothman abstaining.

Mayor LaPorte informed the Council that David Kinderfather had completed his term of office for Planning Commission position #6 and did not wish to be reappointed. Mayor LaPorte asked the Council to communicate their individual suggestions regarding suitable candidates for his consideration within two weeks.

Administrator Fitch reported that a Ms. Patty Dawes has filed suit against the Town in regard to a fall she sustained in 1992.

Administrator Fitch reported receipt of a letter on June 22, 1995 from the Port of Friday Harbor regarding potentially hazardous situations caused by bicycle, skate board, and roller blade riders on public walkways.

Mayor LaPorte, the Council, and staff discussed same. The lack of resources to enforce existing laws was noted.

Administrator Fitch reported receipt of a proposal from Green Mountain Technologies regarding a containerized sludge compost system for the Town. The Council discussed same and expressed interest in receiving further information.

Administrator Fitch reported receipt of the Federal 503 sludge regulations handbook.

Administrator Fitch reported receipt of a memo from Attorney Eaton clarifying the rules regarding receipt of gifts by municipal elected officials, officers, and employees.

Administrator Fitch reported the fine for misuse of a handicapped designated parking stall has increased from \$50.00 to 175.00 per state law. The Council expressed support for stringent enforcement of same. Councilmember Robinson suggested posting the fine amount prominently at each designated stall.

Administrator Fitch reported receipt of a letter from Ms. Rynnie Wilson regarding San Juan Organics sludge/biosolids utilization permit. Staff will respond.

Administrator Fitch asked the Council to consider formulating a policy regarding the implementation and ramifications of State Initiative 164.

Councilmember Lackey reported on his attendance at a workshop on same at the recent AWC conference.

Mayor LaPorte, Council, and staff discussed the matter. Councilmember Lackey will provide further research on the issue.

At 10:41 PM, Mayor LaPorte declared the meeting adjourned and continued to 7/12/95 at 7:30 PM for a work session on the draft sewer plan.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - July 12, 1995 @ 7:30 PM

The Town Council met in continued regular session.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson

Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Mayor LaPorte had notified his office that he would not be attending the meeting due to illness.

Councilmember Lackey moved and Councilmember Boothman seconded to appoint Councilmember Dickinson Mayor Pro tem. The motion passed unanimously.

At Mayor Pro tem Dickinson's request, Administrator Fitch opened the discussion in regard to the Council's disposition as to the process to proceed with wastewater issues as set forth in the June 1995 draft Final General Sewer Plan and Wastewater Facilities Engineering Report. He briefly reviewed the three main wastewater issues; the collection, treatment, and solids handling systems. Administrator Fitch summarized the projected financial impacts and the timetable for capital improvements as set forth in the draft plan. He noted that solids handling is becoming a critical issue, particularly in light of recent action by neighbors unhappy with San Juan Organics biosolids utilization operation. He briefly outlined various wastewater policy alternatives and noted the continuing demand for sanitary sewer services as development continues.

The Council and staff discussed biosolids handling and utilization alternatives.

Maintenance Supervisor Reitan commented on the advisability of purchasing equipment to produce Class A biosolids. He felt that the sludge dewatering process in conjunction with sludge composting may prove to be a financially as well as environmentally viable solution.

Discussion continued on biosolids handling practices such as lime stabilization or composting, both in conjunction with dewatering. The general consensus of the Council was that Town controlled composting was a desirable option.

The Council and staff discussed the proposed wastewater facilities improvement schedule, allocation of impact costs and commensurate rate increase responsibility. The impacts of the different types of users, such as restaurants, were considered. Administrator Fitch pointed out the difficulty with trying to keep track of a continually changing type of user base. The impact of septic hauler dumping during peak plant load periods was noted. It was suggested that the fees for same be reviewed and be made commensurate with the cost of providing the service. Subsidizing sewer rates with property tax revenues was mentioned. Administrator Fitch noted increased Town involvement and associated expenditures on parks, street trees, benches, etc. The projected sewer rate impacts on single family residential and "affordable" housing was mentioned. The logic of the requirement to build additional treatment capacity to

accommodate infrequent events where treatment system capacity is exceeded was discussed.

Councilmember Boothman requested a cost analysis of implementation of the Green Mountain Technologies composting proposal. He suggested consideration of revenue increases only to the extent required by the initial recommended projects.

Administrator Fitch noted that a formal sewer rate analysis had not been done. The Council will need to provide direction as to rate allocation philosophy. Administrator Fitch reminded the Council that a composting option will entail land use discussions.

Councilmember Dickinson spoke of the desirability and marketability of the composting end product.

At Administrator Fitch's inquiry, the Council indicated they did not wish to schedule additional public hearings on the sewer plan at this time. The Council indicated that the main alternatives they initially wished to pursue were; solids handling with dewatering and composting, additional aeration, and bypassing the submarine main line.

The Council and staff discussed having a staff engineer or acquiring the services of a different engineering firm. Maintenance Supervisor Reitan stressed that the maintenance department needs engineering assistance in a timely manner during system malfunction situations.

At Administrator Fitch's inquiry, the Council indicated they supported the draft sewer plan in principal but the phasing and scope of the projects and the economic impacts may need further consideration. They would like to consider a resolution to adopt the June 1995 draft Final General Sewer Plan and Wastewater Facilities Engineering Report at their 7/20/95 meeting.

At 9:40 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Edith V. Dickinson, Mayor Pro tem
Steven Dubail, Town Clerk

Town Council - July 20, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Boothman moved and Councilmember Lackey seconded to accept the minutes of the July 6, 1995 at 12:00 PM, July 6, 1995 at 7:30 PM and, July 12, 1995 at 7:30 PM Council meetings as amended. The motion passed unanimously.

As a non-agenda item, Christina Dahl-Sesby, Christina's Carriage Company, asked the Council to consider revision of the Friday Harbor Municipal Code to allow operation of her horse drawn carriage business.

The Council, staff, and applicant discussed the issue. Discussion will continue after scheduled business.

Mark McClintock, Planning Commission Chairperson, asked the Council for permission to expend additional monies from the Planning Commission budget for consulting services regarding Urban Growth Area issues.

Councilmember Boothman referred to the 7/20/95 memo from the Joint Planning Policies Work Group and explained the specific goals of the request. He stated that, at this time, the desire is to obtain planning consulting services from Cathy Corliss, recent GMA planner with San Juan County .

The Council indicated agreement with the proposed expenditures.

At 7:50 PM, Mayor LaPorte opened the public hearing to consider the proposal by Jack & Julie Wilbur to short plat a parcel of land into 3 lots, and instructed the meeting in the procedure that would be followed.

Councilmember Wilson noted that his two brothers own property across the street from the area under consideration.

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

Mr. Jones referred to the staff report dated 7/11/95 and summarized same. He reported that the Planning Commission had voted unanimously to approve the short plat request as conditioned by the Planning Commission and the staff report.

The Council and staff discussed the required cul-de-sac at the end of the access easement to the proposed lots. It was pointed out that the applicant must obtain an agreement for the cul-de-sac with the adjacent property owner.

The applicant did not wish to make a presentation.

Mayor LaPorte opened the hearing for public input.

There were no comments from the audience.

At Councilmember Lackey's inquiry, it was noted that under the current FHMC sidewalks are not required.

At 7:58 PM, Mayor LaPorte 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.

The Council and staff discussed sidewalks and access concerns.

At 8:03 PM, Councilmember Boothman moved and Councilmember Lackey seconded to accept Short Plat Application #39 and the staff report and asked the staff to prepare findings of fact and conclusions of law. The motion passed unanimously.

As the next business was scheduled to come before the Council at 8:10 PM, Mayor LaPorte, the Council, and Christina Dahl-Sesby, Christina's Carriage Company, continued discussion of revision of the FHMC to allow her to transact business within the public right-of-way with her horse drawn carriage. The Council noted previous discussions with the current for-hire conveyance operators.

Ms. Dahl-Sesby noted that she does not intend to meet the ferries or operate so that her horse must pull the carriage up the hill on Spring Street from the Circle Park to the Front Street intersection.

Mayor LaPorte, the Council, and the applicant discussed various aspects of the proposed operation. Councilmember Dickinson spoke of the difficulty of travel and parking on Argyle Avenue during special events at the fair grounds. Councilmember Robinson suggested that the applicant provide a route plan. The Council requested that the applicant present same to the Town Administrator for consideration by the Council.

At 8:20 PM, Mayor LaPorte opened the public hearing on the Port of Friday Harbor proposal to construct a 20' X 184' concrete floating breakwater to replace the existing wooden breakwater for commercial uses at the Spring Street Landing. The applicant intends to replace the 24' X 40' sheet metal building with a 24' X 48' wood sided building with a higher roof line. Uses of the building would remain the same. Mayor LaPorte instructed the meeting in the procedure that would be followed.

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

Receipt of a letter from Tom and Linda Hemphill, Emerald Seas Diving Service, was noted. Attorney Eaton cautioned against allowing said letter as input as Mr. Hemphill is a Planning Commissioner.

The Council and staff discussed the situation. The Council choose to not include the letter as input and to disregard same in their deliberations.

Mr. Jones referred to the staff report dated 7/12/95 and summarized same. He reported that it is the recommendation of the Planning Commission and staff to approve the breakwater with conditions and to approve the building without the cupola. The building not to exceed 25' at the ridge line as calculated from the elevation of ordinary high water.

Steve Simpson, Port Director, gave an overview of the history of Port acquisition of the subject property. He spoke of the necessity for the floating concrete breakwater and

replacement of the building on the recently repaired pier. Mr. Simpson submitted a historic photograph of the town waterfront which showed buildings over the water in the subject area. Said photograph was identified as Exhibit "E".

The Council and the applicant discussed the proposed structure.

At 8:40 PM, Mayor LaPorte opened the hearing for public comment.

Roger Bennett, Western Natural Foods, Inc., 1 Spring Street, expressed opposition to portions of the application, in particular, the proposed floating breakwater and the proposed larger building. He felt that the breakwater would funnel storm wave action into his portion of the waterfront. He also expressed the opinion that the Council should work to preserve views of the water from Spring Street. Mr. Bennett asked the Council to again review Exhibit E to illustrate his point.

Mr. Jones noted that the applicant only requires a variance under the Friday Harbor Municipal Code (FHMC) not under the Friday Harbor Shoreline Master Program (FHSMP). He informed the Council that the Planning Commission considered the application under the FHMC. He noted that the revision of the staff report for the Council contains the variance provisions from the FHSMP in error and said provisions should be disregarded for this issue.

Attorney Eaton pointed out that the 27' building height limit is in Section 17.44 General Requirements of the FHMC. He also pointed out that over-water locations are not in any specific zoning district.

Councilmember Wilson and Attorney Eaton discussed issues pertinent to a new rather than replacement over-water structure. Attorney Eaton will research same.

Mr. Bennett reminded the Council that the FHSMP states that there shall be no new marina development within one-half mile of the sewer outfall. He estimated that the subject location is approximately one-quarter mile from the sewer outfall.

Port Director Simpson noted that the Port is not asking for a change of use. He said the new building was designed different from the old build for aesthetic reasons. The Port may request a change of use or additional uses at a future date.

The Council and Mr. Simpson discussed current allowed and potential future uses and whether the new building would be placed in the same general location as the old structure.

Attorney Eaton noted that he cannot find a provision in the FHSMP that prohibits a building over the water. The uses of such a building are regulated.

At 9:12 PM, hearing no further public comment, Mayor LaPorte 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. The Mayor then opened the hearing for Council deliberation.

Administrator Fitch pointed out that the applicant has the right to replace the building in the exact previous configuration without a permit. What the Port is asking for is a slightly larger building, in a slightly different location on the reconstructed pier. The Port may well ask in the future to expand the allowed uses.

The Council discussed with staff what additional information they would like. The Council would like to see a graphic layout of the building footprint on the pier, elevation drawings of same with dimensions, and a graphic representation of the building as viewed from the shore.

Attorney Eaton cited FHMC, 19.04.030 - General applicability - Regulation #3, and 19.04.390 2D Marinas.

At 9:25 PM, Mayor LaPorte reopened the hearing for public input and continued the hearing to 8/03/95 at 7:45 PM for additional input and Council deliberation.

At 9:26 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:33 PM.

Mayor LaPorte introduced draft resolution #1009, a resolution providing for a Six Year Transportation Improvement Program for the years 1996 through 2001.

Councilmember Robinson moved and Councilmember Dickinson seconded to adopt Resolution #1009. Following discussion, the motion passed unanimously.

Mayor LaPorte introduced draft resolution #1013, a resolution authorizing the Mayor to adopt the General Sewer Plan and Wastewater Facilities Engineering Report dated June 1995.

Administrator Fitch explained the particulars of same.

Mayor LaPorte and the Council discussed various aspects of the issue. The difficulty of funding mandated capital improvements was stressed. Administrator Fitch provided a bar chart from the Plan illustrating the current excess plant capacity and the infrequent periods when discharge permit levels are exceeded. The impacts during peak plant loading periods of septage originating outside of Town were discussed. Discussion continued as to short and long term implementation of the plan and the ramifications of same.

At 10:01 PM, Councilmember Boothman moved and Councilmember Lackey seconded to adopt Resolution #1013. The motion passed with Councilmembers Boothman, Dickinson, Lackey, and Robinson in favor and Councilmember Wilson opposed.

The Council and staff discussed State Initiative #164. Attorney Eaton suggested that the Town consider drafting an ordinance outlining Town policies and procedures

regarding I-164. He noted that he is continuing to collect information on the implementation of same.

The Council and staff recounted various information they have received regarding I-164. Councilmember Lackey and Administrator Fitch referred to Councilmember Lackey's memo to Council and staff received 7/18/95 regarding I-164. Discussion continued on implementation, public cost, and public response.

At 10:20 PM, Administrator Fitch reported the availability of an upcoming AWC Budget workshop, that cassettes were available of workshops at the recent AWC Annual Conference, and that the annual Town audit by the State Auditors Department is progressing well.

Administrator Fitch introduced draft resolution #1014, a resolution authorizing the Mayor to execute Change Order #3 on the contract with Friberg Construction for the construction of Phase II improvements to the water treatment plant in the amount of Three thousand nine hundred ninety-nine and 13/100's dollars (\$3,999.13) which excludes State sales tax. He also asked the Council to consider accepting by motion that the contractor has achieved "substantial completion" on the water treatment plant Phase II improvements.

At 10:27 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adopt Resolution #1014. The motion passed unanimously.

Councilmember Boothman moved and Councilmember Lackey seconded that the contractor has achieved "substantial completion" on the water treatment plant Phase II improvements. The motion passed unanimously.

Mayor LaPorte reported that federal funding for the proposed Marine Sanctuary in Puget Sound is being made contingent on approval by all the counties affected.

At 10:32 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of warrants #9754 through 9797 in the amount of \$30,604.56. The motion passed unanimously.

At 10:33 PM, Mayor LaPorte stated that the Council would go into executive session for not more than 15 minutes regarding pending litigation.

At 10:40 PM, Councilmember Lackey moved and Councilmember Boothman seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:41 PM, Mayor LaPorte declared the meeting adjourned and continued to July 24, 1995 @ 1:30 PM for a joint meeting with the San Juan County Board of Commissioners.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - July 24, 1995 @ 1:30 PM

The Town Council met in continued regular session for a joint meeting with the San Juan County Board of Commissioners (BOCC), Mayor LaPorte presiding.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson

BOCC present: John Evans, Rhea Miller, & Tom Starr

Others present: Town Administrator Fitch, Treasurer Picinich, Laura Arnold, SJC Planning Director, Darcie Nielsen, San Juan County GMA Planner, Manfred Rose, SJC E 2D911 Coordinator, Guard Sundstrom, SJC Public Works, and Richard Butler, Town of Friday Harbor Planning Consultant

BOCC Chairperson Evans called the meeting of the Commissioners to order.

Mayor LaPorte introduced the first agenda item; discussion regarding traffic circulation issues in the Warbass Way/Turn Point Road area, and remarked that he had hoped it would be an item on the County's 6 Year Transportation Improvement Plan for this year.

Commissioner Starr stated that a by-pass road in the county deserves to be on the 6 Year TIP and the Commissioners will consider adding same when a route is determined.

Mayor LaPorte expressed the desire that the issue not be forgotten as the impacted Town streets, Harrison Street and Warbass Way, receive a significant amount of use by county residents from the Turn Point/Pear Point area.

Commissioner Evans said that the County is looking for suggestions from the Town as to solutions for the problem.

Administrator Fitch pointed out that the route for the bypass road would be in the county and remarked on three previously suggested routes and the displayed associated aerial photographs.

Commissioner Starr requested that the Town designate a preferred entry point for a bypass road and communicate same to the County as soon as possible. He stated that he would work diligently with San Juan County Public Works on a preliminary feasibility and design study.

Commissioner Miller noted that the GMA land use designation of land in the Turn Point/Pear Point area may dictate some design standards.

At 1:40 PM, Councilmember Wilson joined the meeting.

Mayor LaPorte introduced the next topic for discussion; E911 addressing costs.

At Mayor LaPorte's inquiry, Town Clerk Dubail, the Town's representative to the E-911 Advisory Committee, noted that the Town had not been called upon to participate in E-911 planning since the County adopted the recommended implementation plan. He remarked that there are approximately 1,000 parcels in Town, all of which would need to be readdressed under the adopted plan if the Town wished to have an address system consistent with the County's.

Commissioner Starr introduced Manfred Rose, SJC E 2D911 Coordinator.

Mr. Rose spoke of the County's financing plan for implementation and augmentation of same with State funds. He stated that he has received verbal approval from the State for the SJC E-911 addressing plan. He spoke of the desire to have coordinated Town and County addresses.

Councilmember Boothman inquired if individuals and businesses will be reimbursed for their readdressing costs.

Mr. Rose stated that he is not aware of any provision for reimbursement at this time. He noted that the Post Office will honor old addresses for up to two years.

At Councilmember Wilson's inquiry, Mr. Rose, Commissioner Miller, and Town Clerk Dubail spoke of the need for and efforts toward developing a consistent, unambiguous county-wide addressing scheme.

At 1:55 PM, Mayor LaPorte introduced the next agenda item; discussion regarding affordable housing.

Councilmember Boothman pointed out that the Town has a substantial quantity of affordable housing. The Town would like assurance from the County that the County will make provision to site future affordable housing primarily at sites outside of Town.

Councilmember Robinson spoke of the impact of affordable housing on Town services and infrastructure.

Mayor LaPorte inquired as to whether the new San Juan County Comprehensive Plan makes provision for siting affordable housing.

Laura Arnold, SJC Planning Director, responded that both the Eastsound Subarea Plan and the Lopez Village Plan address siting affordable housing.

Councilmember Wilson asked if the plan makes provision to site future affordable housing primarily at sites outside of Town in regard to San Juan Island.

Darcie Nielsen, San Juan County GMA Planner, commented that a Roche Harbor village is contemplated in the new plan. She noted that affordable housing projects typically require urban level services.

Administrator Fitch remarked that the Town has received 4 affordable housing project requests so far this year for a total of approximately 100 new living units. There are currently 262 affordable housing living units in Town. The new requests are contingent on the availability of government funding.

The Council and staff discussed the need and requirements for affordable housing on San Juan Island. The Commissioners, Council, and respective staffs discussed the allocation by location, both in and out of Town, and by island, of same.

Councilmember Wilson reiterated the impacts on Town services.

Discussion continued on the infrastructure needed to accommodate increased densities typical of affordable housing development.

Councilmember Wilson pointed out the ongoing reduction of the Town property tax base due to conversion of property to tax exempt ownership and development by government entities.

Mayor LaPorte introduced the next agenda item; discussion regarding Urban Growth Area (UGA) management.

Councilmember Boothman summarized preliminary discussions regarding Town/San Juan County Joint Planning Policies. Many impacts on the Town are not and should not be considered as just Town problems but District #1 problems. The Town and San Juan County need to start a dialog as to how to plan for and resolve these issues.

Commissioner Starr asked the Town to prepare a list of specific impacts for consideration by the District #1 GMA Citizens Advisory Committee. He requested same specifically in the areas of commercial and industrial development, affordable housing, and transportation. Mr. Starr suggested joint discussions directed toward County financial participation in Town infrastructure development and maintenance.

Councilmember Boothman commented on ferry impacts and the need for possible consideration of alternate ferry terminal sites.

Councilmember Dickinson remarked that Friday Harbor may not be able to accommodate all the ferry traffic 5 years from now.

Commissioner Miller concurred that the ferry situation is a County problem not just a Town problem. She conveyed that DOT has stated that ferry facilities will have to evolve before capacity is increased. Commissioner Miller noted that as all county residents use Friday Harbor as the county seat, cost sharing formulas can be worked out.

Commissioner Evans pointed out that the UGA is the Town/County interface and suggested that development in the UGA be dealt with differently, perhaps utilizing Town of Friday Harbor development regulations. He also suggested that perhaps a "hard edge" urban to rural UGA concept should be explored.

At 2:36 PM, Councilmember Lackey left the meeting due to a work commitment.

Richard Butler stated that the Town decision on the preferred UGA alternative will be reached within 30 to 45 days.

Councilmember Boothman reiterated that the Town does not want to be ringed with uses incompatible with residential development.

The Council and the BOCC discussed various aspects of UGA management including policies, procedures, working groups, and resource sharing.

Councilmember Robinson reiterated the need to specifically determine and evaluate county resident and visitor impacts on the Town.

Mayor LaPorte and Councilmember Wilson spoke of exceeding system capacities. Discussion followed regarding ferry terminal impacts on the Town. Ms. Nielsen felt that analysis of same should be a District #1 rather than Town of Friday Harbor or San Juan County project. The BOCC, Council, and respective staffs discussed same.

Commissioner Starr volunteered that San Juan County Public Works Department would be available to provide traffic impact analysis of county resident and visitor impacts on Town streets. He suggested that the Town had similar expertise in analysis of impacts to the Town's water and sewer systems.

At Administrator Fitch's request, Ms. Nielsen presented a summary of the District #1 draft Alternative #4 land use map. Discussion continued regarding providing for a "green belt" around the Town UGA.

Jim Slocumb, Town Planning Commissioner, asked that direction be given to the Joint Planning Policy Group.

Councilmember Boothman suggested specific issues for consideration, including shared resources.

Councilmember Wilson commented on the double charge to Town residents for many County services such as police protection.

Ms. Nielsen spoke of the need for a joint group and strategy for growth planning.

The BOCC, Council, and respective staffs discussed the composition and authorization for the Joint Planning Policy Group.

Commissioner Miller suggested that there be a BOCC liaison to the group. Commissioner Starr volunteered to be same.

The BOCC and the Council agreed to consider avenues to share resources. Commissioner Evans spoke of the need to have mutual respect for the Town and the County's mandated responsibilities.

Ms. Nielsen remarked and Administrator Fitch reiterated that the Joint Planning Policies would need to become part of the Town and the County's respective comprehensive plans.

It was decided that the Joint Planning Policy Group would consist of Commissioner Starr, Councilmember Boothman, Administrator Fitch, Planning Commissioner Slocomb, Planning Director Laura Arnold, County GMA Planner, Darcie Nielsen, and staff as necessary.

At 3:30 PM, Councilmember Boothman moved and Councilmember Dickinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - August 3, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch

Mayor LaPorte asked Fire Chief Rosenfeld to present his report.

Chief Rosenfeld introduced Fire Department Secretary Nancy Altman. He reported on Fire Department personnel status and training activity. Chief Rosenfeld informed the Council that the department had responded to 19 incidents in July. The pancake breakfast held at the fire hall during the Jazz Festival was a success. Fire District #3 personnel participated in same. Chief Rosenfeld told the Council that the estimated cost for the hoped for new ladder truck was rising and he may be requesting an increase in the capital reserve fund for the down payment.

At Councilmember Boothman's inquiry, Chief Rosenfeld and the Council discussed the status of the Town's 1923 Cadillac fire truck. The Fire Chief will provide a specification sheet with a picture of the truck to the Council.

At Administrator Fitch's inquiry, Chief Rosenfeld informed the Council that a Hepatitis B workshop for all Town employees has been scheduled for August 22nd. Chief Rosenfeld and the Council discussed the requirement and cost of same.

Mayor LaPorte thanked Chief Rosenfeld for his report.

At 12:17 PM, Maintenance Supervisor Reitan remarked on his experience with Hepatitis B. He reported that Trout Lake reservoir is 36 inches below the spillway, it was 177 inches below the spillway last year at this time. Maintenance Supervisor Reitan noted that the water plant produced approximately 14 million gallons in July of 1994, 22 million gallons in July of 1995.

Maintenance Supervisor Reitan reported on equipment maintenance activities at the water treatment plant. He informed the Council that KCM is working to complete the required chlorine contact time study by next week. Lacking same the plant is technically not in compliance at this time. Maintenance Supervisor Reitan noted efforts toward better communication and cooperation with the fire department.

Maintenance Supervisor Reitan reported on equipment maintenance activities and improved equipment utilization at the waste water treatment plant. He informed the Council that he is investigating alternative containerized composting systems. The new solid waste retrieval truck is functioning well.

Maintenance Supervisor Reitan reported on maintenance activities in the Town parks. Maintenance Supervisor Reitan informed the Council of increased personnel time requirements due to irrigation of Town street trees and hanging baskets.

At Councilmember Robinson's inquiry, Maintenance Supervisor Reitan indicated that he felt the water pressure situation in the municipal water system had stabilized.

Councilmember Robinson and Maintenance Supervisor Reitan discussed current Town sludge composting locations and procedures.

Councilmember Wilson and Maintenance Supervisor Reitan discussed whether a local service group may be interested in assisting with hanging basket and street tree maintenance. Maintenance Supervisor Reitan and Administrator Fitch recounted previous unfavorable results with volunteer efforts in that regard.

At 12:39 PM, Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

Permit Coordinator Warren Jones distributed a summary of Planning Department activity and gave the Council an overview of same.

Councilmember Boothman remarked on the recent distribution of the Town of Friday Harbor Draft Comprehensive Plan/EIS and the efforts of the Planning Commission and staff toward development of same.

Mayor LaPorte thanked Mr. Jones for his report.

At 12:42 PM, Ms. Mary Blevins, Interim Director and Business Manager of the Whale Museum, gave a presentation regarding Museum activity and asked the Council to consider contributing financial support for an oil spill education exhibition.

The Council referred to a 7/1995 memo from Treasurer Picinich regarding Town financial support of same. Councilmember Dickinson noted that Hotel/Motel Tax revenues are committed to specific uses at this time. Councilmember Robinson suggested earmarking a portion of future Hotel/Motel Tax revenues for discretionary use.

Ms. Blevins suggested that the Town may wish to provide a service rather than cash such as bicycle parking, a street refuse container, or additional sidewalks to benefit the Whale Museum.

Councilmember Boothman pointed out that the Whale Museum was asking the Town to use public monies to support a private function. The question is; is supporting a private organization the best use of public funds?

Councilmembers Lackey and Wilson would like clarification from the Treasurer as to the existence of statutory authority for same.

At Administrator Fitch's inquiry, Ms. Blevins indicated she will consider researching statutory authorization for municipal funding of the Whale Museum exhibition.

The Mayor and Council briefly discussed the possibility of providing some alternative service.

Administrator Fitch noted that First Street is in need of reconstruction and the street elevations may well change.

Mayor LaPorte thanked Ms. Blevins for her presentation.

At 12:56 PM, Mr. Jim Sackett, representing the Sustainable Technology Center on Mullis Street, made a presentation to request that the Council waive the municipal sewer connection requirement for the Sustainable Technology Center. He stated that the planned on-site sewage treatment system would be the first of its kind in the United States, comparable systems are in operation in Canada. Mr. Sackett stated that the planned system had weeks of on-site redundancy, if the primary system should fail. He noted that the point of the request is to prove the concept of a viable alternative technology.

At Councilmember Boothman's inquiry, Mr. Sackett pointed out that the Town's sewer connection fee is a significant cost and that the project developers have a considerable investment in the on-site systems. In response to Council inquiries, he explained the particulars of the systems.

Councilmember Lackey pointed out the need for formal exemption from the provisions of the Friday Harbor Municipal Code to allow waiving the municipal sewer connection requirement for the Sustainable Technology Center.

Councilmember Boothman referred to the minutes of the 11/03/94 12:00 PM Council meeting in which the developers assured the Council that they intended to meet all applicable codes.

Mayor LaPorte, the Council, and Mr. Sackett discussed the intent and wording of the applicable section of the FHMC, state requirements, and various operational aspects of the system.

At Councilmember Dickinson's inquiry, Mr. Sackett stated that the San Juan County Public Health Department will be providing ongoing monitoring and regulatory compliance assurance.

Administrator Fitch noted that the premises will generate **sewage**. The Council and staff discussed the **sewer** rate and connection fee philosophy. The Council and Mr. Sackett further discussed various aspects of the request.

Councilmember Dickinson expressed interest in the Town developing an appropriate **sewer** connection exemption ordinance providing that suitable safeguards are specified.

Administrator Fitch pointed out that, in accordance with the applicant's wishes, the Council had previously decided that this type of development would be required to meet all applicable regulations.

Following discussion as to whether to develop an exemption ordinance, the Council requested that staff draft same. The Council will further consider Mr. Sackett's request when appropriate legislation is enacted.

Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #9800 through 9868 in the amount of \$80,476.50 and payroll warrants #4279 through 4315 in the amount of \$88,595.12. The motion passed unanimously.

At 1:43 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - August 3, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Attorney Eaton

Councilmember Lackey moved and Councilmember Boothman seconded to approve the minutes of the July 20, 1995 7:30 PM and July 24, 1995 1:30 PM meetings as submitted.

Mayor LaPorte noted that Planning Commissioner Cindy Mullis and Planning Commissioner Jim Slocomb have both moved out of Town. Two positions will be

available on the Planning Commission. He asked the Council to provide him with a list of suggested replacements for the open positions.

Mayor LaPorte nominated Mr. Craig Alvarado for Planning Commission position #6 recently vacated by Dave Kinderfather. He asked the Council to consider confirmation of Mr. Alvarado at their 8/17/95 meeting.

Mayor LaPorte introduced draft resolution #1018, a resolution authorizing the Mayor to execute the Second Amendment to Agreement for Hauling, Storage, and Utilization of Biosolids with San Juan Organics, Inc.

Administrator Fitch explained the particulars of same and referred to the 7/28/95 memo from Town Attorney Eaton. He noted that Mr. Brown, San Juan Organics, has executed said amendment.

Following discussion, Councilmember Robinson moved and Councilmember Lackey seconded to adopt Resolution #1018. The motion passed unanimously.

At 7:40 PM, Administrator Fitch introduced draft resolutions #1015, a resolution authorizing an interfund loan from the 001 Current Expense Fund to the 410 Water Expansion Fund in an amount not to exceed \$65,000, resolution #1016 authorizing an interfund loan from the 001 Current Expense Fund to the 201 Fire/Refuse Bond Redemption Fund in an amount not to exceed \$12,000, and #1017, authorizing an interfund loan from the 001 Current Expense Fund to the 130 Landfill Closure Fund in an amount not to exceed \$5,000. Administrator Fitch explained the particulars of each.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolutions #1015, 1016, and 1017. The motion passed unanimously.

Administrator Fitch informed the Council of receipt of a petition with approximately 84 signatures regarding health concerns with Friday's Crab House at Friday's Marketplace. He distributed a copy of the first page of the petition to the Council. He noted that San Juan County Health Department, under their annual contract with the Town, is investigating the allegations and will report to him the first of the week.

Mayor LaPorte, the Council, and staff discussed the matter.

Mayor LaPorte directed that a copy of said report be made available to the individual who transmitted said petition to Town Hall.

At 7:48 PM, Mayor LaPorte opened the continued Public Hearing on the Port of Friday Harbor proposal to construct a 20' X 184' concrete floating breakwater to replace the existing wooden breakwater for commercial uses at the Spring Street Landing. The applicant intends to replace the 24' X 40' sheet metal building with a 24' X 48' wood sided building with a higher roof line. Uses of the building would remain the same. The applicant also intends to underground existing utilities on the site.

Before continuing with the hearing, Mayor LaPorte allowed Port Director Steve Simpson to address the meeting.

Mr. Simpson requested that the Council continue the hearing to 8/17/95 at 7:45 PM.

The Council concurred with the request.

The Council reviewed the 7/26/95 revision of the draft Town Information Management Plan.

Mr. Jim Slocomb, Island CartoTechnical, consultant for the plan, pointed out the revisions, including making provision for electronic messaging between elected officials, as requested by same. Mr. Slocomb commented on open public meeting requirements and the increased level of complexity and commensurate increase of staff time required to administer the messaging. Other revisions regard increasing training priority and the order of priority of the implementation schedule.

Discussion continued on departmental input, operating systems, and software. Councilmembers Boothman and Lackey suggested additional software and operating systems of interest.

Mr. Slocomb noted that the requested provisions for dial-up access will necessitate increasing the staffing requirement to at least a half-time position. The Council and Mr. Slocomb discussed various aspects of same.

At Councilmember Lackey's inquiry, Administrator Fitch noted that the next step in the adoption process is a final sign-off by the department heads followed by adoption by Council resolution. He pointed out that the department heads have been involved in development of the plan since its inception.

It was reiterated that the goal of the plan is to help the Town perform its mission in a efficient manner.

The Council expressed support for adopting the plan in the near future.

Administrator Fitch informed the Council that Brenda Erickson, Utilities Clerk, had submitted her resignation. Her last day in the office would be 8/4/95.

Administrator Fitch noted receipt of a communication from a citizen upset about the recently installed Island Sounder newspaper delivery tubes. Following discussion, the Council declined to consider further action.

Administrator Fitch informed the Council that a labor lien had been filed in regard to Phase II improvements at the water treatment plant.

Administrator Fitch noted receipt of a letter from Steve Demerest asking if the Town is still interested in exploring the feasibility of installing public restrooms in the soon to be

vacated space under Friday's B&B (the Elite Hotel building) at First Street and West Street.

Following discussion, the Council indicated they would like the staff to look into the idea.

Administrator Fitch noted receipt of a letter from Claudia Mills regarding the build up of trash along Sutton Road.

Councilmember Wilson suggested it would be an excellent project for the San Juan County community service crew.

Mayor LaPorte, the Council, and staff discussed the issue and felt it was a County problem.

Administrator Fitch announced that Nancy Larsen, author of the Historical/Cultural element in the draft Comprehensive Plan, has been selected to be one of thirty participants in a "Your Town" seminar at the University of Oregon at Eugene. As she will be representing the Town, the Town will cover her travel expenses.

Administrator Fitch reported that the Town is a participant in a county-wide coalition that was recently awarded a \$250,000 watershed planning grant. The grant application was paid for by the local Soil Conservation Service (SCS).

Administrator Fitch informed the Council that he would be attending a meeting tomorrow regarding the proposed 15 million gallon water reservoir project with the Lawson family.

The Council and staff discussed various aspects of the proposed project.

Administrator Fitch referred to a 7/31/95 letter from County Commissioner Tom Starr regarding sludge drying operations at the transfer station. The Council and staff discussed same.

Administrator Fitch informed the Council that he will be out of the office on Thursday and Friday of next week.

At 8:40 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 8:45 PM.

Mayor LaPorte opened the public hearing on the proposal by David Moorhouse & William Percich for construction of a 23' X 8' wooden deck and planter boxes occupying an existing concrete walkway adjacent to Spring Street and use of the existing concrete private walkway adjacent to Front Street. Both areas to be used for food and beverage service at the retail commercial complex known as Town Square, and instructed the meeting in the procedure that would be followed.

Mr. Bill Percich objected to Councilmember Lackey's participation based on his perception of Councilmember Lackey's religious beliefs regarding alcohol.

Councilmember Lackey indicated that he did not feel he could be impartial in hearing the issue, not for religious reasons, and choose to step down. Councilmember Lackey left the Council Chamber.

Mayor LaPorte informed the hearing that he has business arrangements with one of the applicants and a tenant of the building.

There was no objection to the Mayor's participation.

Councilmembers Boothman, Dickinson, and Robinson each noted that they had discussed the issue with Mr. Percich, at his instigation, prior to the permit being applied for.

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

Mr. Jones referred to the staff report dated 7/24/95. He noted that same with attachments comprised 93 pages. Mr. Jones summarized the particulars of the report and pointed out the 11 attachments as itemized on page 11 of the report.

Administrator Fitch distributed to Council the Braun Traffic Study and pictures. Same were labeled as Exhibits "E" and "F" respectively. They had been submitted by the applicants at the Planning Commission hearing.

Mr. Jones explained in detail the reasons for the attachments as they pertained to the conclusions in the staff report. He stated it was the recommendation of the Planning Commission and staff to deny Shoreline Substantial Development Permit Application #60 with Variance.

At the Council's inquiry, the staff provided clarification of the shoreline open space criteria.

Mayor LaPorte thanked Mr. Jones for his report.

Town Attorney Eaton emphasized two points in the staff report; 1) the set 2Dback conditions required by Shoreline Substantial Development Permit #41 will need to be removed if the Council wishes to grant the new permit, and 2) the open space requirements and the need for a variance under the current Town Shoreline Master Program. It was pointed out that this application is being considered under the current Shoreline Master Program, the original building was applied for under the previous Shoreline Master Program.

Attorney Eaton distributed a memo to the Council dated this date regarding the above.

Attorney Eaton presented Exhibit "G", a schematic depicting the building and set-back areas.

At 9:40 PM, Bill Percich, applicant, spoke of the amount of open space on the site and that the area in question could still be used by the public.

At 9:42 PM, Mayor LaPorte opened the hearing for public input.

Mr. Jones presented testimony on behalf of Sheriff Cumming, the Sheriff was not concerned with the proposed food service, he was quite concerned about the potential for alcohol service in the area in question.

Debbie Bartmasser, gardener for the building, asked that the planter boxes be allowed to remain.

Bill Percich, felt that the Sheriff should have been present or expressed his concerns in writing. He asked to be allowed to have a dialog with the Council during their deliberations to provide clarification.

Mayor LaPorte and Attorney Eaton explained the public input and deliberation procedure. New information must be presented when the hearing is open for public input.

Mayor LaPorte, the Council, and staff discussed whether not allowing alcohol service in the subject area could be a condition. It was noted that the State Alcohol Control Board has communicated that they wish to be the sole regulatory agency in that regard.

Councilmember Boothman asked the applicant if the Town would be allowed to place Town benches in the subject area.

Mr. Percich indicated that he felt that that was possible.

At 9:33 PM, hearing no further public comment, Mayor LaPorte 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 opened the hearing for Council deliberation.

Councilmember Robinson indicated agreement with the applicants statements but noted the conflict with the existing regulations and permit. He remarked on the open space provided by the applicants at the time of construction.

Councilmember Dickinson noted the findings of the Shoreline Hearings Board regarding allowed additional uses because of additional public access.

Councilmember Boothman felt that the planter boxes placed by the applicant between the sidewalk and the public access area effectively hindered use of the area by the public.

Discussion continued regarding the benefit of the public access to the public.

Councilmember Wilson pointed out that the subject decks and planter boxes were installed shortly after construction of the building was completed. Neither the Town nor the building occupants have had a reasonable opportunity to see if the public would utilize the area as intended under the permit.

Councilmember Dickinson spoke of the need for additional pedestrian space during sidewalk congestion.

Councilmember Wilson noted the increase in pedestrian use in the area and the potential for additional pedestrian use as the Port increases the utilization of the Spring Street Landing area.

Councilmember Dickinson reiterated the provisions of the Shoreline Master Program.

Councilmember Boothman expressed his feeling that he did not see a way to alter SSDP #41 or compelling reasons to grant a variance. He noted that shorelines are considered as having statewide significance.

Mayor LaPorte and the Council discussed the perceived restraint to use by the public if the area appears to be an extension of the adjacent restaurant. Discussion continued regarding variance requirements and public and private use of private space.

Councilmember Dickinson pointed out that having room to walk is important to all.

Councilmember Boothman reiterated the requirements for granting a variance.

Discussion continued on the intended uses as permitted.

At 10:00 PM, Councilmember Boothman moved and Councilmember Dickinson seconded to deny Shoreline Substantial Development Permit Application #60 and Variance Application and accept the staff report as submitted. The motion carried with Councilmembers Boothman, Dickinson, and Wilson in favor, Councilmember Robinson opposed.

Councilmember Lackey rejoined the meeting.

At 10:02 PM, Councilmember Wilson moved and Councilmember Lackey seconded to go into executive session to discuss pending litigation for a period not to exceed 20 minutes. The motion passed unanimously.

At 10:20 PM, Councilmember Wilson moved and Councilmember Lackey seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:21 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - August 17, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, & Wilson
Others present: Town Administrator Fitch & Attorney Eaton

Town Clerk Dubail informed the Council that Councilmember Robinson had notified his office that he would be out of town on family business.

Councilmember Dickinson moved and Councilmember Wilson seconded to accept the minutes of the 8/03/95 12:00 PM and 7:30 PM Council meetings as amended.

Mayor LaPorte asked for Council confirmation of his appointment of Craig Alvarado to position #6 on the Planning Commission.

Councilmembers Boothman and Dickinson noted that they had been unable to contact Mr. Alvarado.

Councilmembers Lackey and Wilson voted to affirm the appointment of Mr. Alvarado to the Planning Commission. Councilmembers Boothman and Dickinson abstained. The appointment of Craig Alvarado to position #6 on the Planning Commission was confirmed with Mayor LaPorte voting in the affirmative.

Councilmember Boothman suggested that Dr. Eugene Kozloff be considered for appointment to the Planning Commission. Mayor LaPorte indicated that he will contact Dr. Kozloff.

As a non-agenda item, Port Commissioner Greg Hertel read a letter from the Port Commission inviting Mayor LaPorte, Councilmembers, and Administrator Fitch to join the Commissioners for a tour of the Nanaimo waterfront.

Mayor LaPorte thanked Commissioner Hertel for the invitation.

As a non-agenda item, Mitzi Johnson, resident of Hillview Terrace III, commented on storage of biosolids at the Town of Friday Harbor solid waste facility.

Mayor LaPorte asked Ms. Johnson to forward a letter to the Town elucidating her concerns.

As a non-agenda item, Roger Bennett, 1 Spring Street, suggested that a bus stop be located adjacent to Circle Park.

Mayor LaPorte thanked Mr. Bennett for his suggestion.

Mayor LaPorte introduced Ms. Linda Lanam, new reporter for the Island Sounder.

At 7:45 PM, Mayor LaPorte presented the draft Findings and Conclusions of Law regarding the Wilbur Short Plat for adoption.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt the Findings and Conclusions of Law. Administrator Fitch noted the conditions that must be met prior to final plat approval. The motion passed unanimously.

Mayor LaPorte opened the continued Public Hearing on the Port of Friday Harbor proposal to construct a 20' X 184' concrete floating breakwater to replace the existing wooden breakwater for commercial uses at the Spring Street Landing. The applicant intends to replace the 24' X 40' sheet metal building with a 24' X 48' wood sided building with a higher roof line. Uses of the building would remain the same. The applicant also intends to underground existing utilities on the site. Mayor LaPorte instructed the meeting in the procedure that would be followed.

Hearing no objection to his or any Councilmember's participation in the hearing, Mayor LaPorte asked Warren Jones, Permit Coordinator, to present additional information previously requested by the Council. Mr. Jones referred to his addendum dated 8/10/95 to the staff report and itemized the additional information. The staff recommends approval of the proposed breakwater as conditioned. The recommendation for approval of the proposed building is withdrawn due to receipt of additional information.

The Council questioned Mr. Jones about a number of the additional information items.

Greg Hertel, Port Commissioner, asked that the Port be allowed to withdraw the portion of the application pertaining to the proposed building and be allowed to continue with that portion of the application regarding the proposed breakwater. He stated that he understood the 2 year period for replacing the existing building. The Port will resubmit the application for the proposed building at a later date to avoid a piecemeal application when additional planning is completed and the uses of the building are determined.

Councilmember Boothman cited the provisions of the Town of Friday Harbor Shoreline Master Program (SMP) pertaining to breakwaters. Councilmember Boothman and Commissioner Hertel discussed the design and location of the proposed breakwater. Councilmember Boothman pointed out that the further the breakwater extends from the pier the more access to the adjacent area to the southeast is restricted.

Councilmember Hertel expressed the opinion that the proposed design met the design criteria of the SMP and stated that the design did not violate the conditions of the Port's bottom land lease.

Steve Simpson, Port Director, spoke of design requirements to accomplish the desired task. He reiterated that the situation is "a physics problem."

Councilmember Boothman expressed the desire to minimize the impact on the area.

Mr. Simpson noted that the design incorporates the best available technology per the Army Corps of Engineers.

Councilmember Boothman and Mr. Simpson discussed the breakwater performance standards specified in the Port RFP. Mr. Simpson reiterated the financial considerations in design selection and the desire to use proven technologies.

Administrator Fitch pointed out the provisions of Shoreline Substantial Development Permit #42 regarding public access.

Mr. Simpson stated that the breakwater would be maintained in perpetuity as public access to the water.

At 8:11 PM, Mayor LaPorte opened the hearing for public input.

Roger Bennett, Western Natural Foods, 1 Spring Street, property owner in the area, objected to the increase of the Port facility which he felt would decrease access and use of his waterfront property. He briefly recounted his plans for utilization of same. Mr. Bennett noted that the SMP prohibits new marina development within one mile of the municipal sewer outfall. He referred to the photos (Exhibit F) presented by the Port and observed that the artist's rendering of the existing building on same was approximately 3 feet taller to scale than the actual building by his measurement.

Marguerite Bennett, 1 Spring Street, read a statement critical of the application. She reiterated the observation that large vessels moored at the subject pier frequently extend to the southeast well past the end of the pier and add to congestion in the area. She inquired as to what uses are proposed for the breakwater.

Kurt Schwalbe, 1985 Miller Road, charter boat skipper and commercial diver, stated that he operates his business from a slip inside of the subject pier. He expressed the opinion that the proposed breakwater would enable him to maintain "continuity of business location." Mr. Schwalbe felt that the width of the proposed breakwater and the "hang over" of big tour boats would not significantly hamper his business. He stated that he was in favor of the Port's breakwater proposal.

Attorney Eaton commented on the issue of marina development and the sewer outfall. The prohibition is on marina development, not Port development. The Council will need to determine if the development is more Port or marina oriented as defined by the SMP and the nature of the intended uses.

Mr. Hertel spoke of the historic commercial and tourist uses of the area. He reiterated seasonal weather concerns.

At Councilmember Boothman's inquiry, Mr. Hertel stated that the Port will not allow moorage on the southeast end of the pier and breakwater. The Port will direct larger boats to moor so that they do not overhang the southeast end of the breakwater.

At 8:30 PM, hearing no further public comment, Mayor LaPorte 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 opened the hearing for Council deliberations.

Administrator Fitch pointed out that the staff report will need to be amended if the building is removed from consideration and the breakwater is approved.

Councilmember Boothman proposed a condition that moorage be prohibited on the east end of the breakwater. Councilmember Dickinson concurred.

Councilmembers Boothman and Wilson discussed the desire for the smallest breakwater that will do the job. They also discussed various design alternatives.

Mayor LaPorte cautioned the Council about designing breakwaters.

Councilmember Lackey expressed concern about the lack of submittal of detailed plans and possible navigation safety concerns.

Mayor LaPorte and the Council discussed requesting detailed plans, the navigation concerns, and design alternatives.

Councilmember Boothman moved and Councilmember Wilson seconded to approve the breakwater application with the additional conditions that: 1) no moorage be allowed on the southeast end of the breakwater, 2) no moorage be allowed to extend beyond the southeast end of the breakwater, and 3) the northeast corner of the breakwater be beveled at a 45 degree angle beginning at a point 8' west of the northeast corner and 8' south of the northeast corner.

The motion carried with Councilmembers Boothman, Dickinson, and Wilson voting in the affirmative, Councilmember Lackey opposed.

Administrator Fitch recounted his observations regarding the difficulties encountered by the owners of adjacent private property in relation to government entities during the permitting process. He suggested that the Bennetts be invited to participate in the Intermodal Transportation Facilities planning process currently underway.

At 8:45 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 8:52 PM.

Mayor LaPorte opened Council discussion regarding the provision of public restrooms.

Administrator Fitch noted various Council suggestions regarding same and asked for Council direction for 1996 budget preparation.

Mayor LaPorte, the Council, and staff discussed various aspects of the issue. The Council expressed the desire to explore the possibility of public/private partnership to provide public restroom facilities.

Councilmember Wilson indicated the desire to hear from the community as to whether they still wanted additional public parking.

Councilmembers Dickinson and Wilson reiterated the desire that any restroom facilities provided by the Town not be in the shoreline area but in the uptown business district.

Discussion continued as to possible locations, partnership, and funding options.

Administrator Fitch reminded the Council of the tremendous increase in costs of maintaining public amenities such as parks, street trees, hanging baskets, Town flower beds, and other non-revenue producing facilities.

Councilmember Lackey pointed out the ongoing maintenance costs associated with any commitment to public restrooms.

Mayor LaPorte asked Administrator Fitch to contact the Chamber of Commerce regarding business community priorities.

Mayor LaPorte informed the Council that the scheduled 9:00 PM agenda item; adoption of Findings and Conclusions of Law regarding the shoreline development permit for the Town Square Building dining decks, would be rescheduled to a future meeting.

Administrator Fitch referred to a 8/11/95 letter from Mary Blevins of the Whale Museum asking for Town support for the Whale Museum. He suggested that the Town budget to install a sidewalk bubble on First Street between the Whale Museum and the American Legion parking lot in 1996. He noted that the oil and rock street surface on First Street is failing.

Mayor LaPorte, the Council, and Administrator Fitch discussed various design problems with First Street and Spring Street. The Council concurred with further research into the First Street bubble proposed by Administrator Fitch.

Mayor LaPorte, the Council, and staff indicated concurrence with the points covered in a 8/2/95 letter from John Evans, Board of County Commissioners.

Regarding the 8/18/95 Intermodal Transportation Facilities stakeholder team meeting, Councilmember Boothman volunteered to attend on the Town's behalf.

Administrator Fitch distributed a 8/16/95 letter from Green Mountain Technologies asking permission to initiate a public relations campaign in support of composting sludge.

Administrator Fitch informed the Council of upcoming hearings in Seattle regarding affordable housing projects proposed for Friday Harbor.

Mayor LaPorte, the Council, and staff discussed various aspects of same. The Council indicated that they did not wish to participate.

Administrator Fitch informed the Council of an upcoming Town employee Hepatitis B immunization clinic scheduled for 8/22/95 from 2:30 to 3:30 PM at the Public Health office.

Administrator Fitch again distributed a copy of the first page of a petition received 8/2/95 alleging health code violations at the open air market place on Front Street. Attached to same was a letter from Kevin Barry, San Juan County Health & Community Services, received 8/17/95 responding to same.

Mayor LaPorte, the Council, and staff discussed various aspects of the situation, including the purpose of, and the advisability of eliminating or modifying the Town business licensing requirements and the intent and operation of the open air market.

Councilmember Dickinson suggested that the Town response to allegations as to Town malfeasance regarding the open air market be to "ignore them with dignity."

Mayor LaPorte, the Council, and staff discussed jurisdiction pertaining to regulating personal watercraft operation in the harbor. Councilmember Boothman requested that the Council be kept apprised of San Juan County and Port actions regarding same.

Administrator Fitch noted that the Town has received 38 applications for the Utilities Clerk position.

At 10:15 PM, Councilmember Boothman moved and Councilmember Lackey seconded to go into executive session for approximately 20 minutes to discuss pending litigation. No action is contemplated in executive session. The motion passed unanimously.

At 10:37 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

Councilmember Boothman moved and Councilmember Lackey seconded to approve payment of claims warrants #9871 through 9916 in the amount of \$42,558.59. The motion passed unanimously.

At 10:38 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - September 7, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson

Others present: Town Administrator Fitch & Treasurer Picinich

Mayor LaPorte informed the Council that the Washington Finance Officers Association had renewed Treasurer Picinich's annual certification as a "Professional Finance Officer". Mayor LaPorte and the Council congratulated Treasurer Picinich.

Mayor LaPorte introduced Kelly Johnson, new reporter for the Journal.

Mayor LaPorte introduced Dennis Dorn, San Juan County Probation Officer. Mr. Dorn spoke of the recent development of a Community Service Program most notably evident by weed abatement and trash cleanup efforts around the town.

At Mayor LaPorte's request, Fire Chief Rosenfeld reported that his department had received 11 calls in August. Chief Rosenfeld summarized same. He informed the Council that he will be presenting a certificate of recognition and a gift certificate to the Royal Theater to a young man, David Church, who's quick thinking in calling 911 regarding a fire at his home averted disaster.

Chief Rosenfeld noted that the department currently has 19 active fire fighters, 2 are on furlough. He reported on training, officer availability, the chief's meeting, and a draft interlocal agreement for a fire investigation task force. Consideration of adoption of same by resolution will be a future agenda item. Chief Rosenfeld noted that the next recruit class will be held in-house as same will be more cost effective. He informed the Council of upcoming state mandated standards for fire fighter accountability and proposed new regulations for equipment for fighting wild fires. The burn ban is lifted as of 9/6/95. The fire department will submit comments on the draft comprehensive plan. Chief Rosenfeld spoke of time and responsibility impacts on the fire chief, particularly in regard to spontaneous activities. He stated that he may not wish to continue as chief at the current position funding level. Chief Rosenfeld stressed that adequate performance of the position requires more than minimal level funding. He asked the Council for direction.

Mayor LaPorte appointed Councilmembers Robinson and Wilson as a ad-hoc committee to work with Chief Rosenfeld to find a resolution to the situation. Councilmembers Boothman, Dickinson, and Lackey expressed support. The committee will report at the October 5th noon Council meeting. Mayor LaPorte will serve as an ex-officio member of the committee.

At 12:25 PM, Mayor LaPorte thanked Chief Rosenfeld for his report.

Maintenance Supervisor Reitan reported that federal regulations require the Town to implement a drug and alcohol testing program for Town employees with Commercial Drivers Licenses (CDL's). He recommended that the Council consider joining a consortium being setup by the Association of Washington Cities (AWC) to reduce program costs.

The Council and Maintenance Supervisor Reitan discussed various aspects of the program.

Maintenance Supervisor Reitan reported that Trout Lake reservoir is currently 51" below the spillway, it was at 189" last year at this time.

Maintenance Supervisor Reitan noted the presence of a representative from Friberg Construction Company, general contractors for Phase II improvements to the water treatment facility, in the audience. He also informed the Council that representatives of the new water filter supplier are currently at the plant.

Maintenance Supervisor Reitan informed the Council that the water plant is in technical violation of state regulations until a "CT" study recently done by KCM is approved by DOH. Plant operators can't complete state required reports without said study. A notice of the violation will be in the local papers as required by law.

Maintenance Supervisor Reitan reported on his visit to a "ag-bag" bio-solids composting company in Oregon. Council viewed photographs of same.

Maintenance Supervisor Reitan noted that there were no discharge violations at the wastewater treatment facility in August. He also noted that the deodorant system was not needed in August.

Maintenance Supervisor Reitan reported that the solid waste facility is functioning fairly well.

Maintenance Supervisor Reitan reported on current and upcoming street department projects.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

At 12:40 PM, Permit Coordinator Warren Jones distributed and summarized a report on recent planning department activity. He informed the Council that state regulations preempt Town regulations regarding the siting and operation of adult care facilities in residential areas. At Councilmember Dickinson's inquiry, Mr. Jones stated that parking and other general Town regulations continue to apply.

At 12:45 PM, Mayor LaPorte thanked Mr. Jones for his report.

Jim Hodges, Building Official, reported that his department had issued 2 building permits in July and 12 in August. He and the Council discussed his new permit data base and associated reports. Mr. Hodges informed the Council that there is a new gas station being constructed at the Island Petroleum facility on Carter Avenue.

Mayor LaPorte and the Council discussed various aspects of his report with Mr. Hodges.

Mr. Hodges reported on his preliminary investigation into putting public restrooms in the basement of the Elite Hotel building on First Street. He estimated that it would cost approximately \$25,000 to \$30,000 for the installation and an additional \$30,000 annually for rent and maintenance, excluding water, sewer, and refuse costs.

The Council and Mr. Hodges discussed coin operated portable restrooms.

At 12:55 PM, Councilmember Robinson left the meeting due to a prior commitment.

Mr. Hodges conveyed comments from street department leadman Ken McCutcheon regarding vandalism of street benches, primarily on Spring Street. Repair costs are approaching \$5,000 so far this year. The Council and Mr. Hodges discussed various aspects of the problem.

Mayor LaPorte thanked Mr. Hodges for his report.

At 1:02 PM, Mayor LaPorte asked Nancy Larsen if she would return at the evening meeting and give her scheduled presentation regarding funding for a Town income survey.

Ms. Larsen indicated she would return for the evening meeting.

Councilmember Lackey moved and Councilmember Boothman seconded to approve payment of claims warrants #9919 through 10001 in the amount of \$124,542.28 and payroll warrants #4318 through 4354 in the amount of \$93,757.55. The motion passed unanimously.

At 1:03 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - September 7, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Mayor LaPorte asked the Council to confirm his appointment of Peter Schmidt to the Planning Commission.

Councilmember Dickinson moved and Councilmember Boothman seconded to confirm said appointment. The motion passed unanimously.

Mayor LaPorte proclaimed the week of September 17th through September 23rd, 1995 as Constitution Week in Friday Harbor.

Councilmember Boothman moved and Councilmember Dickinson seconded to approve the minutes of the 8/17/95 7:30 PM Council meeting as submitted. The motion passed unanimously.

As a non-agenda item, Pam Fitch suggested that the Council consider starting their meetings with the Pledge of Allegiance.

Mayor LaPorte and the Council concurred with the suggestion.

Mayor LaPorte lead the meeting in the Pledge of Allegiance.

As a non-agenda item, Robert Johnson, architect for the Hrycak Corporation, notified the Council that the developers of a building proposed for 135 Spring Street would be asking the Town to consider franchising 1 foot of public ROW adjacent to the sidewalk for building pilasters, the remainder of the area would be flat space open to the public.

Administrator Fitch asked the Council for authorization to have the Town attorney draft the necessary franchise documents.

Mayor LaPorte, the Council, staff, and Mr. Johnson discussed various aspects of the request. The Council asked the staff to prepare the necessary documents.

At 7:47 PM, the Council heard a presentation by Nancy Larsen regarding funding for a Town income survey. Ms. Larsen spoke of the requirement for same so that the Town can qualify for various low interest loans and community development block grants. She noted that the San Juan County median income is above the eligibility threshold. The median income in Town may be lower. Ms. Larsen explained the survey process and methodology. She stressed the need for organization and public relations. Ms. Larsen noted that individual surveys would be completely confidential and untraceable.

The Council discussed various aspects of the proposed survey with Ms. Larsen, including organization and staff time requirements.

Following discussion, the Council indicated they wished staff to proceed with preparation of the survey.

Mayor LaPorte thanked Ms. Larsen for her presentation.

At 8:16 PM, the Council and staff discussed 1996 budget issues.

Councilmember Lackey mentioned the need for pedestrian and vehicle traffic flow control.

Administrator Fitch reminded the Council of the need to make timely decisions regarding ownership/leasing and housing arrangements for the sludge dewatering equipment at the wastewater treatment facility. Disposal of the dewatered sludge is another pressing issue. Administrator Fitch explained the various alternatives currently available to the Town. The estimated cost for any of the alternatives is approximately \$1,000,000. He

pointed out that the current sewer rate structure will not support same. Administrator Fitch informed the Council that sludge will soon have to be exported as the Town is running out of room to store same.

Mayor LaPorte, the Council, and staff commented on the inability of the populace to pay much higher sewer rates.

Councilmember Robinson asked why the Town continued to issue development permits when Town utility systems are being overloaded.

Councilmember Lackey expressed the view that the permanent residential population does not cause the overloads and that for a good portion of the year the wastewater plant is operating approximately 48% under capacity.

The Council will continue the meeting to 9/18/95 at 7:00 PM for a work session on the subject.

At 8:50 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 8:55 PM.

Mayor LaPorte introduced draft ordinance #982, an ordinance authorizing the annexation of certain acreage owned by the Town into the Town of Friday Harbor for municipal purposes. Said property is commonly known as all of the watershed property, the water treatment plant property, the Augmentation Project II property, and the water storage tank property located on Harbor View Place.

Administrator Fitch explained the particulars of same.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #982.

At Councilmember Boothman's inquiry, Administrator Fitch noted that the legal descriptions of the subject property are included in the ordinance. The subject property will come into the Town without a zoning designation.

At 9:01 PM, following discussion, the motion passed unanimously.

Mayor LaPorte presented the draft Findings and Conclusions of Law regarding shoreline development permit #60, the Town Square Building dining decks.

Attorney Eaton noted that he had prepared same.

Councilmember Dickinson moved and Councilmember Boothman seconded to adopt the Findings and Conclusions of Law for Shoreline Substantial Development Permit #60, Percich & Moorhouse - applicants. Following discussion, the motion passed. Councilmember Robinson abstained. Councilmember Lackey did not participate as he

had previously stepped down from consideration of the issue for appearance of fairness reasons.

Mayor LaPorte presented the draft Findings and Conclusions of Law regarding shoreline development permit #59, the Port of Friday Harbor breakwater.

At 9:07 PM, Councilmember Boothman moved and Councilmember Dickinson seconded to accept the Findings and Conclusions of Law regarding shoreline development permit #59, Port of Friday Harbor - applicant.

Councilmember Boothman and Attorney Eaton discussed the uses of the breakwater and the possible relation of same to a potential "piecemeal" application.

Councilmember Wilson pointed out that the intent of the structure, as permitted, was as a breakwater, not a walk-on passenger ferry terminal.

Attorney Eaton restated that the intended uses of the structure was as a breakwater and for public access.

At Councilmember Boothman's request, the Council and staff discussed additional language to specify the permitted uses of the breakwater structure.

Councilmember Boothman moved to amend the original motion to delete the word "accept" and substitute the word "amend" and to delete Conclusions #1 and 2 and replace them with a condition that the only permitted use of the floating breakwater is for the protection of boats and structures on the landward side of the breakwater.

Councilmember Wilson seconded the motion to amend the original motion.

Attorney Eaton advised the Council to consider postponing final action until the applicants could be present. The Council may wish to reopen the hearing for public input at that time.

Following discussion, the motion to amend passed. Councilmember Robinson abstained.

At 9:34 PM, Councilmember Boothman moved and Councilmember Lackey seconded to table the amended original motion. The motion passed unanimously.

The Council and staff discussed scheduling reopening the hearing for public input on 9/21/95 at 7:45 PM.

At 9:38 PM, Mayor LaPorte introduced draft resolution #1019, a resolution authorizing the Mayor to adopt the Town of Friday Harbor Information Management Plan dated August 1995.

At Councilmember Wilson's inquiry, Town Clerk Dubail displayed for Council the signature page of the plan which had been signed by all appropriate Town department heads.

Councilmember Lackey moved and Councilmember Boothman seconded to adopt Resolution #1019. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1020, authorizing the Mayor to execute an agreement with the Association of Washington Cities to provide drug and alcohol testing services to Town employees.

Councilmember Lackey moved and Councilmember Robinson seconded to adopt Resolution #1020. Following discussion, the motion passed unanimously.

At 9:42 PM, Administrator Fitch noted receipt of an invitation from the SJC Board of County Commissioners to the first public meeting regarding restricting motorized personal water craft. He asked the Council if they wished a staff member to attend, and, if so, testify. If the staff member was to testify, what is the Council's position?

Mayor LaPorte, the Council, and staff discussed various aspects of the issue. The Council expressed concern with speed and sound. Councilmember Robinson commented that "its the operator, not the craft."

Administrator Fitch noted receipt of the draft 1995 Joint Solid Waste Management Plan update dated 5/2/95, as revised. He asked the Council to review same.

The Town's representative to the Solid Waste Advisory Committee (SWAC), Councilmember Lackey, advised the Council to read the document carefully, with a view to the Town's current and future needs and uses.

The Council and staff discussed a number of related issues.

Administrator Fitch notified the Council that the street design for the west end of Web Street was complete and referred to the displayed drawing. Construction on the project should start next month.

The Council and staff discussed various aspects of the project. Administrator Fitch asked the Council to convey their comments to him within the next 2 weeks.

At 10:00 PM, Mayor LaPorte notified the audience that the Council would be going into executive session for approximately 10 minutes to discuss pending litigation. No action was contemplated in executive session.

Councilmember Dickinson moved and Councilmember Lackey seconded to go into executive session to discuss pending litigation. The motion passed unanimously.

At 10:09 PM, Councilmember Lackey moved and Councilmember Wilson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:10 PM, Mayor LaPorte declared the meeting continued to 9/18/95 at 7:00 PM for a work session.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - September 18, 1995 @ 7:00 PM

The Town Council met in continued regular session with Mayor LaPorte presiding.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch & Treasurer Picinich

Councilmember Boothman led the meeting in the Pledge of Allegiance.

Mayor LaPorte introduced the topic of the meeting; a Council work session on wastewater treatment related issues, and asked Administrator Fitch to outline the subjects for discussion.

Administrator Fitch introduced Brad Musick of ETC, Inc., wastewater treatment consultants for the Town.

Mr. Musick presented a slide show regarding wastewater treatment processes and procedures at the Town wastewater treatment plant.

Mayor LaPorte and the Council discussed various aspects of the situation with Mr. Musick. Mr. Musick pointed out the excess plant loading during the tourist season and insufficient oxygen supply at the plant. Mr. Musick noted that it had required a fine balance to operate the plant all summer. He stressed that the Town must address providing for more oxygen in the digester and uninterrupted solids handling.

At 7:25 PM, Councilmember Dickinson joined the meeting.

Wally Chen, KCM, wastewater engineers for the Town, noted the efforts to avoid a potential permit violation over the summer. He spoke of plans to augment the air supply to the plant and cautioned the Council that the initial planned 10% air increase is marginal. Mr. Chen informed the Council about a firm in Puyallup that would accept the Town's de-watered sludge compost and sell same.

Administrator Fitch spoke of plans to upgrade the air diffusers in 1996.

Mayor LaPorte and the Council discussed various aspects of the issue with Mr. Chen and Mr. Musick.

Pat McKay told the meeting about other options she was aware of for sludge disposal. At Mayor LaPorte's request, Mrs. McKay will convey the results of her research to the Town in writing.

At 7:38 PM, the Council and Administrator Fitch discussed solids handling options, associated costs, and regulatory issues.

Kay Kohler, San Juan County Public Health, commented on transportation liability and the perils of single-source service provision.

Councilmember Robinson, in discussion with Administrator Fitch, stated he was in favor of sludge composting either by the Town or an off-island provider.

At Councilmember Wilson's inquiry, Administrator Fitch stated that the Town produces approximately 20 tons of sludge per week.

Councilmember Boothman remarked on the desire for a cost analysis to help the Council determine a course of action.

Administrator Fitch suggested that the current appropriate regulatory agency (San Juan County Public Health) should be consulted as to the chances of getting a permit for composting.

Ms. Kohler recounted concerns with various Town owned sites, including the need for secondary containment and site stability.

At Mayor LaPorte's inquiry, Ms. Kohler said she thought San Juan County Public Health would permit sludge composting within San Juan County, assuming other concerns were addressed. She noted an upcoming meeting on the mainland regarding potential usurpation by the state of local regulatory authority concerning the utilization of sludge.

At 7:56 PM, Mr. Ronald Garvin, Ag-Bag Compost Technology International, gave a slide presentation regarding various sludge composting technologies. His company markets an in-bag composting system.

Mayor LaPorte and the Council discussed various aspects of the "ag-bag" process with Mr. Garvin, including site preparation, material costs, bulking agent acquisition and storage, and space requirements.

Mr. Chen pointed out that whatever composting process is employed, the Town will need to plan to store up to a years worth of composted sludge due to market demand variability and seasonal transportation concerns.

Mayor LaPorte thanked Mr. Garvin for his presentation.

The Mayor and Council discussed various aspects of the process.

Mr. Chen and Tim O'Neill, Green Mountain Technologies, commented on possible differences between compost that meets EPA/DOE criteria and compost which is acceptable for horticultural uses.

At 8:26 PM, Tim O'Neill, Green Mountain Technologies, presented a detailed operational scenario as a follow-up to his previous presentation regarding his company's containerized composting system. Mr. O'Neill provided an estimated cost of \$9,000 per month for the Town to acquire and operate a containerized sludge composting system.

Mayor LaPorte, the Council, and Mr. O'Neill discussed various aspects of the process, including site considerations, odor control, bulking agent acquisition, costs, and expandability.

Mayor LaPorte reminded the Council that Administrator Fitch has informed them that the Town must begin shipping stockpiled biosolids off island next week as the Town is out of storage space for same.

At 8:40 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 8:50 PM.

Mayor LaPorte, the Council, and Administrator Fitch discussed requesting a pilot project from Ag-Bag.

Ms. Kohler noted that the Town has an approved site for such a pilot project.

At Mayor LaPorte inquiry, Mr. Garvin stated that he could have a pilot project set up on-site by next week.

At Administrator Fitch's inquiry, Mr. Musick said that as the grease and oil produced by restaurants decreased during the off-season, the wastewater treatment plant may be able to waste (produce) less sludge. He stated that the sludge wasting schedule most likely will not decrease for a couple of months.

At Councilmember Robinson's inquiry, following discussion with Mr. Chen and Mr. Garvin, it was estimated that with the pilot project, the Town would gain approximately 4 months in which to resolve the sludge issue.

The Council and staff discussed sludge storage, utilization, and disposal options, including agricultural land application.

The Council concurred with requesting a proposal from Ag-Bag for a pilot composting project. Staff will report on same at the 9/21/95 meeting.

Administrator Fitch reminded the Council that the current sewer rates support expenditures of approximately \$70,000 for sludge utilization, any additional expenditures will require rate revision or additional debt.

The Council and staff discussed various sewer rate scenarios and the impacts of same. The Council would like an analysis of options.

Discussion continued on biosolids disposal options. Administrator Fitch noted the current large number of multi-family residential developments planned in Town. A number of the Councilmembers expressed the opinion that the Town would not gain financially from additional users. Administrator Fitch pointed out that Town sewer connection fees were relatively low. The Council reiterated interest in updating the Town's sewer rate and connection fee study.

Mr. Musick pointed out that it is tourist impacts causing the problems at the plant. He expressed the opinion that Town residents are subsidizing the tourist business.

Discussion continued on seasonal impacts, raising septage fees, and County planning for provisions for siting sewage lagoons.

Treasurer Picinich distributed a summary of current sewer reserve funds, projects, repairs, and debt. She reported on her research into possible funding sources.

Mr. O'Neill commented that typically up to 20% of wastewater plant BOD loading comes from food particles from in-sink food disposal units.

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

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - September 21, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

Councilmember Wilson led the meeting in the Pledge of Allegiance.

Councilmember Robinson moved and Councilmember Lackey seconded to accept the minutes of the September 7, 1995 noon and 7:30 PM meetings as amended. The motion passed unanimously.

No non-agenda items were forthcoming.

The Council heard a presentation by Nancy Larsen regarding her attendance at an invitation only workshop on rural community planning. The workshop, "Your Town, Designing Your Future", was held at the University of Oregon Institute of Marine Biology

from August 24 through August 27, 1995. The workshop was sponsored by, among others, the National Endowment for the Arts and the National Trust for Historic Preservation. Ms. Larsen recounted that the workshop was intended for people who can effect change in rural communities but are not design professionals. She noted that rural communities nationwide are facing similar quality of life issues.

Mayor LaPorte, the Council, and Ms. Larsen discussed a range of issues addressed at the workshop. At Administrator Fitch's inquiry, Ms. Larsen commented on education programs and regulations for historic preservation.

Mayor LaPorte thanked Ms. Larsen for her presentation and indicated that the Council would like to invite her back for a more extensive presentation and discussion.

At 8:14 PM, Mayor LaPorte presented draft ordinance #983, an ordinance to provide to the legal owners of the premises located at 135 Spring Street, tax parcel #351350203, a limited franchise to allow for placement of building pilasters within the unimproved portion of the northwesterly right-of-way of Spring Street. Certain improvements are necessary to create conformity of the building faces along the edge of the public right-of-way on said premises.

Administrator Fitch summarized the particulars of same.

Following discussion, Councilmember Boothman moved and Councilmember Dickinson seconded to adopt Ordinance #983.

At Councilmember Wilson's inquiry, the point was clarified that, under the franchise agreement, the Town reserves the right to require the removal or modification of any structure or improvements by the lessees at no cost to the Town whenever the Town deems it necessary. Language to that effect will be added to Section 2(B) of the lease agreement.

The motion passed unanimously.

At 8:21 PM, the Council reviewed recently received materials pertaining to wastewater treatment issues, in particular, a Preliminary Wastewater Solids Management Options document prepared by KCM.

Administrator Fitch remarked on the consistently high costs of each of the options. Additionally, he noted local regulatory agency intent as well as movement by the State to require sludge compost leachate containment.

Mayor LaPorte, the Council, and staff discussed various aspects of the issue. Discussion focused on trying to arrive at economically feasible short and long term solutions that may be acceptable to the County and State regulatory agencies. Review continued of the options presented in the KCM document. Discussion followed regarding the proposal from Ag-Bag Compost Technology International for a Compost Pilot Project.

Administrator Fitch informed the Council that San Juan County Public Health has approved a site at the Town of Friday Harbor Solid Waste Facility for a composting pilot project.

The Council and staff discussed additional pilot project costs and the goals of the project.

At Mayor LaPorte's inquiry, Administrator Fitch stated that the Town must start exporting sludge next week or composting.

At 9:31 PM, Councilmember Robinson moved and Councilmember Lackey seconded to approve the exporting of sludge and to authorize construction of a shed to protect the sludge de-watering press. The motion passed unanimously.

At 9:33 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:40 PM.

Administrator Fitch directed Council attention to staff prepared graphs on sewer and water system use and expenditures.

The Council discussed the Draft Joint 1995 Solid Waste Management Plan prepared by San Juan County. The consensus of the Council was that the draft plan contained dated, contradictory, and inaccurate information. The document needs to be revised before the Council can consider adoption. The Council asked Administrator Fitch to request that a current document be prepared.

Administrator Fitch reported on additional solid waste issues and noted that the Town's recycling program is proving effective.

Administrator Fitch reported on receipt of two claims for damages. He recommended that the Council deny the claims and forward same to the Town's risk management agency (AWC-RMSA) for adjusting.

Administrator Fitch reported receipt of the Draft Town of Friday Harbor Stormwater Management Plan prepared by Gray & Osborne Engineering. The Council will discuss same with representatives from G&O at their 10/5/95 noon meeting.

Administrator Fitch informed the Council that on September 28th and 29th Park Street, Lawson Place, Lampard Road, and Malcolm Street will receive an oil & rock surface. The work will be performed by San Juan County under contract to the Town.

Administrator Fitch informed the Council that the sanitary sewer line on the Mullis property in the Mullis industrial area will be relocated by the end of the month.

Administrator Fitch mentioned that, on occasion, public and public oriented entities assume they do not have to comply with development provisions such as curb, gutter, and sidewalk requirements.

The Council stressed that developments and improvements by public and public oriented entities must comply fully with all applicable regulations and pay associated fees.

Administrator Fitch inquired as to whether the Council wished to consider a change in the building permit issuance process to require obtaining a development permit, when applicable, as a precondition to obtaining a building permit. Currently, obtaining a development permit, when applicable, is a precondition to obtaining a occupancy permit.

The Council asked staff to draft legislation to provide for same.

At 10:04 PM, Councilmember Robinson moved and Councilmember Lackey seconded to go into executive session for approximately 5 minutes regarding pending litigation. No action is contemplated in executive session. The motion passed unanimously.

At 10:11 PM, Councilmember Robinson moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At Administrator Fitch's inquiry, Councilmember Dickinson moved and Councilmember Boothman seconded to concur with the staff recommendation to deny the previously mentioned claims for damages and to forward same to the Town's risk management agency for adjustment. The motion passed unanimously.

The staff will prepare a information package regarding a potential annexation request from Hillview Terrace property owners by the October 5th Council meeting.

Councilmember Dickinson moved and Councilmember Boothman seconded to approve payment of claims warrants #10621 through 10680 in the amount of \$85,409.79. The motion passed unanimously.

At 10:14 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - October 5, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, & Robinson
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Wilson had notified his office that he would be unable to attend this meeting.

At Mayor LaPorte's request, Councilmember Lackey led the meeting in the Pledge of Allegiance.

Fire Chief Rosenfeld reported on incident calls during the past month. He informed the Council of the early detection and control of a rafter ignited by roofers at Jeri's Mall. He also reported on the theft of a Zodiac inflatable boat from Capron's Landing and the subsequent burning of the boat in the middle of the street at approximately 5:00 AM by person or persons unknown. The fire was extinguished with water from the Town street basket watering truck which happened to be in the vicinity. Chief Rosenfeld reported on vehicle gas tank overflows downtown and noxious odor investigations in the Hunt Street area. Chief Rosenfeld noted the resignation of one firefighter and that another was on pregnancy leave. He reported that the jet-drive housings on the fire boat will need to be replaced. They are corroded due to lack of zinc anode protection. A number of drive related problems will be rectified during the drive replacement.

Councilmember Boothman and Fire Chief Rosenfeld discussed contacting various marine oriented entities such as the Port, shipyard, Brown Island, and the ferry system regarding contributing to the maintenance of the fire boat.

Fire Chief Rosenfeld, the Council, and staff discussed the funding history and status of the fireboat.

At 12:21 PM, Mayor LaPorte thanked Fire Chief Rosenfeld for his report.

Maintenance Supervisor Reitan reported that Trout Lake Reservoir is 64" below the spillway, it was down 199 " last year at this time. Approximately 19 million gallons have gone over the AUG II weir since 6/1/95. Maintenance Supervisor Reitan explained performance problems with the new filters and associated damage to the clarifiers at the water treatment plant. The plant is functioning on one filter while the second is being repaired. He noted that water production through one filter is insufficient to meet summer flow demands. The static mixer for alum is being replaced due to initial device misapplication. Maintenance Supervisor Reitan again reported that the Town water system is in technical violation of State Department of Health rules. The technique violation is due to a delayed chlorine contact time (CT) report to be submitted to the state by the Town's water engineering firm. Appropriate public notice is being made.

Maintenance Supervisor Reitan reported on investigation into a "Texmo" type building to shelter the sludge press at the wastewater treatment facility. The Town has received permission to transport sludge to a composting facility in Puyallup. The Town will start hauling the 350 tons of currently stockpiled sludge next week.

Regarding streets; a portion of Lampard Road now has an oil and rock surface, Lawson Place has an oil and rock surface, Nichols Street received a seal coat, Malcolm Street received an oil and rock surface, Park Street was given a seal coat at the intersection with Guard Street. The flower baskets will be put away for the season next week. The Street Department will be performing maintenance on storm drains. Efforts to acquire a storm drainage easement through the Boe property adjacent to Argyle Avenue are proceeding. The incinerator is functioning well.

At Councilmember Boothman's inquiry, Maintenance Supervisor Reitan estimated that it would be another two weeks before both filters at the water treatment plant are back on-line.

At Councilmember Robinson's inquiry, Maintenance Supervisor Reitan explained various aspects of the water treatment process.

Maintenance Supervisor Reitan explained the functioning of the automatic alarm system and related overtime expenditures. He commented that although the new plant went online in mid-May, it is not yet operating properly. He noted that the filter supplier is supposed to reimburse the Town for filter related overtime.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

At 12:40 PM, Permit Coordinator Warren Jones reported that there are 8 projects underway this month in the Planning Department and gave an overview of same.

Administrator Fitch and Mr. Jones commented on an anticipated request from residents of Hillview Terrace, Hillview Terrace II, and Hillview Terrace III to initiate annexation proceedings.

Mayor LaPorte thanked Mr. Jones for his report.

At 1:50 PM, Building Official Hodges reported that he had only received 2 building permit applications in September which gave him the opportunity to process a backlog of applications. He informed the Council of a short term use planned for the old Ace Hardware building on Spring Street by island crafts people.

Mayor LaPorte thanked Building Official Hodges for his report.

At 1:52 PM, the Council heard a report from Brad Bogus, KCM, regarding the water treatment plant. Mr. Bogus reported that the filter supplier has agreed, in principal, to reimburse the Town for filter repair costs due to an installation defect. He spoke of payment disagreements between the filter supplier and the plant construction contractor. The Town will be installing a printer on the water plant alarm system to document alarm call 2Douts and to eventually prioritize same. Mr. Bogus stated that the required CT report has been sent to DOH. He briefly explained the particulars of proposed Change Order #4 with Friberg Construction. He noted that the contractor has indicated he has additional claims of \$83,500. Mr. Bogus pointed out that the plans and specifications for the project are clear on the areas in question and are issues between the contractor and his suppliers. The contractor is also claiming 4 months of standby time for certain equipment. Mr. Bogus stated that the contractor did not make the claim within the specified time period.

At 1:05 PM, Councilmember Lackey left the meeting due to a work commitment.

Additionally, Mr. Bogus informed the Council of a request from KCM for additional compensation as stated in his August 25, 1995 letter to Administrator Fitch. He

explained the reasoning behind the request for an additional \$18,590 for engineering services.

Mayor LaPorte expressed frustration with the quality of water produced by the plant.

Mr. Bogus felt the problem was not a direct result of the plant design but was due to pump surges and the need for comprehensive line flushing. He reminded the Council that the plant did not perform as designed all summer due to filter problems.

Administrator Fitch and Mike Wilks, Water Department Leadman, pointed out that comprehensive line flushing was deferred due to the recent drought and filter media problems this summer.

Mayor LaPorte, the Council, staff, and Mr. Bogus discussed sediment buildup in the water lines and the need for flushing.

The Council expressed concern over the reliability of the plant as designed and the extensive overtime costs.

Mike Wilks spoke of ongoing overtime expenses due to the need for frequent plant monitoring.

Mayor LaPorte, the Council, staff, and Mr. Bogus discussed control problems, alarm recording, and the need for a printer to document same.

At Administrator Fitch's inquiry, Mr. Bogus stated that a printer was not included in the design to help contain costs but that the system can utilize a printer if one is provided.

Discussion continued as to justification of the request by KCM for additional compensation.

At the Council's inquiry, Administrator Fitch stated that he is not making a recommendation on the compensation issue at this time. His position is; "when it works we'll talk about the compensation request."

Following discussion, Mayor LaPorte indicated that the Council would consider the compensation request when the plant is operating correctly.

Mayor LaPorte introduced draft resolution #1021, a resolution authorizing the Mayor to execute Change Order #4 on the contract with Friberg Construction for the construction of Phase II improvements to the water treatment plant in the amount of Six thousand ninety-five and 97/100's dollars (\$6,095.97) which excludes State sales tax.

Administrator Fitch and Mr. Bogus noted a request from Friberg Construction for additional compensation in excess of \$80,000.

Councilmember Dickinson moved and Councilmember Boothman seconded to adopt Resolution #1021.

Administrator Fitch explained the compensation request process.

The motion passed unanimously.

Mayor LaPorte thanked Mr. Bogus for his report.

At 1:32 PM, Councilmember Dickinson moved and Councilmember Robinson seconded to approve payment of claims warrants #10685 through 10740 in the amount of \$82,879.28 and payroll warrants #4402 through 4464 in the amount of \$93,355.04.

The motion passed unanimously.

Administrator Fitch distributed a Notice of Intent to Commence Annexation Proceedings by Hillview Terrace, Hillview Terrace II, and Hillview Terrace III property owners.

At 1:36 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - October 5, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

At Mayor LaPorte's request, Councilmember Lackey led the meeting in the Pledge of Allegiance.

Councilmember Boothman moved and Councilmember Wilson seconded to accept the minutes of the 9/18/95 7:00 PM and 9/21/95 7:30 PM meetings as amended. The motion passed unanimously.

There were no non-agenda items forthcoming.

Mayor LaPorte directed the Council's attention to a Notice of Intent to Commence Annexation Proceedings from Hillview Terrace, Hillview Terrace II, and Hillview Terrace III property owners.

At Mayor LaPorte's inquiry, Attorney Eaton stated that, except for annexation for municipal purposes, areas to be considered for annexation must be contiguous with a Town boundary. The staff will research the issue.

Administrator Fitch directed the Council's attention to a memo to Warren Jones from MRSC dated 10/05/95 regarding the provision of municipal services to newly annexed areas.

The Council indicated they would consider the request to commence annexation proceedings at their 10/19/95 meeting.

At 7:35 PM, Mayor LaPorte introduced draft resolution #1022, a resolution authorizing the Mayor to execute an interlocal agreement with San Juan County emergency service providers for investigative cooperation in fire causes determination and suspected arson cases.

Administrator Fitch explained the particulars of same.

At 7:39 PM, following discussion, Councilmember Robinson moved and Councilmember Lackey seconded to adopt Resolution #1022. The motion passed unanimously.

At 7:40 PM, at Mayor LaPorte's request, Administrator Fitch directed the Council's attention to an advisory bulletin regarding Referendum #48, "The Private Property Regulatory Fairness Act" (Initiative #164), and asked them to read and consider same. Councilmember Lackey commented on the implications of Referendum #48 if it is approved by the voters in November.

Administrator Fitch also asked the Council to consider the implications of House Bill #1724, regarding limiting the number of public hearings.

At 7:45 PM, Mayor LaPorte opened the continued public hearing for review and adoption of Findings and Conclusions of Law regarding the shoreline development permit for the Port of Friday Harbor breakwater and instructed the meeting in the procedure that would be followed.

Port Commissioner Greg Hertel objected to Councilmember Lackey's participation in the hearing due to a letter regarding the subject that Councilmember Lackey had recently submitted to the local papers.

Councilmember Lackey stepped down and left the room.

Hearing no objection to his or any other Councilmember's participation, Mayor LaPorte asked Permit Coordinator Jones to present additional information previously requested by the Council.

Mr. Jones pointed out the revisions to the draft Findings and Conclusions of Law dated this date.

Mayor LaPorte asked for comments from the applicants.

Port Commissioner Brian Calvert asked for cooperation between the Town and the Port. He stated that although the Port had not always consistently followed the required

permitting process in the past, the intent of the Port Commissioners is now to do so for all applicable Port actions. Commissioner Calvert spoke of the need for a breakwater to protect the docks at Spring Street Landing and the desire to make the best use of same. He stressed safety concerns and the need for efficient use of the harbor and the Port. Commissioner Calvert remarked that the Port would like to move existing passenger ferry operations.

At 7:54 PM, Mayor LaPorte opened the hearing for public input.

Nordine Jensen, past Port Commissioner, expressed the desire that the Town and the Port work together. He suggested that the Town and the Port have joint monthly meetings. Mr. Jensen expressed support for the breakwater and the multiple uses of same.

Terry Jackson, commercial user of the Port, spoke in favor of the breakwater and commented on pedestrian congestion on the main Port pier.

Bill Tiffany, 2211 E. Calhoun, Seattle, Captain for the Victoria Clipper passenger ferry, spoke of safety communications between passenger and car ferries. He also commented on congestion and access for mobility impaired passengers.

Lynn Danaher, San Juan Excursions, commented on safety concerns and the need to build a breakwater to protect the Spring Street Landing pier as soon as possible. She felt that use of the breakwater was a separate issue. Ms. Danaher expressed the desire to consolidate potential customers in the area of her business.

Port Commissioner Charles Nash spoke of the need to build the breakwater and to allow use of same by licensed skippers only.

Roger Bennett, adjacent property owner, expressed support for the breakwater to protect floats attached to the pier. He was opposed to a previously enacted condition to angle the end of the breakwater 45 degrees, he felt a square end would provide better protection. Mr. Bennett was also concerned about expansion of the Port marina when he has yet to hear from the state regarding his dock application. He also pointed out encroachment of some of the current Port finger piers in excess of the permitted length across the DNR lease boundary. Mr. Bennett was concerned that there would be an appearance of congestion in the area during a Shoreline Hearings Board hearing on his application in January. He asked that the Port be required to shorten the finger floats to the permitted length.

Albert Hall, 250 Scenic Place, spoke of pedestrian flow in the area.

Beth Getney, Operations Manager for Clipper Navigation, spoke of safety and ease of operation at Spring Street Landing. She expressed support for the breakwater and the commercial use of same.

At Councilmember Boothman's inquiry, Ms. Getney estimated passenger load levels originating in Friday Harbor.

At Councilmember Robinson's inquiry, Port Director Steve Simpson spoke to Mr. Bennett's allegation that Port controlled floats are over the DNR boundary. Mr. Simpson stated that a recent survey did not show any Port floats over the boundary but that the Friday Island float may extend across the boundary. Mr. Simpson stated that the Port would remedy any encroachment over which it had control.

At Councilmember Wilson's inquiry, Mr. Tiffany indicated that he felt Spring Street Landing was less congested than the main Port breakwater. He reiterated that commercial vessels are in radio contact with each other.

Mr. Jensen noted that the Port is obligated to protect property.

Attorney Eaton clarified for the hearing that the breakwater was approved at the 8/17/95 hearing. The issues at hand are the conditions and use of the breakwater.

Lynn Danaher stated that she was unaware that the breakwater was approved. She reiterated her desire for passenger consolidation and the use of the area by vessels with licensed masters. She again mentioned efficiency and safety concerns.

At Councilmember Boothman's inquiry, Ms. Danaher felt that the relocation of her business to Spring Street Landing was logical and good for business.

Mr. Tiffany commented on the use of the area by professional skippers.

Commissioner Calvert added that the Washington State Ferries endorse the proposed commercial use of the breakwater. He stated that the Port will look into Mr. Bennett's allegations. Mr. Calvert reiterated that the Port feels they are relocating rather than expanding an existing operation. He also expressed support for Mr. Bennett's Shoreline Substantial Development application.

Permit Coordinator Jones pointed out that the original application from the Port did not state a use, therefore the original draft Findings and Conclusions of Law did not address a change of use.

At 8:30 PM, hearing no further public comment, Mayor LaPorte 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 an inquiry from the audience, Mayor LaPorte clarified that the issues under consideration were the use of and conditions regarding a previously permitted breakwater.

Mayor LaPorte opened the hearing for Council deliberation.

At Councilmember Wilson's inquiry, Attorney Eaton stated that the applicants had not requested a change of use.

Discussion continued on the SEPA requirements, historic use of the area, and anticipated uses.

Administrator Fitch pointed out that impacts of commercial uses of the breakwater were not evaluated as commercial uses were not applied for.

Attorney Eaton noted that the SEPA process requires impact analysis of proposed uses.

Discussion continued on relocating uses within the Port area. The impacts on the Town of shifting uses was stressed. It was again pointed out that uses must be specified in an application and that piecemeal development was not desirable.

Councilmember Boothman referred to a 11/17/94 letter from Port Director Simpson stating that new uses would be requested under a separate application.

Discussion of the definition of "piecemeal development" followed.

Councilmember Dickinson felt that future review of intended uses, including upland impacts, would be in the public's interest.

Attorney Eaton suggested that language be added to the draft Findings and Conclusions of Law to note that the Port can apply for additional uses at a future date.

Discussion followed on same.

At 8:52 PM, Councilmember Boothman moved and Councilmember Dickinson seconded to adopt the Findings and Conclusions of Law for Shoreline Substantial Development Permit #59 as amended. The motion passed unanimously with a 4 to 0 vote.

At 8:55 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:01 PM. Councilmember Lackey rejoined the meeting.

The Council heard a committee report by Councilmembers Robinson and Wilson regarding a paid fire chief position. The position is estimated to be a 1/3 time job. The recommendation of the committee was to compensate the chief as a 1/3 time position for 1996. The committee also suggested that the Town have a joint meeting with the Fire District #3 commissioners. Additionally, the committee suggested various administrative and operational changes to maximize the departments effectiveness. It was projected that the Town Fire Department and Fire District #3 would eventually merge in some form.

In regard to fire department funding, Administrator Fitch reminded the Council that the Town can have a fire levy upon a vote of Town residents to fund fire protection rather than utilizing monies from the Current Fund as is currently the case.

The committee explained the results of their research which led to their recommendation to increase the chief's compensation.

At Councilmember Boothman's inquiry, Fire Chief Rosenfeld informed the Council of different fire fighting training, techniques, and equipment for urban and rural areas. He noted that for any large incident personnel from both jurisdictions would be utilized. To that end, both jurisdiction cross-train their personnel.

Fire Chief Rosenfeld conveyed the suggestion that a county-wide chief position be considered to handle administration for all the fire districts and departments in the county.

Administrator Fitch commented on employee/volunteer status determination and some of the implications of establishing a LEFF position.

The Council and staff discussed various aspects of the issue. Councilmember Robinson expressed the desire to seek a long-term solution to the situation.

Mayor LaPorte, the Council, and staff discussed possible avenues to departmental consolidation. Mayor LaPorte will initiate informal discussions with Fire District #3 on the issue.

The Council asked staff to prepare legislation to provide for additional compensation to the chief in 1995.

At 9:30 PM, Mayor LaPorte opened the public hearing to amend the 1995 Town Budget.

Treasurer Picinich distributed copies of the proposed amendments and explained the particulars of same. She pointed out that the Town's portion of the Sunken Park renovation project, excluding modifications to adjacent streets, was \$44,000.

The Council discussed various aspects of the proposed amendments with Treasurer Picinich.

There was no public comment forthcoming on the proposed amendments.

Mayor LaPorte closed the public hearing to amend the 1995 Town Budget.

At 9:56 PM, Mayor LaPorte introduced draft resolution #1023, a resolution authorizing the Mayor to execute Amendment #2 to the contract with the engineering firm of SCS Engineers, Inc., for construction services during closure of the Friday Harbor Landfill and Ashfill. Actual landfill closure construction was hampered by poor weather conditions that resulted, in part, from actions taken by concerned parties that delayed the construction permitting process. SCS Engineers incurred additional expenditures resulting from delays in the amount of Nine thousand three hundred twenty-four and no/100's dollars (\$9,324.00).

Administrator Fitch explained the particulars of same.

Following discussion, Councilmember Lackey moved and Councilmember Robinson seconded to adopt Resolution #1023. The motion passed unanimously.

At 10:00 PM, Administrator Fitch reported revisions to his 9/29/95 memo to the Council regarding solid waste disposal options. The issue will need to be decided during the 1996 budget formulation process.

The Council and staff discussed various aspects of the issue.

Administrator Fitch asked the Council to review and consider a 9/23/95 memo from Evergreen Rural Water of Washington regarding program funding.

Administrator Fitch noted distribution to Council of the draft Stormwater Management Plan prepared for the Town by Gray & Osborne Engineering. Representatives from G & O will be present at the 10/19/95 meeting.

Administrator Fitch reported that the DOE document review process is seriously hindering Town required revisions to the draft Solid Waste Management Plan.

Administrator Fitch noted receipt of a fax from the developers of the Sustainable Technology buildings requesting special consideration for the required elevator in their development.

At Administrator Fitch's inquiry, the Council indicated they were not interested in devising or considering special regulations for a experimental zone.

Administrator Fitch asked the Council to consider a memo from the administration and staff dated 10/04/95 regarding Council meeting times, number of meetings, length of meetings, and Council compensation for same.

Mayor LaPorte, the Council, and staff briefly discussed the issue.

The scheduled executive session was canceled.

At 10:22 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - October 19, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

At Mayor LaPorte's request, Councilmember Dickinson led the meeting in the Pledge of Allegiance.

Following discussion, Councilmember Lackey moved and Councilmember Dickinson seconded to approve the minutes of the 10/5/95 noon and 7:30 PM Council meetings as amended. The motion passed unanimously.

Mayor LaPorte proclaimed October 20, 1995 as Andrew V. McLaglen Day in Friday Harbor and presented Mr. McLaglen with the framed proclamation.

As a non-agenda item; the Council and staff discussed the preliminary request from the Hillview Terrace owners association to initiate annexation proceedings. It was pointed out that the Council could change the description of the area to be annexed to make the area contiguous with Town boundaries.

Administrator Fitch reminded the Council that annexation is a quasi-judicial process.

Attorney Eaton spoke to possible requirements to plan to make provisions for municipal services in annexed areas. He noted that the time frame for provision of same is not specified but that the Town should address the issue in utility planning documents.

The Council and staff discussed the issue.

Councilmember Robinson indicated that he was not opposed to letting the proponents circulate an annexation petition.

Councilmember Boothman expressed concern as to eventual sewer system expansion. Discussion followed as to options to require contributions to provide for same.

Attorney Eaton mentioned two additional issues; that the Council must decide as to whether the area to be annexed take on it's share of existing Town indebtedness and make provisions to develop and apply appropriate Town zoning to the area.

At 7:55 PM, Councilmember Robinson moved and Councilmember Lackey seconded to allow the petition for annexation to be circulated by the Hillview Terrace, Hillview Terrace II, and Hillview Terrace III group with the condition that the area to be annexed take on it's share of existing Town indebtedness, the condition that the area to be annexed take on Town zoning, and the condition that the area to be annexed eventually connect to the Town sewer system. The motion passed unanimously.

Nancy Lockett, PE, and Roger Kuykendall, of Gray & Osborne, Consulting Engineers, gave a presentation regarding the draft 1995 Stormwater Management Plan. The estimated cost for the initial 11 projects was \$1.4 million in 1995 dollars. The first 5 projects are needed to address 2 year storm events and the remainder are to address 25 year events. The consultants distributed a Preliminary Rate Analysis and recommended a rate increase in 1996 to \$5.00/month/ERU. They also suggested various funding scenarios.

The Council, staff, and audience discussed various aspects of the draft plan with the consultants.

Mayor LaPorte thanked Ms. Lockett and Mr. Kuykendall for their presentation.

Rescheduling of the agenda item regarding discussion of Referendum #48 and Initiative #164 was deferred to later in the meeting.

At 8:43 PM, the Council and staff took up discussion of 1996 utility rate options. The staff informed the Council of current and anticipated utility revenue short-falls.

The Council and staff discussed recent unanticipated costs associated with sludge/biosolids processing and disposal.

Mayor LaPorte introduced Bernard Jones, engineer and grant administrator with DOE.

Mr. Jones spoke to the possibility of state funding participation for sludge/biosolids processing and disposal. He stated that the Town would need to apply for a grant and hope for the best. Regarding mandated expenditures, Mr. Jones stated that the treatment facility is ineligible for grants as it was partially funded in 1984.

The Council and Mr. Jones discussed various funding sources.

Councilmember Wilson expressed concern as to the impact of expenditures dictated by DOE on the Town's rate payers.

Treasurer Picinich explained the financial advisability of purchasing the sludge dewatering press rather than continuing to lease same.

Discussion continued on compliance expenditures and growth driven expenditures. Councilmember Boothman felt the issue was "how big can we afford to be?"

The Council and staff discussed various rate philosophies, sludge disposal options, and the advisability of grants. A continuing topic was how to cover the utility revenue shortfalls.

Administrator Fitch inquired as to whether the Council was happy with the current rate structure.

The Council and staff discussed various aspects of the utility rate structure and user impacts on the system.

At 9:22 PM, Mayor LaPorte suggested that the Council schedule a 3 hour work session in the near future, half the time to be spent on rates and the other half on Referendum #48 and Initiative #164.

At 9:25 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:34 PM.

Mayor LaPorte introduced draft ordinance #984, an ordinance amending the wage and salary ordinance to increase the compensation paid to the volunteer Fire Chief.

Councilmember Lackey moved and Councilmember Robinson seconded to adopt Ordinance #984. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1025, a resolution to amend an agreement between the Town of Friday Harbor and the engineering firm of KCM, Inc. for wastewater treatment plant engineering services.

The Council and staff discussed the advisability of same.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Resolution #1025. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1024, a resolution in support of the Bremerton City Council's campaign to keep the USS Missouri in Kitsap County.

Councilmember Wilson moved and Councilmember Robinson seconded to adopt Resolution #1024.

Councilmember Boothman expressed concern as to the financial impacts of keeping a battleship in Bremerton. Councilmember Lackey also expressed concerns.

At 9:41 PM, the motion carried with Councilmember Boothman opposed, all other in favor.

Administrator Fitch informed the Council that he and Treasurer Picinich had investigated financing options for purchase of a new Roediger sludge press, to replace the leased one, with Key Bank. The price of a new sludge press as specified by the Town is \$178,227 excluding tax and shipping costs with a 5 year purchase plan. The delivery date for same would be February 16, 1996 if ordered immediately.

The Council, staff, and Wally Chen of KCM, discussed various aspects of same, including purchasing a used unit.

The Council indicated approval to proceed with purchase of the new Roediger sludge press.

Administrator Fitch reported dates and times when the Port Commission would be available for a joint meeting with the Council.

The Council agreed to schedule a joint meeting on 10/26/95 from 3:30 to 5:30 PM.

A work session on heritage conservation with Nancy Larsen was scheduled at the 11/2/95 evening meeting.

Administrator Fitch directed the Council's attention to his memo of 10/19/95 regarding ESHB #1724 which limits the number of public hearings.

Mayor LaPorte, the Council, and staff discussed various aspects of same.

Administrator Fitch directed the Council's attention to his memo of 10/18/95 regarding revision of Town development standards.

The Council and staff discussed various aspects of the issue. The Council will review and consider proposed revisions.

Administrator Fitch stressed that the matter is an enforcement issue.

Discussion continued as to the desired enforcement philosophy. The Council scheduled a work session for their 11/2/95 evening meeting.

Treasurer Picinich asked for a Council volunteer to attend the 10/23/95 8:30 AM audit exit conference.

Treasurer Picinich recommended that the Town continue with an annual State audit. The Council concurred.

Treasurer Picinich distributed 1996 budget workbooks.

The Council and staff discussed budget accountability. The need to raise revenues was reiterated.

Mayor LaPorte noted that the Board of County Commissioners would like to set a date soon for the quarterly joint meeting.

The Council concurred with Mayor LaPorte's plan to meet with San Juan Fire District #3 Commissioners with Councilmembers Robinson and Wilson.

Councilmember Boothman suggested that discussion of Turn Point/Pear Point Road connection alternatives be an agenda item.

At 10:31 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to approval payment of claims warrants #10742 through 10806 in the amount of \$61,818.96. The motion passed unanimously.

At 10:33 PM, Councilmember Wilson moved and Councilmember Lackey seconded to go into executive session to discuss pending litigation for approximately 3 minutes.

At 10:36 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:37 PM, Mayor LaPorte declared the meeting adjourned and continued to 10/26/95 at 3:30 PM for a joint meeting with the Port Commission.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - October 26, 1995 @ 3:30 PM

The Mayor LaPorte and the Town Council met in continued session for a joint meeting with the Port of Friday Harbor Commissioners.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson

Town Administrator Fitch & Treasurer Picinich were on vacation.

Commissioners present: Brian Calvert, Greg Hertel, & Charles Nash

Port staff present: Marilyn O'Connor

At Mayor LaPorte's request, Commissioner Hertel led the meeting in the Pledge of Allegiance.

Mayor LaPorte turned the meeting over to Port Commission Chairperson Hertel.

Commissioner Hertel introduced the topics for discussion; the Intermodal Transportation Facility Study and a joint vision of waterfront activities.

Councilmember Boothman read a prepared statement into the record; "Nothing said or implied by any Councilmember at this meeting shall be used in any way to challenge their authority to sit on any future hearings, nor shall any Councilmember's comments be construed as tacit or explicit approval or denial of actions proposed or discussed at this meeting."

The Council and Commissioners in turn expressed their views on the discussion topics.

Councilmember Boothman - keep the area between the ferry terminal and the Port end of First Street uncongested. He also cautioned against "grandiose" planning efforts.

Councilmember Dickinson - concurred with Councilmember Boothman's comments and commented that increased activity in the Circle Park/Spring Street Landing area was detrimental to the ambience of the waterfront. The activities should be dispersed.

Mayor LaPorte - reiterated that the Intermodal Transportation Facility Study group needs to keep reality in their planning efforts. He felt that the Intermodal Transportation Facility Study group needs to achieve positive public support for their efforts within their next two meetings "or send the money back."

Councilmember Wilson - the preliminary planning from the Intermodal Transportation Facility Study group is a bit too grand.

Councilmember Robinson - the major problem in the area is facilitating the unloading of walk-on ferry passengers. He pointed out that there are personnel for directing vehicle and pedestrian traffic at the Orcas ferry terminal. He felt that the pedestrian passengers are not adequately informed or directed as to how to disembark from the ferry and in what direction they are expected to proceed. Personnel to direct traffic could be very effective at alleviating the situation. Also, alternatives should be explored to all the ferry vehicle traffic going up Spring Street.

Councilmember Lackey - applauded various aspects of the planning effort but did not want transit vehicles in the Circle Park/Spring Street Landing area. He noted that DOT used to fund for traffic control personnel in the summer. He suggested various pedestrian and vehicle flow control and route alternatives.

Commissioner Nash - expressed support for Councilmember Robinson and Wilson's ideas regarding directing pedestrian and vehicle traffic. He was in favor of looking into the feasibility of an overhead walkway. He reiterated the need to keep vehicle and pedestrian traffic separated.

Commissioner Calvert - expressed opposition to relocating the ferry terminal. He spoke of the ferry traffic impacts on Friday Harbor in relation to the rest of the island. He was in favor of a waterfront walkway. He expressed that he did not have great expectations for the outcome of the Intermodal Transportation Facility Study. Commissioner Calvert also remarked that as the public ferry system continues to deteriorate and become more costly, private carriers are becoming a viable option.

Commissioner Hertel - the grand schemes coming out of the Intermodal Transportation Facility Study process may lead to acceptance of realistic solutions. He noted that the Town of Friday Harbor is a transportation hub, relocating the ferry terminal may not be feasible. He reminded the meeting of extensive public opposition to the previously proposed overhead public walkway. He also pointed out that according to DOT figures Orcas has 1/2 to 1/3 the number of walk-on passengers as Friday Harbor, has 1 intersection and the same number of vehicle passengers. He stressed that the results from the Intermodal Transportation Facility Study process so far are ideas, not a plan.

Mayor LaPorte noted that DOT has made very poor attempts to solve their pedestrian and vehicle flow problems.

Discussion followed as to perceptions of the ferry loading/unloading problem, additional instruction of pedestrian passengers, a pedestrian unloading walkway that did not cross Front Street, the need to have personnel to direct traffic, provision of a pedestrian passenger pick-up/drop-off area, two-way traffic on East Street so unloading vehicles could be directed up East Street or Spring Street, and 2 loading lanes onto the ferry. Various raised pedestrian ferry passenger unloading ramp and walkway scenarios were discussed. There was general consensus that a raised ramp, that did not cross Front

Street, in conjunction with a waterfront walkway to direct pedestrian traffic past the Front Street/Spring Street intersection was worth further consideration.

Commissioner Hertel commented that DOT is paying for most of the Intermodal Transportation Facility Study and may well intend to pay for needed infrastructure changes.

The Council and Commission discussed the possibility of vehicle egress from the north end of Front Street, off-site vehicle staging areas, and the resultant loss of tax revenue to the Town if properties are purchased by public agencies. Lease-back options were discussed.

Discussion continued on desired courses of action and the associated perceptions of impacts on the waterfront, including waterfront walkway variations.

Commissioner Nash suggested consideration of widening Front Street from Spring Street to the Port.

Discussion continued on desired improvements and fiscal realities.

At 4:43 PM, discussion turned to the respective bodies visions for Spring Street Landing.

Councilmember Robinson - the waterfront could be developed as a great place for the community to gather.

Councilmember Dickinson - noted that there is not much room in the area in the summer for residents.

Commissioner Calvert addressed one of the situations Councilmember Dickinson referred to; passengers from the tour boats using the side ramps on the Spring Street Landing pier. He noted that this is a temporary situation and a ramp to the planned breakwater at the end of the pier would alleviate the situation.

Councilmember Wilson felt that the area was attractive as currently situated. He expressed the hope that the interests of the adjacent private property owner be considered. Councilmember Wilson stressed the need for the Town and the Port to jointly consider the long term impacts of uses of the various Port facilities on the Town, "the effects don't stop at the Spring Street curb."

At 4:54 PM, Councilmember Dickinson left the meeting due to a previous commitment.

The impacts of seasonal visitors on Town systems were discussed.

At Commissioner Calvert's inquiry, the Council and Commission discussed the convergence and divergence of their respective missions.

Mayor LaPorte reiterated the impacts of Port development on Town infrastructure, spoke of increasing unfunded state mandates, the requirement that the Town administer a Shoreline Master Program and a Comprehensive Plan, and limited revenue sources.

Councilmember Robinson noted that all the Port traffic must come through the Town. He felt that the Town and the Port should meet regularly.

Commissioner Hertel expressed support for further joint meetings.

Discussion continued on avenues for discussion and cooperation toward mutual goals and future development directions.

Councilmember Boothman pointed out past lack of cooperation and support by the Port for publicly stated Council positions on such topics as tour boats and movie production. He reiterated the long-term financial impacts on the Town of seasonal visitors and asked the Port to cooperate to help mitigate same.

Commissioner Nash suggested a "head tax" on tour boat passengers that could be transferred to the Town.

Commissioner Hertel stated that the Port does not have a mandate to promote trade to the detriment of the Town.

The Council and Commission discussed possible projected revenue from a "head tax", the need for clear communication between the two bodies, and eventually regulating the number of seasonal visitors. Discussion continued on various possible revenue sharing schemes to mitigate the impacts of seasonal visitors.

The Council and Commission briefly discussed philosophical positions regarding additional development at Spring Street Landing.

Councilmember Wilson asked that the Port keep in mind how Port decisions affect the Town.

At Councilmember Lackey's suggestion, the Town and the Port will exchange meeting minutes.

Councilmember Wilson asked that the Port give consideration to making improvements to the public boat launching facility at Jackson's Beach.

It was suggested that the fire boat and the airport be future joint meeting agenda topics.

Mayor LaPorte declared the meeting adjourned at 5:29 PM.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - November 2, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, & Robinson
Others present: Town Administrator Fitch & Treasurer Picinich

Town Clerk Dubail informed the Council that Councilmember Wilson had notified his office that due to a truck hanging over a precipice he would be detained.

At Mayor LaPorte's request, Councilmember Lackey led the meeting in the Pledge of Allegiance.

Assistant Fire Chief Cynthia Destaffany reported that the department had responded to 11 calls in October. She noted that Fire Prevention Week educational activities are underway at the elementary school and summarized the curriculum being presented. Assistant Chief Destaffany reported on equipment, personnel, and training status.

Mayor LaPorte thanked Assistant Chief Destaffany for her report.

Maintenance Supervisor Reitan reported that Trout Lake Reservoir is 66 inches below the spillway. October water production was up 1 million gallons over last year. The water treatment plant is functioning better. The State Department of Health has not accepted the KCM chlorine contact time studies. KCM hopes to have the studies revised by year end. Therefore, the Town water system is still in technical violation of DOH treatment regulations. The Street Department is assisting with the installation of new curb, gutter, and sidewalks on the Argyle Avenue end of Web Street. The rear engine on the street sweeper lost a piston and is being repaired. Bob Erickson is hauling sludge to Puyallup for the Wastewater Department 3 days a week. Maintenance Supervisor Reitan expressed the hope that the trips could be reduced to 1 or 2 per week by next month after the stockpile has been reduced. Site preparation for the new sludge press building at the wastewater treatment plant is underway. Maintenance Supervisor Reitan reported that he and Don Reitan of the Wastewater Department had visited a sludge pressing operation in Sedro-Woolley similar to the one planned for the Town and talked with the operators. Maintenance Supervisor Reitan reported that the Town now has 6 state certified water treatment plant operators.

Mayor LaPorte and the Council questioned Maintenance Supervisor Reitan about various maintenance department projects.

Administrator Fitch informed the Council and Maintenance Supervisor Reitan that the Town may, per the terms of the applicable water right, begin pumping water from Augmentation Project II as of 11/1/95 through 4/15/95.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

Permit Coordinator Warren Jones distributed and explained a summary of Planning Department projects and upcoming permit application activity. Mr. Jones noted provisions of the Sign Ordinance that require that all signs in town must comply with the ordinance by 7/31/95. He listed a number of prominent non-conforming signs and asked whether the Council wished to stringently enforce the ordinance or allow non-conforming signs to be replaced through normal attrition.

The Council and Mr. Jones discussed various aspects of the issue including; historical significance, notice to owners, and updating the sign inventory.

The Council asked the planning staff to notify owners of non-conforming signs by letter.

Mayor LaPorte, the Council, and staff discussed preliminary meetings with school district representatives regarding renovation and additional development of the High School, Middle School, and administrative facilities at Blair Avenue.

Mayor LaPorte thanked Mr. Jones for his report.

Building Official/Fire Marshal Hodges summarized his previously distributed report of September and October Building Department activity. Mr. Hodges also reported on current projects in his department.

At Councilmember Boothman's inquiry, Mr. Hodges reported that a number of building permit issues with the Sustainable Technology Center development have yet to be resolved. The developers have appealed his interpretation of the Building Code elevator requirement. The Board of Appeals hearing on the matter has not yet been scheduled.

Additionally, Administrator Fitch noted that the issue of the sewer system connection requirement for the Sustainable Technology Center development has yet to be resolved. The matter will be brought to the Council in the near future.

The Council and Mr. Hodges briefly discussed the desired level of code enforcement and the related costs.

Mayor LaPorte thanked Mr. Hodges for his report.

Administrator Fitch introduced Ms. Nancy Hayden, Association of Washington Cities Risk Management Service Agency (AWC RMSA) risk manager for the Town.

Ms. Hayden explained the service the insurance pool provides the Town and noted that she is here on an annual risk management inspection. Ms. Hayden briefly explained pool functions and noted that the Town of Friday Harbor is a charter member of the insurance pool.

At Councilmember Boothman's inquiry, Ms. Hayden estimated that the Town would experience a 8 to 10% insurance rate increase for 1996.

At 12:44 PM, the Council and staff took up the discussion of solid waste long haul rates and referred to Administrator Fitch's memo of 9/29/95 on the issue. Administrator Fitch noted the presence in the audience of Ed Stuhr, San Juan County Solid Waste Manager, and Ray Sizemore, Cimmaron Trucking, the company that holds the contract to long haul county waste from San Juan Island.

The Council and staff discussed incineration, long haul options, and increasing state regulations and associated costs.

At the Council's inquiry, Mr. Stuhr stated that solid waste regulations allow long hauling of dead animals and medical waste.

Discussion followed on packing regulations and liability issues regarding transporting medical waste.

At Councilmember Robinson's inquiry, Mr. Stuhr stated that once San Juan County has accepted the solid waste the liability for same transfers to San Juan County.

At Administrator Fitch's inquiry, Mr. Stuhr stated that the disposal rate to the Town of \$130/ton would continue to be a valid rate and that he did not anticipate a rate increase in 1996.

Ray Sizemore, Cimmaron Trucking, noted that solid waste from the Orcas Island transfer station is long hauled to a landfill at Roosevelt, Washington. The solid waste from San Juan Island is hauled to Arlington, Oregon.

Bob Shelley, Waste Management Company, stated that under federal superfund regulations solid waste liability ultimately rests with the generator. Waste Management Company indemnifies its customers with Waste Management's and the parent company's assets. Mr. Shelley spoke of recent case law on the issue.

Mr. Shelley informed the Council that the county's solid waste is shipped by train from a mainland transfer point to the landfills.

The Council discussed various aspects of the issued with Mr. Stuhr.

Mr. Sizemore mentioned that he is a member of the Anacortes City Council. He gave the Council an overview of the history, agreements, and logistics of short haul and long haul operations. Mr. Sizemore noted that Oregon currently classifies incinerator ash separately from other solid waste. Oregon regulations are currently being revised. Mr. Sizemore recounted logistical arrangements with the ferry system for transporting solid waste off the islands.

The Council, staff, Mr. Sizemore, and Mr. Stuhr discussed transportation volume projections of unincinerated solid waste. It was noted that the 2:20 AM ferry is critical to current transport operations.

At Administrator Fitch's inquiry, Mr. Sizemore, and Mr. Stuhr stated that they were prepared with equipment and facilities to immediately begin accepting unincinerated solid waste from the Town.

Discussion continued on interlocal agreement terms, rate stability, operation optimization, and the suitability of the service provided to date by Waste Management.

Mayor LaPorte, the Council, and staff discussed suspending incineration operation for a trial period. The Council decided upon a 30 day trial period to verify estimated tonnage numbers and costs. Treasurer Picinich expressed concern as to budget preparation lead times.

At 1:33 PM, Councilmember Wilson joined the meeting.

Councilmember Lackey moved and Councilmember Boothman seconded to approve payment of claims warrants #10809 through 10863 in the amount of \$42,526.19 and payroll warrants #4466 through 4502 in the amount of \$86,180.53. The motion passed unanimously.

Administrator Fitch informed the Council of receipt and distribution of a letter from Chris Nelson, San Juan Island Parks & Recreation, inviting participation in a park maintenance project. Administrator Fitch noted a request from San Juan Island Parks & Recreation that the Town budget to remove the dead fir tree at Sunken Park.

Administrator Fitch noted distribution to the Council of amendments suggested by staff to the draft minutes of the 10/19/95 7:30 PM Council meeting.

At 1:35 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - November 2, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, & Attorney Eaton

At Mayor LaPorte's request, Councilmember Wilson led the meeting in the Pledge of Allegiance.

Councilmember Lackey moved and Councilmember Dickinson seconded to accept the minutes of the 10/19/95 7:30 PM and 10/26/95 3:30 PM Council meetings as amended. The motion passed unanimously.

There were no non-agenda items presented.

The Council took up discussion of Turn Point/Pear Point road connection options.

Administrator Fitch gave a background summary of the issue and reported on a recent meeting with San Juan County Public Works Director Ron Loewen. Transportation planning for the area may be premature until GMA resolves the future planned density of the area. The area is currently zoned Suburban (2 residential units per acre) under the County Comprehensive Plan. Administrator Fitch pointed out that San Juan County Planning Department personnel relate no efforts to date to downzone (reduce the density of) any property in the county.

The Council and staff discussed various route alternatives and joint Town of Friday Harbor/San Juan County design and funding possibilities.

Mayor LaPorte pointed out that San Juan County has asked the Town to indicate where the Town would like the possible future road to enter the Town.

Administrator Fitch suggested that the Council meet with County Public Works Director Loewen.

Discussion continued as to the potential for County downzoning, neighborhood impacts, and improving Harrison Street so that it once again is 2-way for its entire length.

The Council indicated that they would look into the various issues and give consideration to action at a future date.

At 7:52 PM, Mayor LaPorte opened the Public Hearing for the Sustainable Technology Center Short Plat Application and instructed the meeting in the procedure that would be followed.

Councilmember Wilson stepped down and left the room as he is an adjacent property owner.

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

Mr. Jones referred to and summarized his staff report dated 10/23/95. He noted that as this parcel had been previously short platted, a SEPA determination had been required. Mr. Jones informed the Council that following their public hearing on 10/12/95 on the application the Planning Commission had voted unanimously for approval. Mr. Jones explained the suggested conditions and recommended approval of the application as conditioned.

At the Council's inquiry, Mr. Jones explained various particulars of the application, including easement and parking provisions.

Jim Sackett, co-developer, representing Ward Phillips, explained the easement provisions. He noted that the requested interior property lines are under the asphalt surfaced parking lot.

At 8:05 PM, Mayor LaPorte opened the hearing for public comment.

No one came forward to present testimony.

Attorney Eaton suggested revised wording for Condition #3 to specify a 10' wide easement on the north side of lot #2 and the east side of lot #1.

At 8:07 PM, hearing no further comment, Mayor LaPorte 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 Boothman moved and Councilmember Lackey seconded to accept the Preliminary Sustainable Technology Center Short Plat #4 as conditioned with Condition #3 as revised and directed staff to prepare draft findings and conclusions of law. The motion passed unanimously.

At 8:10 PM, the Council began a work session on utility rates.

Administrator Fitch briefly summarized the current 1996 projected revenue requirements and asked for direction from the Council as to their desired rate philosophy.

The Council and staff discussed various rate scenarios, impacts on the customer classes, connection fee philosophy, seasonal impacts and surcharges, raising the public authority customer class base charge, a 10% "across-the-board" rate increase, drought water conservation patterns by class, inclining block rates, and the effects of conservation on revenue.

The Council asked staff to prepare to perform preliminary water rate analysis.

The Council and staff discussed sewer rate structure alternatives.

Administrator Fitch spoke to the need for cost effective rate structures.

The Council asked staff to prepare to perform preliminary sewer rate analysis.

At 9:10 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:16 PM.

The Council began a work session on Referendum #48 and Initiative #164, the "property rights" legislation.

Jim Slocomb summarized a 10/27/95 memo from AWC regarding implementing Referendum #48 if same is approved by voters next week.

The Council, Attorney Eaton, and staff discussed the assumed ramifications and financial impacts of the legislation. Attorney Eaton pointed out that if Referendum #48 passes, he and Town staff would need to devote considerable time to developing a course of action for the Town. Networking with AWC and other municipalities will be very important. Discussion continued as to various interpretations of the intent and impacts of the legislation on existing land use regulation. It was stressed that the Town needs to develop guidelines for staff to follow in dealing with land use applicants.

The Council and staff discussed the perceived implications of the legislation and the need to budget for implementation if Referendum #48 is approved. An implementation team comprised of Administrator Fitch, Treasurer Picinich, Attorney Eaton, and Permit Coordinator Jones was formed.

At 9:51 PM, Mayor LaPorte introduced draft resolution #1026, a resolution extending the time for performance of conditions of annexation for an area of approximately 14.49 acres of land, lying generally southerly of the Town, between Argyle Avenue and Mullis Road, as provided for in Ordinance #981, for an additional period of not more than One Hundred-twenty (120) days.

Permit Coordinator Jones explained that staff had experienced some delay in formulating and transmitting some of the necessary documents to the applicants.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Resolution #1026. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1027, a resolution authorizing the Mayor to release the retainage monies to IMCO Construction, Inc., for the contract to close the landfill and ashfill.

Administrator Fitch explained the particulars of same.

Councilmember Robinson moved and Councilmember Lackey seconded to adopt Resolution #1027. The motion passed unanimously.

Administrator Fitch reported that DCD has informed the Town that \$51,000 was available to city and county governments in San Juan County for GMA planning. A fund distribution plan between the Town and San Juan County must be reported to DCD by 5:00 PM on November 17, 1995.

Councilmember Boothman suggested an agreement with San Juan County for GMA planning support.

Councilmember Wilson suggested an agreement for the County to return monies to the Town for previous support services not adequately provided by San Juan County Planning Department.

The Council agreed to communicate their wishes to Administrator Fitch prior to 11/17/95.

Administrator Fitch asked the Council to schedule a budget work session next week.

The Council scheduled a budget work session for Wednesday 11/8/95 at 7:30 PM.

Administrator Fitch noted that the required public hearing on 1996 revenue sources will be held at the 11/16/95 Council meeting.

Treasurer Picinich reported the results of the recent state audit exit interview; there were no written findings but the auditors requested that a number of issues be addressed such as water line loss, adding the San Juan County Prosecutor's phone number to the Whistle Blower Policy, and development of a federally mandated civil rights policy.

Administrator Fitch reported on a meeting with San Juan County Public Health regarding biosolids.

Administrator Fitch asked for feedback from the Council regarding staff suggestions for changing the Council meeting times. Mayor LaPorte, the Council, and staff discussed various concerns and alternatives.

The Council will consider legislation to schedule a regular work session beginning in 1996 for noon of the 3rd Thursday of each month with a definite adjourn time. Consideration will also be given to setting a definite adjourn time for evening meetings. Said time could be suspended by Council vote.

At 10:29 PM, Councilmember Boothman moved and Councilmember Wilson seconded to go into executive session for 30 minutes to discuss pending litigation. The motion passed unanimously.

At 11:05 PM, Councilmember Dickinson left the meeting.

At 11:06 PM, Councilmember Boothman moved and Councilmember Lackey seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 11:07 PM, Mayor LaPorte declared the meeting adjourned and continued to 11/8/95 at 7:30 PM for a budget work session.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - November 8, 1995 @ 7:30 PM

The Town Council met in continued regular session, Mayor LaPorte presiding.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson

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

Mayor LaPorte informed the Council of a request by Roger Bennett that he be allowed to address the Council for not more than 10 minutes regarding DOE's denial of his Shoreline Substantial Development Permit.

Mr. Bennett summarized the results of a meeting held in Seattle on 11/7/95 with representatives of the Department of Transportation (DOT) regarding their interest in his development desires for his property at 1 Front Street. He noted that the latest attempt to reconcile the issue with the Department of Ecology (DOE) resulted in a draft Stipulation and Partial Settlement Agreement dated 11/6/95.

Attorney Eaton outlined provisions of the draft agreement that while apparently acceptable to DOE are in contradiction of the Town of Friday Harbor Shoreline Master Program. Attorney Eaton stated that if a permit were issued by the Town as per the draft agreement the Town could not defend same to future applicants under the Shoreline Master Program. Attorney Eaton's recommendation was that DOE be the permitting agency if they are determined to proceed with the agreement as drafted.

Additionally, it was noted that DOT continues to express opposition to Mr. Bennett's development plans and apparently have formulated a scheme to expand their terminal operations in front of his property.

At 7:50 PM, the Council indicated that they would give consideration to the issue at their 11/16/95 meeting.

At 7:51 PM, Councilmember Wilson joined the meeting.

The Council began a work session on the draft 1996 budget.

The Council and staff reviewed and discussed the Current Fund budget.

The Council and staff discussed scheduling a budget work session for 11/21/95 at 7:30 PM and a public hearing on the 1996 budget for 11/30/95 at 7:30 PM.

Following Administrator Fitch inquiry, the Council declined to issue a Special Parking Permit for a Christmas tree sale lot at Susie's Moped site on Harrison Street.

At 10:33 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - November 16, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich, Attorney Eaton, & Councilmember-elect Vonda Sheiman

At Mayor LaPorte's request, Councilmember Robinson led the meeting in the Pledge of Allegiance.

Mayor LaPorte asked Council to consider at their 12/07/95 meeting confirmation of his appointment of Linda Roberts to the Planning Commission.

Councilmember Boothman distributed a memo regarding suggested candidates for vacancies on the Planning Commission.

Councilmember Robinson moved and Councilmember Lackey seconded to approve the minutes of the 11/02/95 12:00 & 7:30 PM and 11/08/95 7:30 PM Council meetings as submitted. The motion passed unanimously.

There were no non-agenda items presented.

The Council heard a presentation from Nancy Larsen regarding historic preservation.

Ms. Larsen noted that many Washington communities have recently initiated historic preservation programs and outlined various features of same. At Administrator Fitch's inquiry, Ms. Larsen pointed out that many larger cities have implemented historic preservation and development guidelines by neighborhood. She felt that Friday Harbor could do the same.

Ms. Larsen responded to various inquiries from the Council.

Ms. Larsen reiterated that the goal of historic preservation is to preserve existing structures and help new construction and renovation to "fit in". She noted there are different building code, energy code, and ADA requirements for renovating historic structures. Ms. Larsen gave an overview of how historic preservation is implemented in various communities. She felt Friday Harbor was at a point in its development where historic preservation should be carefully considered. The viability of formulating a local historic preservation commission, a local historic register, and appropriate programs was discussed. Discussion continued regarding historically significant structures in Friday Harbor. Ms. Larsen commented that most counties and towns provide financial support for historic preservation programs.

The Council discussed various aspects of the topic with Ms. Larsen.

Mayor LaPorte thanked Ms. Larsen for her presentation.

At 8:38 PM, Mayor LaPorte opened the Public Hearing on revenue sources for the 1996 Town budget.

Administrator Fitch noted distribution to the Council of revised draft budget pages and accompanying memo. He stressed the need to consider new revenue sources such as a property tax. Administrator Fitch mentioned that the public hearing on revenue sources is a new State requirement.

Mayor LaPorte, the Council, and staff discussed various aspects of the revenue sources specified in the draft budget. Councilmember Robinson will contact County Commissioner Starr to discuss implementing a county-wide gambling tax.

Port Commissioner Greg Hertel inquired as to projected utility rates for 1996 and noted that the Port has budgeted an increase for same. He mentioned that the Port considers itself part of the local accommodations industry.

At 8:50 PM, hearing no further public comment, Mayor LaPorte closed the public input portion of the hearing.

Administrator Fitch reminded the Council of a scheduled budget work session on 11/21/95 at 7:30 PM and the scheduled required public hearing on the budget on 11/30/95.

Councilmember Wilson and Administrator Fitch discussed the advisability of formulating a watershed management plan prior to harvesting timber on the watershed property. The topic will be a future agenda item.

Mayor LaPorte introduced draft ordinance #986, an ordinance fixing and levying the amount of Ad Valorem taxes for the Town of Friday Harbor for 1996.

At 8:55 PM, Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #986. The motion passed unanimously.

At Mayor LaPorte's request, Permit Coordinator Warren Jones presented the draft Findings & Conclusions of Law for Short Plat Application #40, the Sustainable Technology Center Short Plat, J. Ward Phillips, applicant.

Councilmember Wilson, an adjacent property owner, stepped down and left the room.

Mr. Jones stated that the draft Findings & Conclusions of Law for Short Plat Application #40 contain the revisions arrived at by the Council.

Councilmember Dickinson moved and Councilmember Boothman seconded to adopt the Findings & Conclusions of Law for Short Plat Application #40, the Sustainable Technology Center Short Plat as submitted. The motion passed unanimously.

Mayor LaPorte introduced draft ordinance #987, an ordinance accepting the Final Short Plat of the Sustainable Technology Center and authorizing the Mayor to sign the final plat drawings.

Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #987. The motion passed unanimously.

Councilmember Wilson rejoined the meeting.

At 8:59 PM, Mayor LaPorte presented draft ordinance #985, an ordinance amending ordinance #932 and Title 17 of the Friday Harbor Municipal Code by changing the zoning district boundaries set forth in the official zoning map for a parcel of property located adjacent to and southerly of Evergreen Addition, Unit One, westerly of Evergreen Addition, Unit Two, and easterly of Mullis Street, commonly known as the Bob Greenway property, and establishing pre-conditions to the effectiveness of said rezone.

Attorney Eaton summarized the particulars and history of same. He pointed out a provision that the applicant sign the agreement and submit the required landscaping plan within 90 days of the adoption date of the ordinance.

At 9:08 PM, Councilmember Robinson moved and Councilmember Lackey seconded to adopt Ordinance #985. The motion passed unanimously.

Mayor LaPorte declared a short recess.

The meeting reconvened at 9:15 PM.

Administrator Fitch referred to his memo to the Mayor & Town Council of 10/18/95 regarding proposed development standards that would require developers to complete all required improvements to the right of way (ie. curb, gutter, sidewalk, storm drainage, and street construction) prior to the issuance of a building permit, and summarized the provisions of same.

Attorney Eaton and Building Official Hodges clarified various points in the draft legislation. Mr. Hodges spoke of the current lack of compliance with the right of way improvements and the difficulty of enforcing same. He estimated that there are 30 to 40 projects in Town with the curb, gutter, sidewalk, etc. requirements not fulfilled.

The Council and staff discussed various aspects of the issue including requiring a bond to ensure compliance. Attorney Eaton mentioned that construction bonds are becoming increasingly difficult to obtain.

At Administrator Fitch's inquiry, the Council indicated that they wished the draft legislation to be forwarded to the Planning Commission.

At 9:38 PM, the Council took up discussion of enforcement of life safety standards.

Administrator Fitch noted that the draft 1996 budget still has a new position in the Building Department partially for enforcement of life safety standards under the adopted Fire Code.

Building Official Hodges outlined preliminary life safety standard enforcement plans. He spoke to the need for the Town to address life safety inspection and compliance issues.

Attorney Eaton noted that the Town does need to take reasonable enforcement action regarding life safety situations of which the Town is aware.

Mayor LaPorte, the Council, and staff discussed various aspects of the issue.

At 9:46 PM, Administrator Fitch reported that following a meeting with Laura Arnold, San Juan County Planning Director, Mark McClintock, Planning Commission Chairperson, Councilmember Boothman, and Jim Slocomb, San Juan County GMA Technical Advisory Committee member, his recommendation was that the Town accept a 15% allocation plan for GMA planning monies from DCD.

Councilmember Boothman mentioned upcoming planning issues with San Juan County.

Following discussion, the Council concurred with the proposed funding allocation.

Administrator Fitch reported a productive meeting with San Juan County Public Health officials regarding biosolids utilization and septage processing.

Administrator Fitch informed the Council that the Town Board of Appeals would convene 11/21/95 at 7:00 PM to hear the appeal by the developers of the Sustainable Technology Center of the requirement that they install an elevator for ADA access. He invited individual Councilmembers to attend prior to their 7:30 PM budget work session.

Administrator Fitch reported that Trout Lake Reservoir is 39" below the spillway and that AUG I & II are both pumping.

Administrator Fitch reported that one of the pumps at sewer pump station #1 is being repaired and should be back on-line tomorrow. He stressed that the submarine sewer main will require major expenditures in the near future.

Mayor LaPorte reported on discussions with the Chamber of Commerce regarding siting public restrooms. Additionally, he noted that the business community expressed support for parking enforcement during the holidays.

At 10:03 PM, Councilmember Boothman moved and Councilmember Lackey seconded to approve payment of claims warrants #10866 through 10926 in the amount of \$85,199.65. The motion passed unanimously.

At 10:04 PM, Councilmember Dickinson moved and Councilmember Wilson seconded to go into executive session to discuss pending litigation.

Attorney Eaton noted that the subject of the executive session would be the denial by DOE of the Bennett Shoreline Substantial Development Permit.

Administrator Fitch distributed a 11/15/95 memo from Stephanie O'Day, attorney for Roger Bennett, regarding a settlement proposal with DOE.

Mr. Bennett was present and commented that this is settlement proposal #9. He explained the particulars of the proposal to the Council.

Concern was expressed as to taking testimony on the issue outside of a public hearing. Attorney Eaton noted that that is an ongoing practice by DOE and that the Town is not currently processing an application from Mr. Bennett.

Mayor LaPorte, the Council, and staff discussed various aspect of the proposal with Mr. Bennett.

Mayor LaPorte informed the audience that the no action was anticipated in executive session and that the session would last approximately 15 to 20 minutes.

At 10:17 PM, the motion to go into executive session passed unanimously.

At 10:30 PM, Councilmember Robinson moved and Councilmember Boothman seconded to return to regular session. The motion passed unanimously. No action was taken in executive session.

At 10:31 PM, Mayor LaPorte declared the meeting adjourned and continued to 11/21/95 at 7:30 PM for a budget work session.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - November 21, 1995 @ 7:30 PM

The Town Council met in continued regular session.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Treasurer Picinich

Town Clerk Dubail informed the Council that Mayor LaPorte had notified his office that he would not be attending the meeting due to illness.

Councilmember Dickinson moved and Councilmember Wilson seconded to appoint Councilmember Boothman Mayor Pro tem. The motion passed unanimously.

Mayor Pro tem Boothman opened the work session on the draft 1996 Town budget.

Treasurer Picinich and the Council verified that all were reviewing the same revision of the draft budget.

The Council and staff reviewed the Current Fund. The Council again voiced the desire for the Sheriff's Department to perform traffic enforcement in Town.

Fire Chief Rosenfeld responded to Council inquiries regarding the proposed 1996 Fire Protection budget. The Council and Chief Rosenfeld discussed maintenance and operation of the fire boat, fire truck replacement, and other anticipated fire department expenditures.

The Council thank Chief Rosenfeld for attending.

At 7:58 PM, the Council took up review of the Water Fund.

The Council and staff discussed setting a rate threshold to mitigate seasonal rate impacts on low consumption residential accounts.

Staff will provide a rate calculation with 5,000 and 7,000 gallon thresholds for the 4 month peak (summer) period.

The Council asked staff to draft legislation to raise the Reduced Utility Rate program income eligibility requirement to 150% of the Federal Poverty Guidelines.

Discussion continued on rates, summer residential rentals, affordable housing issues, and the water rate increases projected by the Financial Solutions Consulting Group rate study.

The Council discussed selectively logging potentially diseased trees at the Town watershed as a revenue resource for the Water Fund.

Councilmember Wilson will research the issue.

At 8:41 PM, the Council took up review of the Sewer Fund.

Councilmember Wilson stressed the need for a fence around the sludge tank.

Council reviewed the proposed sewer rates. Councilmember Robinson suggested the same threshold and rates be set for Single Family Residential (SFR) as the other customer classes.

Staff will provide a rate calculation with 5,000 and 7,000 gallon thresholds for all customer classes.

The Council discussed the impact of rates on use patterns and the resulting reduced revenues. Discussion followed on the rate impact on the various customer classes, including SFR irrigation use.

Councilmember Lackey suggested a \$45.00 year-round sewer base charge for SFR with no threshold.

Staff will provide a rate calculation for same.

At 9:12 PM, the Council took up review of the Refuse Fund.

Councilmember Lackey informed the Council that Refuse personnel report that the refuse truck may contain up to approximately 100 gallons of water per trip. The Town pays by weight to deposit refuse on the San Juan County tipping floor.

Councilmember Lackey recommended that the Town return to incineration in 1996.

Discussion continued on personnel, operations, maintenance, costs, and billing procedures.

At 9:22 PM, the Council took up review of the Street Fund.

The Council and staff discussed various proposed expenditures. It was noted that the increases in insurance costs are primarily due to costs resulting from street related claims.

The Council reviewed the Stormwater Fund. Treasurer Picinich noted revisions in same.

The Council reviewed the Capital Reserve Funds. Treasurer Picinich explained the proposed expenditures in same. The Council and staff discussed various aspects of same.

Treasurer Picinich explained the Debt and Landfill Closure Funds.

At 9:45 PM, Councilmember Robinson moved and Councilmember Dickinson seconded to adjourn and continue the meeting to 11/30/95 at 7:30 PM for a budget public hearing. The motion passed unanimously.

Gary G. Boothman, Mayor Pro tem
Steven Dubail, Town Clerk

Town Council - November 30, 1995 @ 7:30 PM

The Town Council met in continued regular session with Mayor LaPorte presiding.

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Treasurer Picinich, Councilmember-elect Sheiman

At Mayor LaPorte's request, Councilmember Dickinson led the meeting in the Pledge of Allegiance.

Mayor LaPorte opened the public hearing on the draft 1996 Town Budget. He noted receipt of correspondence from Lee Sturdivant and from Steve Buck regarding the budget, and correspondence from the Jazz Association regarding next years festival.

The staff briefed the Council on the requested water and sewer rate scenarios and on draft ordinance #988 which modifies the eligibility threshold for the reduced utility rate program. It was stressed that the revenue requirements used for the rate projections are not final and are subject to revision.

The Council indicated that, at this time, they are looking for a rate philosophy, not final rates.

Mayor LaPorte asked for input from the audience.

Bill Carli, B&B owner, expressed concern over the anticipated rate increases. He felt the situation had become "a moral issue". He stated that the utility rates had become too much of a burden on Town residents and that people were looking to move out of Town. He noted that as a realtor, utility rates had become a significant factor in potential real estate transactions in Town.

Roger Owen, president of the Harbor Village Condo Association, stated that his utility bills have increased significantly. He threatened to build facilities to become self-sufficient. He felt that there must be some other equitable rate solution. Mr. Owen stated that the rate burden should be placed on those causing the seasonal impacts.

Farhad Ghatan, B&B owner, stated that all should pay their fair share. He suggested incentives to reward conservation and that every business should be expected to stress conservation. Mr. Ghatan mentioned the use of single family housing as transient accommodations for seasonal visitors.

Skip Metzger, B&B owner, felt that the business community was subsidizing utilities for the single family residential customer class. He stated that the rates should be equitable. Mr. Metzger noted that a recent definition of "tourist" is someone who stays in an area for less than six months. He suggested a threshold or stepped rate structure for everyone. Mr. Metzger stated that "the tourism businesses carry the community." He suggested that full page advertisements be placed in the Seattle papers asking that no tourists come to Friday Harbor for a year and see if that solves the Town's problems. He noted that tourism is now the number 3 industry in the state.

Jim Skoog, manager of Friday Harbor House Hotel, asked for fairness for all. He pointed out that he estimates there are 220 or so transient accommodation rooms on the island and that lots of visitors stay in private homes. He felt that the utility impacts are not caused by the hospitality sector alone.

Councilmember Boothman responded to, and clarified the Town's position, on various comments. He stressed that the Council is trying to find a equitable solution to the situation.

Councilmember Robinson suggested approving the remainder of the budget and concentrating on the utility rate portion of the budget.

Councilmember Dickinson noted that the budget contains some possibly unnecessary items such as the hanging street baskets. She felt that that money, small as it is, could be used to supplement the utility funds if same is the community's desire. She also reminded that even though the last drought is over the Town needs to plan and save for additional water storage.

Councilmember Robinson commented on the percent increase of use between the off-season and peak by the various customer classes. He spoke of his desire to apply the cost of services to the beneficiaries of those services. He mentioned conversations with San Juan County Assessor Paul Dossett regarding increasing the property tax in Town to supplement the utility funds.

Councilmember Dickinson noted that any property tax increase as suggested would be contingent on voter approval.

The Council discussed various aspects of same.

Jim Boyle, owner of the Spring Tree Cafe, inquired as to possibilities for additional transient services taxes to help off-set rate increases. He spoke of conservation procedures at his restaurant. Mr. Boyle noted that his water use now is approximately one-half of his 1992 rate but that his utility costs have not decreased. He suggested that the Town adopt and enforce regulations to force water and sewer conservation by businesses, particularly restaurants.

Councilmember Robinson spoke of enforcement difficulties and associated costs.

Councilmember Wilson recognized Mr. Boyle's conservation efforts as well as conservation by the single family residential customer class.

Mr. Boyle reiterated his suggestion of utilization of Hotel/Motel Tax monies or a similar source to supplement the utility funds.

Discussion followed on the impacts of day visitors.

Mayor LaPorte noted that DOE has stated to the Council that they are not concerned with the cost impacts of their edicts on the community.

The Council and Mr. Boyle discussed enforcement of existing grease trap regulations.

Mr. Ghatan mentioned a program in the City of Tacoma where businesses "adopt a street flower pot" and pay for the maintenance of same. He stated that he would be interested in participating in such a program.

Mr. Metzger inquired as to the impacts of restaurants on the sewer system.

The Council and Mr. Metzger discussed on-site septic for restaurants and the impacts of septage dumping on the wastewater treatment plant.

Mr. Metzger noted that there were 7 B&B's represented at the hearing, all have installed water saving devices. He felt that B&B's are different than other Commercial customer class customers.

Mr. Owen suggested that hiring a 1/3 time restaurant solid waste compliance officer would be a good use of the flower basket money in 1996. The position may only need to be seasonal. Perhaps same could help reduce the anticipated rate increases.

Treasurer Picinich clarified that state law mandates that utilities be separate financial entities.

Mr. Skoog suggested that the Town not accept county generated septage during the peak season, processing of same could be scheduled for the off-season.

The Council discussed the staff rate proposals designed to encourage same. They also again commented on the impacts of septage dumping on the wastewater treatment plant.

At 8:54 PM, hearing no further public comment, Mayor LaPorte closed the public input portion of the hearing.

The Council began a work session on water and sewer rates.

The Council asked Assessor Dossett to present his suggestions for supplementing needed utility revenue with taxes.

Mr. Dossett suggested a tax levy "lid lift" to provide additional needed revenue. The burden would be spread over the Town's entire assessment. He noted that the property tax rate in Friday Harbor is lower than in the county.

Treasurer Picinich commented that the Town's tax rate is fifth lowest in the state.

Mr. Dossett suggested that the Town research the feasibility of raising the property tax rate to help fund the various utilities.

The Council, Mr. Dossett, and Treasurer Picinich discussed various aspects of the proposal. Treasurer Picinich pointed out limitations of use of bonded indebtedness. She also noted the intent of the utility "late comer" connection fees.

Discussion continued on various aspects of bonding.

At 9:07 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:15 PM.

The Council and staff took up discussion of the various rate scenarios and the impacts of same on the respective customer classes.

Councilmember Robinson suggested asking the legislature to allow the Town to increase the local Hotel/Motel Tax to mitigate the impacts of tourism by using the tax to augment the utility funds.

Discussion resumed as to the impacts of the various rate scenarios. It was reiterated that the focus of the discussion was to arrive at a rate philosophy, not actual rates.

At Councilmember Robinson suggestion, the Council agreed to consider adopting a 7,000 gallon threshold for all customer classes for sewer and water. The water rate under the threshold would not be changed.

At 9:50 PM, the Council reviewed draft ordinance #988, an ordinance amending Ordinance #825, Ordinance #870 and Chapter 13.32.020 of the Friday Harbor Municipal Code, concerning reduced base rates for water, sewer, and refuse services to low income senior citizens and low income disabled citizens.

The income eligibility threshold and the impacts of the base rates on low income senior and disabled citizens were discussed.

Councilmember Lackey moved and Councilmember Dickinson seconded to adopt Ordinance #988 with the income eligibility threshold set at 150% of the federally established poverty level. The motion passed unanimously.

At 9:58 PM, Councilmember Dickinson moved and Councilmember Robinson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - December 7, 1995 @ 12:00 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson
Others present: Town Administrator Fitch, Treasurer Picinich

At Mayor LaPorte's request, Councilmember Boothman led the meeting in the Pledge of Allegiance.

Mayor LaPorte thanked Fire Chief Rosenfeld for his department's help during the recent flooding in town.

Fire Chief Rosenfeld reported on department responses to flooding incidents during the previous month and responses to other calls. He summarized training and community relations activities. Fire Chief Rosenfeld informed the Council of a Fire Department recruit class to be held this weekend.

Mayor LaPorte thanked Fire Chief Rosenfeld for his report.

Maintenance Supervisor Reitan reported that Trout Lake Reservoir is full. The lowest water level this year was 66 3/4" below the spillway. The Town has pumped 27 million gallons from AUG I and 39 million gallons from AUG II. In excess of 750 acre feet of water have gone over the AUG II escapement weir so far this season.

The water treatment plant is functioning well. One new blower has been installed at the wastewater treatment plant. There were record flows through the wastewater treatment plant during the recent heavy rains. Divers repaired a hole in the submarine sewer main in the vicinity of the Port. Electrolysis at the Port is eating the line. Maintenance Supervisor Reitan suggested that the Town may wish to replace approximately 3 lengths of the submarine sewer main pipe. Construction is scheduled to begin Monday on the new sludge press building at the wastewater treatment plant.

Maintenance Supervisor Reitan suggested that solid waste personnel utilize the month of December for maintenance at the solid waste facility while the incinerator is not in operation. He felt that the Town could operate the incinerator for at least another year for less cost than utilizing the County's transfer station.

Maintenance Supervisor Reitan reported on new stormwater problems due to development.

The Council and Maintenance Supervisor Reitan discussed various aspects of stormwater management during heavy rain events. Administrator Fitch noted provisions of the Stormwater Management Plan.

Maintenance Supervisor Reitan mentioned that the Town may need to acquire a new or nearly new dump truck for hauling sludge to the mainland. The Council and Maintenance Supervisor Reitan discussed the costs of alternative solid waste disposal methods.

Mayor LaPorte asked Maintenance Supervisor Reitan to commend Street Department Leadman Ken McCutcheon for his outstanding leadership during the recent storms.

Mayor LaPorte thanked Maintenance Supervisor Reitan for his report.

At 12:23 PM, Building Official Hodges reported he had processed 4 building permits in November. He mentioned changes currently underway to the awnings at the Little Store at Argyle Avenue and Nichols Street and Entertainment Tonite at Argyle Avenue and Web Street. Mr. Hodges noted the record value of building permits issued in 1995.

Mayor LaPorte thanked Building Official Hodges for his report.

At 12:27 PM, Permit Coordinator Warren Jones distributed a report of Planning Department activity for the preceding month to the Council and summarized same.

Mr. Jones responded to Council inquiries on various items in his written report.

Mr. Jones reported on his attendance at a workshop on HB1724 requiring revision of the development review process. Mr. Jones noted new requirements for a minimal number of meetings, options for consolidated permit review, and statutory project review times.

The Council and staff discussed various aspects of implementing the new regulations. It was pointed out that the Town must have implementation regulations in place by 3/31/96. Mr. Jones noted various jurisdictions are preparing draft implementation legislation which should be available for review by mid-December.

Mayor LaPorte thanked Permit Coordinator Jones for his report.

At 12:56 PM, the Council heard a presentation by Nancy Larsen regarding the upcoming Town income survey. The Council reviewed the survey mission statement, sample survey materials, and the proposed budget. Ms. Larsen explained the survey operational planning.

The Council and staff discussed various particulars of the survey preparations. The Council offered suggestions and requested that the project proceed.

Mayor LaPorte thanked Ms. Larsen for her presentation.

Councilmember Lackey moved and Councilmember Dickinson seconded to approve payment of claims warrants #10929 through 11007 in the amount of \$106,899.25 and payroll warrants #4504 through 4540 in the amount of \$90,123.88. The motion passed unanimously.

Administrator Fitch noted distribution to the Council of Attachment "A" for draft Ordinance #989 amending the 1985 budget and distribution to the Council of a spreadsheet showing the effect of the proposed water and sewer rates on individual accounts.

Administrator Fitch reported receipt of a certified and recorded amended water right for AUG II.

At 1:29 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - December 7, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, Lackey, Robinson, & Wilson

Others present: Town Administrator Fitch, Treasurer Picinich, & Councilmember-elect Sheiman

At Mayor LaPorte's request, Councilmember Dickinson led the meeting in the Pledge of Allegiance.

Councilmember Lackey moved and Councilmember Dickinson seconded to approve the minutes of the November 16, 1995 at 7:30 PM, November 21, 1995 at 7:30 PM, and November 30, 1995 at 7:30 PM Council meetings as submitted. The motion passed unanimously.

Councilmember Robinson moved and Councilmember Boothman seconded to confirm the appointment of Linda Roberts to the Planning Commission. The motion passed unanimously with Councilmember Wilson abstaining as he had not had an opportunity to contact Ms. Roberts.

As a non-agenda item, John Stephens, business and property owner, expressed concern over proposed utility rate increases, particularly sewer rates and water irrigation use. Mr. Stephens felt that residents should not receive higher sewer bills due to outdoor water use.

At 7:40 PM, Mayor LaPorte opened the public hearing to amend the 1995 Town budget.

Administrator Fitch and Treasurer Picinich explained the particulars of same.

The Council and staff reviewed the proposed amendments.

No comment from the public was forthcoming.

At 7:49 PM, Councilmember Dickinson moved and Councilmember Lackey seconded to adopt Ordinance #989, an ordinance amending the 1995 Budget for the Town of Friday Harbor. The motion passed unanimously.

Mayor LaPorte introduced draft ordinance #990, an ordinance adopting the budget for the Town of Friday Harbor, Washington, for the fiscal year ending December 31, 1996.

Treasurer Picinich explained the particulars of same.

The Council and staff discussed various aspects of the proposed 1996 Town budget.

Administrator Fitch noted that the draft budget presupposes some form of water and sewer rates to provide the required revenue in the respective utility funds.

At 7:53 PM, Councilmember Boothman moved and Councilmember Lackey seconded to adopt Ordinance #990. The motion passed unanimously.

The Council began a work session on the proposed 7,000 gallon threshold "peak season" water rates as set forth in the 12/06/95 spreadsheet prepared by staff.

The Council and staff discussed various water rate scenarios, aspects of administration of same, and the impacts of the rates on the customers.

The Council and staff took up discussion of sewer rate philosophy.

Councilmember Boothman suggested an agricultural use exemption from the sewer use charge of 500 gallons per month for each 100 square feet of irrigated property. The exemption would only be available by application.

Administrator Fitch explained previous and current sewer rate philosophy.

At 8:22 PM, the Council began discussion regarding developing wastewater system connection restrictions.

Councilmember Boothman explained the development and particulars of preliminary draft legislation prepared by the Town attorney. The draft legislation has been distributed to the Council.

The Council discussed various aspects of the proposed restrictions. A septage receiving station at the wastewater treatment facility, not accepting septage, or scheduling receipt of septage to mitigate system impacts were discussed. Requiring restaurants to install on-site solids handling and storage systems was considered.

Discussion continued as to the classes of users that cause the biggest impacts on the sewer system.

Councilmember Lackey commented that according to ETC, Inc., wastewater treatment consultants; restaurants, followed by public accommodation facilities cause the greatest loading on the system.

Mayor LaPorte suggested a 12 month sunset clause be included in the proposed legislation. Mayor LaPorte and the Council discussed same.

Discussion followed regarding anticipated regulatory relief, mitigation of seasonal impacts, limiting the proposed legislation to restaurants and food processing concerns, and enforcing the installation and maintenance of grease traps.

At 8:56 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 9:06 PM.

The staff informed the Council of an alternative peak period water rate calculation without the 7,000 gallon threshold.

The Council and staff discussed various aspects of the alternative peak period water rate calculation.

The Council took up discussion of proposed sewer rates. The sewer charges for water used that did not go into the sewer system was a concern. Equitably distributing the financial responsibility for the sewer system across the user base was a topic for extensive discussion.

The Council discussed holding an additional session on sewer rates.

Administrator Fitch noted the desire to have an adopted rate structure by the end of the year.

The Council and staff discussed what additional information and analysis may be helpful.

Discussion again turned to charging sewer rates for external water use and equitable rate distribution across the customer classes.

Administrator Fitch asked the Council to give indication of an acceptable interim rate structure pending a final rate determination by the Council.

Councilmember Lackey suggested adopting the 7,000 gallon all customer class threshold as an interim sewer rate structure. The Council concurred.

The Council indicated they wished staff to prepare legislation to adopt the 7,000 gallon seasonal water rate structure.

At 9:54 PM, Administrator Fitch reported on 1995 refuse collection and validation of his 10/4/95 refuse analysis and related revenue and expenditure projections.

The Council and staff discussed various refuse issues, including formulating a process to help decide between incineration and long-hauling of refuse.

Administrator Fitch notified the Council of a tree planting ceremony at Sunken Park planned for 12/9/95.

At 10:07 PM, Mayor LaPorte declared the meeting adjourned.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk

Town Council - December 21, 1995 @ 7:30 PM

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

Members present: Boothman, Dickinson, & Wilson

Others present: Town Administrator Fitch, Councilmember-elect Sheiman, & Attorney Eaton

At Mayor LaPorte's request, Councilmember Dickinson led the meeting in the Pledge of Allegiance.

Councilmember Boothman moved and Councilmember Dickinson seconded to approve the minutes of the December 7, 1995 at 12:00 PM and December 7, 1995 at 7:30 PM Council meetings, as amended. The motion passed unanimously.

Mayor LaPorte proclaimed December 31, 1995 as Edith V. Dickinson day in Friday Harbor.

Councilmember Boothman, on behalf of the Mayor, Council, and staff, presented Councilmember Dickinson with a poinsettia.

Councilmember Wilson on behalf of the Mayor, Council, and staff, presented Councilmember Dickinson with a plaque commemorating her years of service to the Town.

Mayor LaPorte and Town Administrator Fitch presented Councilmember Dickinson with a Town of Friday Harbor watch.

Councilmember Dickinson expressed her appreciation.

As a non-agenda item, Mitzi Johnson, Hillview Terrace III, inquired as to the Town's intentions regarding operation of the municipal incinerator.

Mayor LaPorte stated that Ms. Johnson would receive a situation update prior to the next Council meeting.

Mayor LaPorte introduced draft ordinance #991, an ordinance amending Ordinance #616, Ordinance #921, and Friday Harbor Municipal Code Chapter 13.04, concerning water rates and draft ordinance #992, an ordinance amending Ordinance #658 and Friday Harbor Municipal Code Chapter 13.20 concerning sewer user charges, and repealing Ordinance #955 in its entirety.

Administrator Fitch distributed a revised page to draft ordinance #991 to correct a typographical error.

Administrator Fitch summarized the development process, philosophy, structure, and projected impact of the proposed water and sewer rates. He noted inclusion in the

Council packet of a suggestion by KCM, Inc., that the Council may wish to consider a sewer rate structure based on effluent strength.

Mayor LaPorte reported on a meeting with State Representative Sheryl Hymes. Representative Hymes has suggested that a joint meeting be setup in Olympia with representatives from DOE, DOH, the Town, and her office to discuss the possibility of a regulatory waiver. Mayor LaPorte reported that he is also working to set up a meeting in Friday Harbor with representatives from DOE, the Town, and Representative Hymes' office.

Mayor LaPorte suggested that additional discussion on sewer rates be scheduled for the 1/4/96 evening Council meeting.

Councilmember Boothman suggested that the Council pass draft ordinance #991 and 992 to have a rate structure in place and revisit the issue in the first quarter of 1996. He recommended that the Council not make substantive changes to the rate ordinance without all Councilmembers present.

Administrator Fitch pointed out the 1996 level of debt service in the water and sewer funds and the timeline for needed capital improvements. He noted the very large capital expenditures necessitated by small seasonal sewer system treatment peaks.

The Council and staff discussed what information may be helpful to the Council in developing a different rate structure.

Bob Greenway, Sandpiper Condo Association, addressed the Council regarding his calculation of the impact of the proposed rates on his accounts and suggested an alternative rate calculation method. He recommended that the Council build conservation incentives into the rate structure. Mr. Greenway expressed concern with the 7,000 gallon threshold and suggested some method of off-season averaging. He felt that seasonal impacts were not caused by local users.

At 8:20 PM, Councilmember Boothman moved and Councilmember Dickinson seconded to adopt Ordinance #991 and Ordinance #992.

Councilmember Boothman suggested additional language be added to Ordinance #992, Section J, to regulate scheduling and receipt of septage, and the fee for same.

Staff will develop a revised operational ordinance to address same.

At 8:27, following discussion, the motion passed unanimously.

Mayor LaPorte introduced draft ordinance #993, an ordinance amending Ordinance #914 and Friday Harbor Municipal Code Chapter 13.30 concerning stormwater monthly service charges.

Administrator Fitch explained the particulars of same.

Councilmember Dickinson moved and Councilmember Boothman seconded to adopt Ordinance #993.

At 8:30 PM, following discussion, the motion passed unanimously.

Mayor LaPorte introduced draft ordinance #994, 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 #922 in its entirety.

Administrator Fitch explained the particulars of same.

Councilmember Dickinson moved and Councilmember Wilson seconded to adopt Ordinance #994.

Mayor LaPorte introduced draft ordinance #995, 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 #965 in its entirety.

Administrator Fitch explained the particulars of same.

Councilmember Boothman moved and Councilmember Dickinson seconded to adopt Ordinance #995.

Councilmember Boothman suggested that the percentage of funds distributed to the Sewer System Expansion Department be reconsidered in the future.

At 8:37 PM, following discussion, the motion passed unanimously.

Mayor LaPorte introduced draft ordinance #996, an ordinance fixing the wages and salaries of Town employees and officials for 1996.

Administrator Fitch explained minor revisions from the previous draft.

Councilmember Dickinson moved and Councilmember Boothman seconded to adopt Ordinance #996. The motion passed unanimously with Councilmember Wilson abstaining.

Mayor LaPorte introduced draft ordinance #997, an ordinance setting the place and times of regular Town Council meetings and repealing Ordinances #556, #650, and #931 in their entirety.

Administrator Fitch explained the particulars of same.

Councilmember Wilson moved and Councilmember Boothman seconded to adopt Ordinance #997. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1031, a resolution designating Key Bank of Washington, San Juan Branch, as the Town's banking depository.

Administrator Fitch explained the particulars of same.

Councilmember Boothman moved and Councilmember Wilson seconded to adopt Resolution #1031. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1028, a resolution authorizing the Treasurer to cancel warrants.

Administrator Fitch explained the particulars of same.

Councilmember Wilson moved and Councilmember Dickinson seconded to adopt Resolution #1028. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1029, a resolution authorizing the Mayor to offer for public sale such used vehicles and equipment deemed surplus.

Administrator Fitch explained the particulars of same.

Councilmember Dickinson moved and Councilmember Boothman seconded to adopt Resolution #1029. The motion passed unanimously.

Mayor LaPorte introduced draft resolution #1030, a resolution authorizing the Mayor to execute a law enforcement contract with San Juan County for the calendar year 1996.

Administrator Fitch explained the particulars of same.

At 8:47 PM, following discussion, Councilmember Boothman moved and Councilmember Wilson seconded to adopt Resolution #1030. The motion passed unanimously.

At 8:48 PM, Mayor LaPorte declared a short recess.

The meeting reconvened at 8:55 PM.

Administrator Fitch reported receipt of correspondence from Century Communications (CableVision) informing the Town of a change of management. There will no longer be a local billing office.

Administrator Fitch distributed the brochure for the upcoming Town Income Survey to the Council.

Administrator Fitch reported a request from the San Juan County Hazardous Waste Manager to site a 9' X 15' containerized building hazardous waste storage facility on San Juan County leased property at the Town Solid Waste Facility. The request will be an agenda item at the 1/4/96 noon meeting.

Administrator Fitch reported a request from Jack Picconi, owner of Lakedale Campground, that the Town enter into a contractual agreement to be the emergency backup water supplier for his establishment. He is required by DOH to have an emergency backup water supplier. Administrator Fitch noted the provisions of the Town's drought regulations. Attorney Eaton suggested that if the Council is interested in entering into an agreement, that said agreement specify a one year renewable time period.

Mayor LaPorte suggested that an agreement be drafted to include the provisions of the drought regulations.

The Council concurred.

At 9:04 PM, Councilmember Dickinson moved and Councilmember Wilson seconded to approve payment of claims warrants #11009 through 11059 in the amount of \$54,798.27. The motion passed unanimously.

Town Clerk Dubail administered the oath of office to Councilmember-elect Vonda L. Sheiman and re-elected Councilmember Eugene D. Wilson.

At 9:09 PM, Councilmember Dickinson moved and Councilmembers Boothman and Wilson seconded to adjourn. The motion passed unanimously.

Wm. J. LaPorte, Mayor
Steven Dubail, Town Clerk